SENATE—*Friday, August 5, 1994*

The Senate met at 9:30 a.m., and was called to order by the Honorable HARRIS WOFFORD, a Senator from the State of Pennsylvania.

PRAYER

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

Let us pray:

Beloved let us love one another: for love is of God * * *.—1 John 4:7.

Almighty God, holy, just, and loving in all Thy ways, the exhortation of the apostle John to love one another seems unrealistic or impractical in the atmosphere of politics. Nevertheless, the Bible insists it is the most powerful source in life. In the words of Paul, "Love suffereth long and is kind, love envieth not, love vaunteth not itself, love is not puffed up, love seeketh not her own, is not easily provoked, love bears all things, believes all things, hopes all things, endures all things. Love never fails."

Help us, gracious Lord, to understand love as more than emotion. We have been exhorted to love our enemies—those who despitefully use us. Emotionally, we want to crush them, but we have been commanded to love. Help us to see love as volitional, as a matter of the will, as a decision. Help us to comprehend the profound truth that, "Love fulfills the law of God." Help us to determine to love one another, even in the atmosphere of politics.

We pray in His name who is incarnate love. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, August 5, 1994.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RESERVATION OF LEADER TIME

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

The majority leader.

DEPARTMENT OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT

Mr. MITCHELL. Mr. President, under the previous order, is it now in order for the Senate to proceed to consideration of H.R. 4606, the Labor, Health and Human Services, and Education and related agencies appropriations bill?

The ACTING PRESIDENT pro tempore. Yes, it is.

Under the previous order, the Senate will now proceed to the consideration of H.R. 4606, the Labor, Health and Human Services, and Education and Related Agencies Appropriations Act, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4606) making appropriations for the Departments of Labor, Health and Human Services, and Education and related agencies, for the fiscal year ending September 30, 1995, and for other purposes.

The Senate proceeded to consider the bill making appropriations for the Departments of Labor, Health and Human Services, and Education and related agencies, for the fiscal year ending September 30, 1995, and for other purposes, which had been reported from the Committee on Appropriations with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

H.R. 4606

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1995, and for other purposes, namely:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs and for carrying out section 908 of the Social Security Act, $90,276,000, together with not to exceed $45,073,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

TRAINING AND EMPLOYMENT SERVICES

(INCLUDING RESCISSION)

For expenses necessary to carry into effect the Job Training Partnership Act, as amended, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Job Training Partnership Act; title II of the Civil Rights Act of 1991; title XV, part A of Public Law 102-325; title VII, subtitle C of the Stewart B. McKinney Homeless Assistance Act; the Women in Apprenticeship and Nontraditional Occupations Act; Goals 2000: Educate America Act; and the School-to-Work Opportunities Act; **[$5,524,991,000]** *$5,468,217,000* plus reimbursements, of which **[$5,035,179,000]** *$5,049,267,000* is available for obligation for the period July 1, 1995 through June 30, 1996; of which **[$150,000,000]** *$126,556,000* is available for the period July 1, 1995 through June 30, 1998 for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers, **[**including $51,254,000 for new centers; of which $184,788,000 shall be available for the period October 1, 1994 through June 30, 1995;**]** and of which **[$140,000,000]** *$100,000,000* shall be available for obligation from July 1, 1995 through September 30, 1996, for carrying out activities of the School-to-Work Opportunities Act: *Provided,* That **[$63,666,000]** *$64,218,000* shall be for carrying out section 401 of the Job Training Partnership Act, **[$84,841,000]** *$86,000,000* shall be for carrying out section 402 of such Act, $8,880,000 shall be for carrying out section 441 of such Act, **[$1,500,000]** *$2,223,000* shall be for the National Commission for Employment Policy, **[$5,579,000]** *$6,000,000* shall be for all activities conducted by and through the National Occupational Information Coordinating Committee under such Act, $3,861,000 shall be for service delivery areas under section 101(a)(4)(A)(iii) of such Act in addition to amounts otherwise provided under sections 202, 252 and 262 of the Act, **[$1,044,813,000]** *$1,064,813,000* shall be for carrying out title II, part A of such Act, and $598,682,000 shall be for carrying out title II, part C of such Act: *Provided further,* That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers: *Provided further, That funds used from this Act to carry out title III of the Job Training Partnership Act shall not be subject to the limitation contained in subsection (b) of section 315 of such Act; that the waiver allowing a reduction in the cost limitation relating to retraining services described in subsection (a)(2) of such section 315 may be granted with respect to funds used from this Act if a substate grantee demonstrates to the Governor that such waiver is appropriate due to the availability of low-cost retraining services, is necessary to facilitate the provision of needs-related payments to accompany long-term training, or is necessary to facilitate the provision of appropriate basic readjustment services; and that funds used from this Act to carry out the Secretary's discretionary grants under part B of such title III may be used to provide needs-related payments to participants who, in lieu of meeting the requirements relating to enrollment in training under section 314(e) of such Act, are enrolled in training by the end of the sixth week after grant funds have been awarded.*

Of the amounts made available in fiscal year 1994 under the Job Training Partnership Act, title II-C, $50,000,000 are hereby rescinded.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out the activities for national grants or contracts with public agencies and

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

public or private nonprofit organizations under paragraph (1)(A) of section 506(a) of title V of the Older Americans Act of 1965, as amended, $320,190,000.

To carry out the activities for grants to States under paragraph (3) of section 506(a) of title V of the Older Americans Act of 1965, as amended, $90,310,000.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of benefits and payments as authorized by title II of Public Law 95-250, as amended, and of trade adjustment benefit payments and allowances under part I, and for training, for allowances for job search and relocation, and for related State administrative expenses under part II, subchapters B and D, chapter 2, title II of the Trade Act of 1974, as amended, $274,400,000 together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For activities authorized by the Act of June 6, 1933, as amended (29 U.S.C. 49-491-1; 39 U.S.C. 3202(a)(1)(E)); title III of the Social Security Act, as amended (42 U.S.C. 502-504); necessary administrative expenses for carrying out 5 U.S.C. 8501-8523, and sections 225, 231-235, 243-244, and 250(d)(1), 250(d)(3), title II of the Trade Act of 1974, as amended; as authorized by section 7c of the Act of June 6, 1933, as amended, necessary administrative expenses under sections 101(a)(15)(H), 212(a)(5)(A), (m) (2) and (3), (n)(1), and 218(g)(1), (2), and (3), and 258(c) of the Immigration and Nationality Act, as amended (8 U.S.C. 1101 et seq.); necessary administrative expenses to carry out the Targeted Jobs Tax Credit Program under section 51 of the Internal Revenue Code of 1986, and section 221(a) of the Immigration Act of 1990, [$146,697,000] *$147,351,000*, together with not to exceed [$3,269,013,000] *$3,280,357,000* (including not to exceed $1,653,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980, and including not to exceed $1,000,000 which may be obligated in contracts with non-State entities for activities such as occupational and test research activities which benefit the Federal-State Employment Service System), which may be expended from the Employment Security Administration account in the Unemployment Trust Fund, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502-504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501-8523, shall be available for obligation by the States through December 31, 1995, except that funds used for automation acquisitions shall be available for obligation by States through September 30, 1997; and of which [$144,763,000] *$145,417,000* together with not to exceed [$817,224,000] *$821,803,000* of the amount which may be expended from said trust fund shall be available for obligation for the period July 1, 1995, through June 30, 1996, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail made available to States in lieu of allotments for such purpose, and of which [$232,437,000] *$232,202,000* shall be available only to the extent necessary for additional State allocations to administer unemployment compensation laws to finance increases in the number of unemployment insurance claims filed and claims paid or changes in a State law: *Provided*, That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 1995 is projected by the Department of Labor to exceed 2.772 million, an additional [$27,800,000] *$30,000,000* shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund: *Provided further*, That funds appropriated in this Act and in Public Law 103-112 which are used to establish a national one-stop career center network may be obligated in contracts, grants or agreements with non-State entities: *Provided further, That funds appropriated under this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A-87.*

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and section 104(d) of Public Law 102-164, and section 5 of Public Law 103-6, and to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 1996, $686,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 1995, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

OFFICE OF THE AMERICAN WORKPLACE

SALARIES AND EXPENSES

For necessary expenses for the Office of the American Workplace, [$30,411,000] *$32,225,000*.

PENSION AND WELFARE BENEFITS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for Pension and Welfare Benefits Administration, [$66,388,000] *$69,454,000*.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96-364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program through September 30, 1995, for such Corporation: *Provided*, That not to exceed $11,493,000 shall be available for administrative expenses of the Corporation: *Provided further*, That expenses of such Corporation in connection with the termination of pension plans, for the acquisition, protection or management, and investment of trust assets, and for benefits administration services shall be considered as nonadministrative expenses for the purposes hereof, and excluded from the above limitation.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, [$242,860,000] *$248,667,000*, together with $1,059,000 which may be expended from the Special Fund in accordance with sections 39(c) and 44(j) of the Longshore and Harbor Workers' Compensation Act: *Provided*, That the Secretary of Labor is authorized to accept, retain, and spend, until expended, in the name of the Department of Labor, all sums of money ordered to be paid to the Secretary of Labor, in accordance with the terms of the Consent Judgment in Civil Action No. 91-0027 of the United States District Court for the District of the Northern Mariana Islands (May 21, 1992): *Provided further*, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under Title I of the Migrant and Seasonal Agricultural Worker Protection Act, 29 U.S.C. 1801 et seq.

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the head "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; and sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 per centum of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, $258,000,000 together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: *Provided*, That such sums as are necessary may be used for a demonstration project under section 8104 of title 5, United States Code, in which the Secretary may reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: *Provided further*, That balances of reimbursements unobligated on September 30, 1994, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further*, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary of Labor determines to be the cost of administration for employees of such fair share entities through September 30, 1995: *Provided further*, That of those funds transferred to this account from the fair share entities to pay the cost of administration, $5,299,000 shall be made available to the Secretary of Labor for expenditures relating to capital improvements in

support of Federal Employees' Compensation Act administration, and the balance of such funds shall be paid into the Treasury as miscellaneous receipts: *Provided further*, That the Secretary may require that any person filing a notice of injury or a claim for benefits under Subchapter 5, U.S.C., Chapter 81, or under Subchapter 33, U.S.C. 901, et seq. (the Longshore and Harbor Workers' Compensation Act, as amended), provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For payments from the Black Lung Disability Trust Fund, $994,864,000, of which $943,005,000 shall be available until September 30, 1996, for payment of all benefits as authorized by section 9501(d) (1), (2), (4), and (7), of the Internal Revenue Code of 1954, as amended, and interest on advances as authorized by section 9501(c)(2) of that Act, and of which $28,216,000 shall be available for transfer to Employment Standards Administration, Salaries and Expenses, and $23,333,000 for transfer to Departmental Management, Salaries and Expenses, and $310,000 for transfer to Departmental Management, Office of Inspector General, for expenses of operation and administration of the Black Lung Benefits program as authorized by section 9501(d)(5)(A) of that Act: *Provided*, That in addition, such amounts as may be necessary may be charged to the subsequent year appropriation for the payment of compensation, interest, or other benefits for any period subsequent to June 15 of the current year: *Provided further*, That in addition such amounts shall be paid from this fund into miscellaneous receipts as the Secretary of the Treasury determines to be the administrative expenses of the Department of the Treasury for administering the fund during the current fiscal year, as authorized by section 9501(d)(5)(B) of that Act.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $312,500,000, including not to exceed $70,615,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act, which grants shall be no less than fifty percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Occupational Safety and Health Act of 1970; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $500,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: *Provided*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 with respect to any employer of ten or fewer employees who is included within a category having an occupational injury lost workday case rate, at the most precise Standard Industrial Classification Code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, [$197,519,000] *$201,238,000*, of which $5,851,000 shall be for the State Grants Program, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the Department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster: *Provided*, That none of the funds appropriated under this paragraph shall be obligated or expended to carry out section 115 of the Federal Mine Safety and Health Act of 1977 or to carry out that portion of section 104(g)(1) of such Act relating to the enforcement of any training requirements, with respect to shell dredging, or with respect to any sand, gravel, surface stone, surface clay, colloidal phosphate, or surface limestone mine.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, [$296,761,000] *$298,761,000*, of which $5,134,000 shall be for expenses of revising the Consumer Price Index and shall remain available until September 30, 1996, together with not to exceed $54,102,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of five sedans, and including up to $4,392,000 for the President's Committee on Employment of People With Disabilities, *and including $2,500,000 for the International Program on the Elimination of Child Labor notwithstanding any other provision of law*, [$156,002,000, which includes $6,500,000 which shall remain available until expended for use by appropriate Departmental agencies for ADP equipment acquisition, systems development and associated support related to Departmental enforcement programs;] *$152,818,000* together with not to exceed $328,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT AND TRAINING

Not to exceed [$185,281,000] *$187,964,000* may be derived from the Employment Security Administration account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 2001–10 and 2021–26.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, [$47,676,000] *$48,535,000*, together with not to exceed [$3,860,000] *$3,966,000*, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

GENERAL PROVISIONS

[SEC. 101. None of the funds in the Employees' Compensation Fund under 5 U.S.C. 8147 shall hereafter be expended for payment of compensation, benefits, and expenses to any individual convicted of a violation of 18 U.S.C. 1920, or of any felony fraud related to the application for or receipt of benefits under subchapters I or III of chapter 81 of title 5, United States Code.]

SEC. 101. DETERRENCE OF FRAUD AND ABUSE IN THE FEDERAL EMPLOYEE'S WORKER COMPENSATION PROGRAM.

(a) IN GENERAL.—(1) Chapter 81 of title 5, United States Code, is amended by inserting after section 8147 the following new section:

"§8148. Forfeiture of benefits by convicted felons

"(a) Any individual convicted of a violation of section 1920 of title 18, or any other Federal or State criminal statute relating to fraud in the application for a receipt of any benefit under this subchapter or subchapter III of this chapter, shall forfeit (as of the date of such conviction) any entitlement to any benefit such individual would otherwise be entitled to under this subchapter or subchapter III for any injury occurring on or before the date of such conviction. Such forfeiture shall be in addition to any action the Secretary may take under section 8106 or 8129.

"(b)(1) Notwithstanding any other provision of this chapter (except as provided under paragraph (3)), no benefits under this subchapter or subchapter III of this chapter shall be paid or provided to any individual during any period during which such individual is confined in a jail, prison, or other penal institution or correctional facility, pursuant to that individual's

conviction of an offense that constituted a felony under applicable law.

"(2) Such individual shall not be entitled to receive the benefits forfeited during the period of incarceration under paragraph (1), after such period of incarceration ends.

"(3) If an individual has one or more dependents as defined under section 8110(a), the Secretary of Labor may, during the period of incarceration, pay to such dependents a percentage of the benefits that would have been payable to such individual computed according to the percentages set forth in section 8133(a) (1) through (5).

"(c) Notwithstanding the provision of section 552a of this title, or any other provision of Federal or State law, any agency of the United States Government or of any State (or political subdivision thereof) shall make available to the Secretary of Labor, upon written request, the names and Social Security account numbers of individuals who are confined in a jail, prison, or other penal institution or correctional facility under the jurisdiction of such agency, pursuant to such individuals' conviction of an offense that constituted a felony under applicable law, which the Secretary of Labor may require to carry out the provisions of this section.".

(2) The table of sections for chapter 81 of title 5, United States Code, is amended by inserting after the item relating to section 8147 the following new item:

"8148. Forfeiture of benefits by convicted felons.".

(b) CRIMINAL PENALTIES.—(1) Section 1920 of title 18, United States Code, is amended to read as follows:

"§1920. False statement or fraud to obtain Federal employee's compensation

"Whoever knowingly and willfully falsifies, conceals, or covers up a material fact, or makes a false, fictitious, or fraudulent statement or representation, or makes or uses a false statement or report knowing the same to contain any false, fictitious, or fraudulent statement or entry in connection with the application for or receipt of compensation or other benefit or payment under subchapter I or III of chapter 81 of title 5, shall be guilty of perjury, and on conviction thereof shall be punished by a fine of not more than $250,000, or by imprisonment for not more than 5 years, or both; but if the amount of the benefits falsely obtained does not exceed $1,000, such person shall be punished by a fine of not more than $100,000, or by imprisonment for not more than 1 year, or both.".

(2) The table of sections for chapter 93 of title 18, United States Code, is amended by amending the item relating to section 1920 to read as follows:

"1920. False statement or fraud to obtain Federal employee's compensation.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act. The amendments made by subsection (a) shall apply to claims filed before, on, or after the date of enactment of this Act, and shall apply only to individuals convicted after such date of enactment.

SEC. 102. None of the funds appropriated under this Act shall be expended by the Secretary of Labor to implement or administer either the final or proposed regulations referred to in section 303 of Public Law 102-27.

(TRANSFER OF FUNDS)

SEC. 103. Not to exceed 1 percent of any appropriation made available for the current fiscal year for the Department of Labor in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 104 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 104. (a) None of the funds provided under this Act to the Department of Labor shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act to the Department of Labor shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress, unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

SEC. 105. The Secretary of Labor may, in his discretion, utilize funds appropriated in this and subsequent Acts to engage in joint projects, or perform services, on matters of mutual interest, with nonprofit organizations, research organizations, or public organizations or agencies, the cost of which shall be apportioned equitably, as determined by the Secretary.

SEC. 106. The Secretary of Labor is authorized to accept, in the name of the Department of Labor, and employ or dispose of in furtherance of authorized activities of the Department of Labor, during the fiscal year ending September 30, 1995, and each fiscal year thereafter, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise.

SEC. 107. Section 5315 of title 5, United States Code, is amended by inserting at the end thereof: "The Commissioner of Labor Statistics, Department of Labor.".

Section 5316 of title 5, United States Code, is amended by striking: "Commissioner of Labor Statistics, Department of Labor.".

SEC. 108. None of the funds appropriated in this title for the Job Corps shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of $125,000.

This title may be cited as the "Department of Labor Appropriations Act, 1995".

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, VII, VIII, X, XII, XVI, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, Public Law 101-527, and the Native Hawaiian Health Care Act of 1988, as amended, [$3,008,225,000] *$3,066,254,000*, of which $411,000 shall remain available until expended for interest subsidies on loan guarantees made prior to fiscal year 1981 under part B of title VII of the Public Health Service Act: *Provided*, That when the Department of Health and Human Services administers or operates an employee health program for any Federal department or agency, payment for the full estimated cost shall be made by way of reimbursement or in advance to this appropriation: *Provided further*, That of the funds made available under this heading, $933,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: *Provided further*, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: *Provided further, That of the amounts available for Area Health Education Centers, $25,000,000 shall be for section 746(i)(1)(A) of the Health Professions Education Extension Amendments of 1992, notwithstanding section 746(i)(1)(C): Provided further, That of the funds made available under this heading for program administration, $3,000,000 shall be made available for grants to cities under title XXVI, sections 2601-2608 of the Public Health Service Act: Provided further, That no more than $5,000,000 is available for carrying out the provisions of Public Law 102-501.*

MEDICAL FACILITIES GUARANTEE AND LOAN FUND

FEDERAL INTEREST SUBSIDIES FOR MEDICAL FACILITIES

For carrying out subsections (d) and (e) of section 1602 of the Public Health Service Act, $9,000,000, together with any amounts received by the Secretary in connection with loans and loan guarantees under title VI of the Public Health Service Act, to be available without fiscal year limitation for the payment of interest subsidies. During the fiscal year, no commitments for direct loans or loan guarantees shall be made.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

For the cost of guaranteed loans, such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended: *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 these funds are available to subsidize gross obligations for the total loan principal any part of which is to be guaranteed at not to exceed $375,000,000. In addition, for administrative expenses to carry out the guaranteed loan program, $2,946,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: *Provided*, That for necessary administrative expenses, not to exceed $3,000,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

VACCINE INJURY COMPENSATION

For payment of claims resolved by the United States Court of Federal Claims related to the administration of vaccines before October 1, 1988, $110,000,000, to remain available until expended.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, and XIX of the Public Health Service Act, sections 101, 102, 103, 201, 202, and 203 of the Federal Mine Safety and Health Act of 1977, and sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970; including insurance of official motor vehicles in foreign countries; and hire, maintenance, and operation of aircraft, [$2,086,850,000] *$2,050,931,000*, of which $3,575,000 shall remain available until expended for equipment and construction and renovation of facilities, and in addition, such sums as may be derived from authorized user fees, which shall be credited to this account: *Provided*, That for fiscal year 1995 and subsequent fiscal years training of private persons shall be made subject to reimbursement or advances to this appropriation for not in excess of the full cost of such training: *Provided further*, That funds appropriated under this heading for fiscal year 1995 and subsequent fiscal years shall be available for payment of the costs of medical care, related expenses, and burial expenses hereafter incurred by or on behalf of any person who had participated in the study of untreated syphilis initiated in Tuskegee, Alabama, in 1932, in such amounts and subject to such terms and conditions as prescribed by the Secretary of Health and Human Services and for payment, in such amounts and subject to such terms and conditions, of such costs and expenses hereafter incurred by or on behalf of such person's wife or offspring determined by the Secretary to have suffered injury or disease from syphilis contracted from such person: *Provided further*, That for fiscal year 1995 and subsequent fiscal years amounts received by the National Center for Health Statistics from reimbursements and interagency agreements and the sale of data tapes may be credited to this appropriation and shall remain available until expended: *Provided further*, That in addition to amounts provided herein, up to [$27,862,000] *$28,873,000* shall be available from amounts available under section 241 of the Public Health Service Act, to carry out the National Center for Health Statistics surveys.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $1,919,419,000.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out sections 301 and 1105 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $1,259,590,000.

NATIONAL INSTITUTE OF DENTAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $162,832,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney diseases, [$726,784,000] *$728,784,000*.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, [$626,801,000] *$628,801,000*.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $536,416,000.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $877,113,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $513,409,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, [$290,335,000] *$292,022,000*.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, [$266,400,000] *$267,955,000*.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, [$431,198,000] *$433,198,000*.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis, and musculoskeletal and skin diseases, [$227,021,000] *$229,021,000*.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, [$166,155,000] *$167,129,000*.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, [$47,971,000] *$48,326,000*.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $181,445,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $290,280,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, [$542,050,000] *$544,050,000*.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $294,877,000: *Provided*, That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants: *Provided further*, That $20,000,000 shall be for extramural facilities construction grants.

NATIONAL CENTER FOR HUMAN GENOME RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $152,010,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, [$15,193,000] *$13,209,000*.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, [$123,274,000] *$127,274,000*.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, [$219,474,000] *$215,045,000*: *Provided*, That funding shall be available for the purchase of not to exceed five passenger motor vehicles for replacement only: *Provided further*, That the Director may direct up to 1 percent of the total amount made available in this Act to all National Institutes of Health appropriations to activities the Director may so designate: *Provided further*, That no such appropriation shall be increased or decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer.

OFFICE OF AIDS RESEARCH

(INCLUDING TRANSFER OF FUNDS)

For carrying out part D of title XXIII of the Public Health Service Act, $1,337,606,000: *Provided*, That the Director of the Office of AIDS Research shall transfer from this appropriation the amounts necessary to carry out section 2353(d) of the Act.

BUILDINGS AND FACILITIES

For the study of, construction of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, [$114,370,000] *$113,370,000*, to remain available until expended.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out the Public Health Service Act with respect to substance abuse and mental health services, section 612 of Public Law 100-77, as amended, and the Protection and Advocacy for Mentally Ill Individuals Act of 1986, [$2,166,148,000] *$2,164,179,000*: *Provided*, That no portion of amounts appropriated for the programs of the Department of Health and Human Services shall be available for obligation pursuant to section 571 of the Public Health Service Act, other than an amount of $3,750,000 from amounts appropriated to carry out section 510 of that Act.

ASSISTANT SECRETARY FOR HEALTH

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

(INCLUDING TRANSFER OF FUNDS)

For the expenses necessary for the Office of Assistant Secretary for Health and for carrying out titles III, XVII, XX and XXI of the Public Health Service Act, [$70,261,000] *$63,004,000, of which $2,048,000 and 30 full-time equivalent positions will be transferred from the National Vaccine Program Office to the Centers for Disease Control and Prevention for the expanded immunization program*, and, in addition, amounts received from Freedom of Information Act fees and reimbursable and interagency agreements shall be credited to

this appropriation and shall remain available until expended[: *Provided*, That $2,000,000 of the amount appropriated in this paragraph shall be transferred to the Food and Drug Administration, Salaries and Expenses appropriation account].

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, and for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan and for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55), and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), such amounts as may be required during the current fiscal year.

AGENCY FOR HEALTH CARE POLICY AND RESEARCH

HEALTH CARE POLICY AND RESEARCH

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, [$134,624,000] *$128,914,000*, together with not to exceed [$5,806,000] *$5,786,000* to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by sections 1142 and 201(g) of the Social Security Act; in addition, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data tapes shall be credited to this appropriation and shall remain available until expended: *Provided*, That the amount made available pursuant to section 926(b) of the Public Health Service Act shall not exceed [$13,202,000] *$31,504,000*.

HEALTH CARE FINANCING ADMINISTRATION

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act [$62,637,775,000] *$62,640,775,000*, to remain available until expended.

For making, after May 31, 1995, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 1995 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States under title XIX of the Social Security Act for the first quarter of fiscal year 1996, $27,047,717,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under sections 217(g) and 1844 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97-248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $37,546,758,000.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, and XIX of the Social Security Act, and title XIII of the Public Health Service Act, the Clinical Laboratory Improvement Amendments of 1988, section 4360 of Public Law 101-508, and section 4005(e) of Public Law 100-203, not to exceed [$2,183,985,000] *$2,207,237,000*, together with all funds collected in accordance with section 353 of the Public Health Service Act, the latter funds to remain available until expended; the [$2,183,985,000] *$2,207,237,000* to be transferred to this appropriation as authorized by section 201(g) of the Social Security Act, from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds: *Provided*, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act are to be credited to this appropriation.

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, $15,000,000 together with any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the payment of outstanding obligations. During fiscal year 1995, no commitments for direct loans or loan guarantees shall be made.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, $25,094,000.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, $527,874,000, to remain available until expended.

For making, after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Federal Mine Safety and Health Act of 1977, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV of the Federal Mine Safety and Health Act of 1977 for the first quarter of fiscal year 1996, $180,000,000, to remain available until expended.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92-603, section 212 of Public Law 93-66, as amended, and section 405 of Public Law 95-216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, [$21,237,101,000] *$21,192,101,000*, to remain available until expended: *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For carrying out title XVI of the Social Security Act for the first quarter of fiscal year 1996, $7,060,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, not more than [$5,127,785,000] *$5,157,011,000* may be expended, as authorized by section 201(g)(1) of the Social Security Act or as necessary to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986 as such sections were in effect on January 1, 1993, from any one or all of the trust funds referred to therein: *Provided*, That reimbursement to the Trust Funds under this heading for administrative expenses to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986 shall be made, with interest, not later than September 30, 1996.

In addition to funding already available under this heading, and subject to the same terms and conditions, [$352,000,000] *$320,000,000*, for disability caseload processing.

In addition to funding already available under this heading, and subject to the same terms and conditions, [$130,000,000] *$64,000,000*, which shall remain available until expended, to invest in a state-of-the-art computing network, including related equipment and administrative expenses associated solely with this network, for the Social Security Administration and the State Disability Determination Services, may be expended from any or all of the trust funds as authorized by section 201(g)(1) of the Social Security Act.

ADMINISTRATION FOR CHILDREN AND FAMILIES

FAMILY SUPPORT PAYMENTS TO STATES

For making payments to States or other non-Federal entities, except as otherwise provided, under titles I, IV-A (other than section 402(g)(6)) and D, X, XI, XIV, and XVI of the Social Security Act, and the Act of July 5, 1960 (24 U.S.C. ch. 9), $12,761,788,000, to remain available until expended.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV-A and D, X, XI, XIV, and XVI of the Social Security Act, for the last three months of the current year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or other non-Federal entities under titles I, IV-A (other than section 402(g)(6)) and D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9) for the first quarter of fiscal year 1996, $4,400,000,000, to remain available until expended.

JOB OPPORTUNITIES AND BASIC SKILLS

For carrying out aid to families with dependent children work programs, as authorized by part F of title IV of the Social Security Act, $1,300,000,000.

LOW INCOME HOME ENERGY ASSISTANCE

(INCLUDING RESCISSION)

Of the funds made available beginning on October 1, 1994 under this heading in Public Law 103-112, [$250,000,000] *$89,592,000* are hereby rescinded.

The funds remaining after said rescission shall be available for obligation through September 30, 1995.

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, [$1,225,000,000] *$1,475,000,000*, to be available for obligation in the period October 1, 1995 through September 30, 1996.

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, an additional $600,000,000: *Provided*, That all of the funds available under this paragraph are hereby designated by Congress to be emergency requirements pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That these funds shall be made available only after submission to Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985.

REFUGEE AND ENTRANT ASSISTANCE

For making payments for refugee and entrant assistance activities authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96–422), $399,779,000: *Provided*, That funds appropriated pursuant to section 414(a) of the Immigration and Nationality Act under Public Law 102–394 for fiscal year 1993 shall be available for the costs of assistance provided and other activities conducted in such year and in fiscal years 1994 and 1995.

COMMUNITY SERVICES BLOCK GRANT

For making payments under the Community Services Block Grant Act, section 408 of Public Law 99–425, and the Stewart B. McKinney Homeless Assistance Act, [$465,714,000] *$476,219,000, of which $12,000,000 shall be for carrying out the National Youth Sports Program: Provided, That payments from such amount to the grantee and subgrantees administering the National Youth Sports Program may not exceed the aggregate amount contributed in cash or in kind by the grantee and subgrantees: Provided further, That amounts in excess of $9,400,000 for such amount may not be made available to the grantee and subgrantees administering the National Youth Sports Program unless the grantee agrees to provide contributions in cash over and above the preceding year's cash contribution to such program in an amount that equals 29 percent of such excess amount.*

CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), $934,656,000, which shall be available for obligation under the same statutory terms and conditions applicable in the prior fiscal year.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $2,800,000,000.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the State Dependent Care Development Grants Act, the Head Start Act, the Child Development Associate Scholarship Assistance Act of 1985, the Child Abuse Prevention and Treatment Act, chapters 1 and 2 of subtitle B of title III of the Anti-Drug Abuse Act of 1988, the Family Violence Prevention and Services Act, the Native American Programs Act of 1974, title II of Public Law 95–266 (adoption opportunities), the Temporary Child Care for Children with Disabilities and Crisis Nurseries Act of 1986, the Abandoned Infants Assistance Act of 1988, subtitle F of title VII of the Stewart B. McKinney Homeless Assistance Act, and part B of title IV and section 1110 of the Social Security Act, and for necessary administrative expenses to carry out said Acts and titles I, IV, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, section 204 of the Immigration Reform and Control Act of 1986, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, Public Law 100–77, and section 126 and titles IV and V of Public Law 100–485, [$4,408,775,000] *$4,415,514,000*.

FAMILY PRESERVATION AND SUPPORT

For carrying out section 430 of the Social Security Act, $150,000,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities, under title IV–E of the Social Security Act, [$3,440,871,000] *$3,597,371,000*.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, and section 10404 of Public Law 101–239 (volunteer senior aides demonstration), [$869,823,000] *$873,662,000*.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six medium sedans, [$89,500,000] *$88,774,000*, together with $31,008,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $63,585,000, together with not to exceed $37,060,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $18,409,000 together with not to exceed $3,874,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act, [$14,632,000] *$10,741,000*.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $37,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated under this Act may be used to implement section 399L(b) of the Public Health Service Act or section 1911(d) [and section 1503] of the National Institutes of Health Revitalization Act of 1993, Public Law 103–43.

[SEC. 204. None of the funds made available by this Act may be used to require States as a condition of receiving funding under the Child Abuse Prevention and Treatment Act to restrict, condition, or otherwise qualify a State's authority to determine (i) whether and under what circumstances a parent's decision to provide non-medical health care for a child may constitute negligent treatment or maltreatment, and (ii) the circumstances under which it is appropriate to order medical treatment for a child who is receiving non-medical health care.]

SEC. 204. None of the funds made available by this Act may be used to withhold payment to any State under the Child Abuse Prevention and Treatment Act by reason of a determination that the State is not in compliance with section 1340.2(d)(2)(ii) of title 45 of the Code of Federal Regulations. This provision expires upon the date of enactment of the reauthorization of the Child Abuse Prevention and Treatment Act or upon September 30, 1995, whichever occurs first.

SEC. 205. (a) Of the budgetary resources available to the Department of Health and Human Services (excluding the Food and Drug Administration and the Indian Health Service) during fiscal year 1995, $37,125,000 are permanently canceled.

(b) The Secretary of Health and Human Services shall allocate the amount of budgetary resources canceled among the Department's accounts (excluding the Food and Drug Administration and the Indian Health Service) available for procurement and procurement-related expenses. Amounts available for procurement and procurement-related expenses in each such account shall be reduced by the amount allocated to such account.

(c) For the purposes of this section, the definition of "procurement" includes all stages of the process of acquiring property or services, beginning with the process of determining a need for a product or services and ending with contract completion and closeout, as specified in 41 U.S.C. 403(2).

SEC. 206. None of the funds appropriated in this title for the National Institutes of Health and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of $125,000 per year.

SEC. 207. (a) Of the budgetary resources available to the Department of Health and Human Services for space rental charges (excluding Food and Drug Administration and the Indian Health Service) during fiscal year 1995, $4,505,000 are permanently canceled.

(b) The Secretary of Health and Human Services shall allocate the amount of budgetary resources canceled among the Department's accounts (excluding the Food and Drug Administration and the Indian Health Service) available for space rental charges. Amounts available for space rental charges in each such account shall be reduced by the amount allocated to such account.

SEC. 208. Taps and other assessments made by any office located in the Department of Health and Human Services shall be treated as a reprogramming of funds and shall not be available for obligation or expenditure except in compliance with the Committee reprogramming procedures.

SEC. 209. None of the funds made available by this Act shall be obligated or expended for storage or distribution of publicly-purchased pediatric vaccine through a warehouse and distribution facility operated by the General Services Administration until such time as the Secretary of Health and Human Services receives written approval by the Appropriations Committees of both the House and Senate: Provided, That such approval shall be contingent upon the following requirements:

(1) All aspects of the ordering, storage, packaging and distribution system are fully developed, tested and validated in accordance with the requirements imposed on commercial manufacturers and distributors.

(2) The Commissioner of FDA has conducted a complete review of all aspects of the system, has reviewed and verified documentation of testing and validation procedures, and has provided documentation to the Committees of both the House and the Senate that all licensing and performance standards required of commercial distributors have been met by the General Services Administration system.

(3) The Secretary has provided documentation to the Committees of both Houses that the cost of the General Services Administration system is lower than the cost of private sector bids.

This title may be cited as the "Department of Health and Human Services Appropriations Act, 1995".

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION REFORM

For carrying out activities authorized by titles II [and III], *III, and IV* of the Goals 2000: Educate America Act and titles II, III, and IV of the School-to-Work Opportunities Act, $528,400,000 of which $503,670,000 shall become available on July 1, 1995, and remain available through September 30, 1996.

EDUCATION FOR THE DISADVANTAGED

For carrying out the activities authorized by title I of the Elementary and Secondary Education Act of 1965, as amended by the Improving America's Schools Act as [passed the House of Representatives on March 24, 1994] *reported by the Senate Committee on Labor and Human Resources on June 24, 1994*, and by section 418A of the Higher Education Act, [$7,245,655,000] *$7,233,411,000*, of which [$7,212,093,000] *$7,214,849,000* shall become available on July 1, 1995 and shall remain available through September 30, 1996: *Provided*, That $6,698,356,000 shall be available for grants to local education agencies, *not less than* $41,434,000 shall be available for capital expenses, $102,024,000 shall be available for the Even Start program, $305,475,000 shall be available for title I migrant education activities, [$37,244,000] *not less than $40,000,000* shall be available for title I delinquent and high-risk youth education activities, *no more than* $27,560,000 shall be for program improvement activities, [$15,000,000 shall be for demonstration grants,] and $8,270,000 shall be for evaluation.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by the Improving America's Schools Act as [passed the House of Representatives on March 24, 1994] *reported by the Senate Committee on Labor and Human Resources on June 24, 1994*, [$728,000,000] *$666,880,000*, of which $40,000,000, to remain available until expended, shall be for payments for heavily impacted districts under section [8004(f)] *9004(f)*.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by titles II, [III, IV, and V] *IV, V, VII, VIII, IX, and XV* of the Elementary and Secondary Education Act of 1965, as amended by the Improving America's Schools Act as [passed the House of Representatives on March 24, 1994] *reported by the Senate Committee on Labor and Human Resources on June 24, 1994*; the Stewart B. McKinney Homeless Assistance Act; the Civil Rights Act of 1964; and title V of the Higher Education Act; [$1,424,513,000] *$1,570,201,000*, of which [$1,158,695,000] *$1,164,849,000* shall become available on July 1, 1995, and remain available through September 30, 1996: *Provided*, That [$5,899,000 shall be for law related education under section 3702] *$100,000,000 shall be for education infrastructure under title XV, $5,899,000 shall be for law related education under section 8252, $37,393,000 shall be for dropout assistance under part B of title V, $4,185,000 shall be for Ellender Fellowships under part E of title VIII, $15,000,000 shall be for education for Native Hawaiians under part C of title IX, and $10,912,000 shall be for foreign language assistance under part B of title VII.*

BILINGUAL AND IMMIGRANT EDUCATION

For carrying out, to the extent not otherwise provided, bilingual and immigrant education activities authorized by [title VII] *titles VII and IX* of the Elementary and Secondary Education Act as amended by the Improving America's Schools Act, as [passed the House of Representatives on March 24, 1994 and by title IV of the Carl D. Perkins Vocational and Applied Technology Education Act] *reported by the Senate Committee on Labor and Human Resources on June 24, 1994*, [$247,572,000] *$238,082,000*, of which $25,180,000 shall be for training activities under [part C] *subpart 3 of part A of title VII*, and $50,000,000 shall be for the immigrant education program *under part B of title IX*.

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act, [$3,106,634,000] *$3,299,459,000*, of which [$2,858,973,000] *$3,045,425,000* shall become available for obligation on July 1, 1995, and shall remain available through September 30, 1996.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Technology-Related Assistance for Individuals with Disabilities Act, and the Helen Keller National Center Act, as amended, [$2,355,600,000] *$2,413,675,000*.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), [$6,406,000] *$6,680,000*.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), [$41,462,000] *$43,191,000*, of which [$333,000 for the endowment program as authorized under section 207 and not to exceed $192,000 for construction shall remain available until expended] *$336,000 shall be for the endowment program as authorized under section 207 and shall be available until expended and $150,000 shall be for construction and shall be available until expended.*

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), [$76,742,000] *$80,030,000*, of which [$991,000] *$1,000,000* shall be for the endowment program as authorized under section 207 and shall be available until expended.

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Applied Technology Education Act, the Adult Education Act, *the National Literacy Act of 1991*, and the Stewart B. McKinney Homeless Assistance Act, [$1,456,383,000, of which $1,453,464,000] *$1,475,736,000, of which $1,472,817,000* shall become available on July 1, 1995 and shall remain available through September 30, 1996: *Provided*, That of the amounts made available under the Carl D. Perkins Vocational and Applied Technology Education Act, $400,000 of the amount available for Tech-Prep shall be for evaluation of the program and [$25,767,000] *$37,096,000* shall be for national programs under title IV, including $7,851,000 for research, of which $6,000,000 shall be for the National Center for Research on Vocational Education; [$13,000,000] *$23,245,000* for demonstrations, notwithstanding section 411(b); and [$4,916,000] *$6,000,000* for data systems: *Provided further*, That of the amounts made available under the Adult Education Act, [$5,400,000] *$3,900,000* shall be for national programs under [sections 382 and 383] *section 383*, and $4,869,000 shall be for the National Institute for Literacy under section 384.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3, and 4 of part A, and parts C, E, and H of title IV of the Higher Education Act of 1965, as amended, including, notwithstanding section 401(a)(1), not to exceed 3,930,000 Pell Grant recipients in award year 1994–1995, [$7,825,417,000] *$7,685,524,000*, which shall remain available through September 30, 1996, and of which [$54,322,000] *$72,429,000* shall be for State Student Incentive Grants under subpart 4 of part A.

The maximum Pell Grant for which a student shall be eligible during award year 1995–1996 shall be $2,340: *Provided*, That notwithstanding section 401(g) of the Act, as amended, if the Secretary determines, prior to publication of the payment schedule for award year 1995–1996, that the $6,247,180,000 included within this appropriation for Pell Grant awards for award year 1995–1996, and any funds available from the FY 1994 appropriation for Pell Grant awards, are insufficient to satisfy fully all such awards for which students are eligible, as calculated under section 401(b) of the Act, the amount paid for each such award shall be reduced by either a fixed or variable percentage, or by a fixed dollar amount, as determined in accordance with a schedule of reductions established by the Secretary for this purpose.

FEDERAL FAMILY EDUCATION LOAN PROGRAM ACCOUNT

For Federal administrative expenses to carry out guaranteed student loans authorized by title IV, part B, of the Higher Education Act, as amended, $62,191,000.

FEDERAL DIRECT STUDENT LOAN PROGRAM ACCOUNT

For the cost of direct loans authorized by title IV, part D, of the Higher Education Act, as amended, such sums as may be necessary to carry out the purposes of the program, including such sums as may be derived from negative subsidy receipts: Provided, That such costs, including costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, titles I, [II, without regard to section 241(d),] III, IV, including chapter 2 of subpart 2 of part A, V, VI, VII, [IX, part A, and subpart 1 of part B of title X,] *VIII, IX, part A, subpart 1 of part B, and part D of title X, and* XI, without regard to section 1151, *and section 1521 as amended by Public Law 103–239*, [and XV] of the Higher Education Act of 1965, as amended; the Mutual Educational and Cultural Exchange Act of 1961; [title VI, including part C,] *and title VI* of the Excellence in Mathematics, Science and Engineering Education Act of 1990; [and Public Law 102–423; $954,686,000, of which $8,248,000] *$946,703,000, of which $7,498,000* for endowment activities under section 331 of part C of title III and $17,512,000 for interest subsidies under title VII of the Higher Education Act, as amended, [and $4,000,000 for Public Law 102–423] shall remain available until expended [and $1,500,000 of the amount provided herein for title III shall be available for an evaluation of the title III programs].

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), [$206,463,000] *$192,896,000*, of which [$7,910,000] *$3,530,000*, to remain available until expended, shall be for a matching endowment grant to be administered in accordance with the Howard University Endowment Act (Public Law 98–480) [and $6,000,000, to remain available until expended, shall be for construction].

HIGHER EDUCATION FACILITIES LOANS

The Secretary is hereby authorized to make such expenditures, within the limits of funds available under this heading and in accord with law, and to make such contracts and commitments without regard to fiscal year limitation, as provided by section 104 of the Government Corporation Control Act (31 U.S.C. 9104), as may be necessary in carrying out the program for the current fiscal year.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For the costs of direct loans, as authorized by title VII, part C, of the Higher Education Act, as amended, [$134,000] *$168,000: Provided*, That such costs, including costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974 and that these funds are available to subsidize gross obligations for the principal amount of direct loans of not to exceed [$8,000,000] *$10,000,000*: *Provided further*, That obligated balances of these appropriations will remain available until expended, notwithstanding the provisions of 31 U.S.C. 1552(a), as amended by Public Law 101–510. In addition, for administrative expenses to carry out the existing direct loan program of college housing and academic facilities loans entered into pursuant to title VII, part C, of the Higher Education Act, as amended, $1,022,000.

COLLEGE HOUSING LOANS

Pursuant to title VII, part C of the Higher Education Act, as amended, for necessary expenses of the college housing loans program, previously carried out under title IV of the Housing Act of 1950, the Secretary shall make expenditures and enter into contracts without regard to fiscal year limitation using loan repayments and other resources available to this account. Any unobligated balances becoming available from fixed fees paid into this account pursuant to 12 U.S.C. 1749d, relating to payment of costs for inspections and site visits, shall be available for the operating expenses of this account.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING, PROGRAM ACCOUNT

The total amount of bonds insured pursuant to section 724 of title VII, part B of the Higher Education Act shall not exceed $357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title VII, part B of the Higher Education Act, as amended, $347,000.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

For carrying out activities authorized by the Educational Research, Development, Dissemination, and Improvement Act; the Elementary and Secondary Education Act of 1965 [and the Education Council Act, as amended by the Improving America's Schools Act as passed the House of Representatives on March 24, 1994; the National Education Statistics Act of 1994 as passed the House of Representatives on March 24, 1994; and the General Education Provisions Act, $318,775,000: *Provided*, That $39,320,000 shall be for regional laboratories, including rural initiatives; $4,463,000 shall be for civics education activities; $14,480,000 shall be for the National Diffusion Network; $34,424,000 shall be for Eisenhower professional development Federal activities; and $20,000,000 shall be for Federal leadership activities in education technology], *as amended by the Improving America's Schools Act as reported by the Committee on Labor and Human Resources on June 24, 1994; the National Education Statistics Act of 1994, as reported by the Committee on Labor and Human Resources on June 24, 1994; and title VI of Public Law 103–227; $371,586,000: Provided, That $41,000,000 shall be for regional laboratories, including rural initiatives and network activities; $33,000,000 shall be for research centers; $5,000,000 shall be for title VI of Public Law 103–227; $3,000,000 shall be for part K of title VIII of the Elementary and Secondary Education Act, as amended by the Improving America's Schools Act as reported by the Committee on Labor and Human Resources on June 24, 1994; $4,463,000 shall be for civic education activities; $14,480,000 shall be for the National Diffusion Network; $40,000,000 shall be for Eisenhower professional development Federal activities, including not less than $5,472,000 for the National Clearinghouse for Science and Mathematics, $15,000,000 for regional consortia, and $3,000,000 for part E of title II of the Elementary and Secondary Education Act, as amended by the Improving America's Schools Act as reported by the Committee on Labor and Human Resources on June 24, 1994; and $50,000,000 shall be for education technology activities under part A of title III of the Elementary and Secondary Education Act, as amended by the Improving America's Schools Act as reported by the Committee on Labor and Human Resources on June 24, 1994.*

LIBRARIES

For carrying out, to the extent not otherwise provided, titles I, II, III, IV, and VI of the Library Services and Construction Act (20 U.S.C. ch. 16), and [section 222 of the Higher Education Act, $115,996,000] *title II of the Higher Education Act, $147,558,000, of which $17,792,000 shall be used to carry out the provisions of title II of the Library Services and Construction Act and shall remain available until expended, and $4,916,000 shall be for section 222 and $8,270,000 shall be for section 223 of the Higher Education Act, of which $2,500,000 shall be for demonstration of on-line and dial-in access to a statewide, multitype library bibliographic data base through a statewide fiber optic network housing a point of presence in every county, connecting library services in every municipality, and $1,500,000 shall be for a demonstration project making Federal information and other data bases available for public use by connecting Internet to a multistate consortium of public and private colleges and universities, a public library system, and a State historical library.*

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of two passenger motor vehicles, [$359,358,000] *$346,008,000*.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $58,325,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, [$29,199,000] *$31,675,000*.

GENERAL PROVISIONS

SEC. 301. No part of the funds contained in this title may be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88–352, to take any action to force the busing of students; to force on account of race, creed or color the abolishment of any school so desegregated; or to force the transfer or assignment of any student attending any elementary or secondary school so desegregated to or from a particular school over the protest of his or her parents or parent.

SEC. 302. (a) No part of the funds contained in this title shall be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88–352, to take any action to force the busing of students; to require the abolishment of any school so desegregated; or to force on account of race, creed or color the transfer of students to or from a particular school so desegregated as a condition precedent to obtaining Federal funds otherwise available to any State, school district or school.

(b) No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 303. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 304. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

This title may be cited as the "Department of Education Appropriations Act, 1995".

TITLE IV—RELATED AGENCIES

ARMED FORCES RETIREMENT HOME

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the United States Soldiers' and Airmen's Home and the United States Naval Home, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, [$59,816,000] *$56,820,000*, of which $2,906,000 shall remain available until expended for construction and renovation of the physical plants at the United States Soldiers' and Airmen's Home and the United States Naval Home: *Provided*, That this appropriation shall not be available for the payment of hospitalization of members of the Soldiers' and Airmen's Home in United States Army hospitals at rates in excess of those prescribed by the Secretary of the Army upon

recommendation of the Board of Commissioners and the Surgeon General of the Army.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, [$205,771,000] *$217,688,000.*

CORPORATION FOR PUBLIC BROADCASTING

[(RESCISSION)

[Of the funds made available under this heading in Public Law 102-394, $21,100,000 are hereby rescinded.]

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 1997, $330,000,000: Provided, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: Provided further, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor-Management Relations Act, 1947 (29 U.S.C. 171-180, 182-183), including hire of passenger motor vehicles; and for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95-454 (5 U.S.C. chapter 71), [$31,078,000] *$31,610,000.*

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $6,200,000.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91-345, as amended by Public Law 102-95), $901,000.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, [$1,643,000] *$1,843,000.*

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141-167), and other laws, [$173,388,000] *$176,047,000: Provided,* That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 per centum of the water stored or supplied thereby is used for farming purposes.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151-188), including emergency boards appointed by the President, $8,119,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $7,595,000.

PHYSICIAN PAYMENT REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1845(a) of the Social Security Act, $4,176,000 to be transferred to this appropriation from the Federal Supplementary Medical Insurance Trust Fund.

PROSPECTIVE PAYMENT ASSESSMENT COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1886(e) of the Social Security Act, $4,667,000 to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $261,000,000, which shall include amounts becoming available in fiscal year 1995 pursuant to section 224(c)(1)(B) of Public Law 98-76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds $261,000,000: *Provided,* That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $300,000, to remain available through September 30, 1996, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98-76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board, $73,881,000, to be derived from the railroad retirement accounts: *Provided,* That $200,000 of the foregoing amount shall be available only to the extent necessary to process workloads not anticipated in the budget estimates and after maximum absorption of the costs of such workloads within the remainder of the existing limitation has been achieved: *Provided further, That notwithstanding any other provision of law, no portion of this limitation shall be available for payments of standard level user charges pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(j); 45 U.S.C. 231-231u).*

LIMITATION ON RAILROAD UNEMPLOYMENT INSURANCE ADMINISTRATION FUND

For further expenses necessary for the Railroad Retirement Board, for administration of the Railroad Unemployment Insurance Act, not less than $17,031,000 shall be apportioned for fiscal year 1995 from moneys credited to the railroad unemployment insurance administration fund.

SPECIAL MANAGEMENT IMPROVEMENT FUND

To effect management improvements, including the reduction of backlogs, accuracy of taxation accounting, and debt collection, $1,640,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: *Provided,* That these funds shall supplement, not supplant, existing resources devoted to such operations and improvements.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than [$6,682,000] *$6,860,000,* to be derived from the railroad retirement accounts and railroad unemployment insurance account.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, [$10,912,000] *$11,500,000.*

TITLE V—GENERAL PROVISIONS

SEC. 501. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, a grant, the salary of or any remuneration whatever to any individual applying for admission, attending, employed by, teaching at, or doing research at an institution of higher education who has engaged in conduct on or after August 1, 1969, which involves the use of (or the assistance to others in the use of) force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the availability of certain curricula, or to prevent the faculty, administrative officials, or students in such institution from engaging in their duties or pursuing their studies at such institution.

SEC. 502. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided,* That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 503. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 504. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress.

SEC. 505. The Secretaries of Labor and Education are each authorized to make available not to exceed $15,000 from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $2,500 from the funds available for "Salaries and expenses, Federal Mediation and Conciliation Service"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $2,500 from funds available for "Salaries and expenses, National Mediation Board".

SEC. 506. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles for the hypodermic injection of any illegal drug unless the Surgeon General of the United States determines that such programs are effective in preventing the spread of HIV and do not encourage the use of illegal drugs, except that such funds may be used for such purposes in furtherance of demonstrations or studies authorized in the ADAMHA Reorganization Act (Public Law 102-321).

[SEC. 507. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

[(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.]

SEC. 507. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act").

SEC. 508. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state (1) the percentage of the total costs of the program or project which will be financed with Federal money, (2) the dollar amount of Federal funds for the project or program, and (3) percentage and dollar amount of the total costs of the project or program that will be financed by nongovernmental sources.

SEC. 509. None of the funds appropriated under this Act shall be expended for any abortion except when it is made known to the Federal entity or official to which funds are appropriated under this Act that such procedure is necessary to save the life of the mother or that the pregnancy is the result of an act of rape or incest.

[SEC. 510. No funds appropriated herein shall be used to implement any regulation promulgated under section 481(b)(6) of the Higher Education Act of 1965, as amended, prior to July 1, 1995.

[SEC. 511. None of the funds appropriated or otherwise made available under this Act may be obligated in violation of existing Federal law or regulation already prohibiting such benefit or assistance.]

SEC. 511. None of the funds appropriated or otherwise made available under this Act may be obligated in violation of existing Federal law or regulation already prohibiting such benefit or assistance. None of the funds appropriated under this Act may be used by any Federal official, or any State or local official, to encourage the application by or on behalf of illegal aliens for Federal or federally assisted benefits for which they are not eligible. Each State agency and each other entity administering a program under which verification of immigration status is required by section 121 of the Immigration Reform and Control Act of 1986 shall participate in the system for the verification of such status established by the Commissioner of the Immigration and Naturalization pursuant to section 121(c) of that Act, unless an alternative system is available and employed for such purposes which is found to meet the criteria for waiver under section 121(c)(4).

SEC. 512. Notwithstanding any other provision of law, monthly benefit rates under part B or part C of the Black Lung Benefits Act shall continue to be based on the benefit rates in effect in September, 1994 and be paid in accordance with the Act, until exceeded by the benefit rate specified in section 412(a)(1) of the Act.

SEC. 513. No more than one percent of salaries appropriated for each Agency in this Act may be expended by that Agency on cash performance awards.

SEC. 514. Funds available for executive direction, excluding the Centers for Disease Control and Prevention, the National Institutes of Health and the Social Security Administration, shall not exceed the amounts set forth in the budget estimates submitted to Congress for fiscal year 1995.

SEC. 515. (a) No appropriations for Agencies in this Act may be used to fund non-formula grants or contracts or modifications thereto to grantees or contractors determined by each Agency's grant or contracting officer to have previously included expressly unallowable costs in required cost reports or in claims to the Government, unless such grant or contract includes a clause which—

(1) specifically states that the costs previously determined to be unallowable will not again be reported as allowable costs or claimed for reimbursement, and

(2) requires the submission of a certification by the grantee or contractor attesting to (1) above.

(b) A grantee or contractor that knowingly submits a cost report or claim for reimbursement which includes a cost that is expressly specified by regulation as being unallowable and which was determined to have been disallowed in a previous grant or contract with this grantee or contractor shall be subject to the provisions of 18 U.S.C. 287, 31 U.S.C. 3729, and/or 31 U.S.C. 3801.

(c) The unallowability of a type of cost reported or claimed for reimbursement may be evidenced by a prior final determination by a grant or contracting officer of the Agency disallowing such costs charged by that grantee or contractor which determination is, where appropriate, upheld by any adjudicatory body, such as an Administrative Law Judge, Board of Contract Appeals, or other higher level review provided by law or regulation.

This Act may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1995".

MEASURES PLACED ON THE CALENDAR—S. 2346 AND S. 2357

Mr. MITCHELL. Mr. President, I ask unanimous consent that it be in order for those items currently listed under bills and joint resolutions read the first time to be considered to have received their second reading, en bloc, and objection having been heard to further proceedings, the measures be placed on the calendar as provided for under rule XIV, paragraph 2.

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

SCHEDULE

Mr. MITCHELL. Mr. President, the Senate is now considering the Labor-HHS appropriations bill and will continue in consideration of that measure throughout the day. I expect amendments to be offered shortly to the bill following the managers' opening statements, and Senators, therefore, should be aware that votes may occur at any time during the day today.

Mr. President, as I previously announced on several occasions, following consultations with the distinguished Republican leader and many other Senators, it is my intention to proceed to consideration of health care reform legislation on next Tuesday afternoon. There will be, under the proposed schedule, a period for debate only lasting until Wednesday afternoon so as to permit all Senators who wish to make opening statements and make other comments to do so.

Beginning on Wednesday afternoon, the bill will be open to amendment and debate. The Senate will remain in session through Saturday of next week—that is through and including Saturday. And then we will return to session the following Monday and be in session Monday through Saturday for as long as it takes to complete action on the health care reform bill.

I introduced a bill on Wednesday of this week which is a blend of the bills previously acted upon by the Senate Labor Committee in early June and the Senate Finance Committee in early July. I stated when I introduced the bill, and I repeat now, that I welcome constructive suggestions and alternatives by other Senators. It is clear to all people that a bill of this magnitude will not pass the Senate without change. I expect the change to occur. I hope and expect much of it will be in the form of improvement.

I am open to constructive suggestion and alternative ways to achieve our common objective by other Senators. I have read in the newspaper that our Republican colleagues intend to introduce their bill today. I welcome that.

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Obviously, the bill, as with the bill I introduced and all others, should and will be given careful scrutiny, and I hope that in the debate that follows, beginning next Tuesday, we can all remember that whatever State we represent and whatever political party we are in, our highest obligation is to the American people. This will be a rare opportunity to act in a meaningful and a constructive way. And while there clearly are, and appropriately so, differences on what our goals should be and on how to get there, there is no reason why we cannot conduct this debate in a positive and constructive way, concentrate on the issues rather than on the individuals, tone down the rhetoric on all sides, and, hopefully, reach a result that we and the American people can justifiably describe as meaningful reform action.

I want to assure all Senators that is my objective. I believe that to be the objective of most of the Members of the Senate. And I hope that we can conduct ourselves in a manner so that we will be proud not only of the product but of the process involved.

I thank my colleagues who have made suggestions so far with respect to the bill that I have introduced. I have already incorporated many of the suggested changes. We are continuing our consultation with other Senators. There will be some changes from the draft bill presented on Wednesday to when we introduce it next week. Some are technical in nature. Some correct the inevitable drafting errors in legislation of this magnitude. Some will incorporate what I believe to be constructive suggestions by Senators. That process will continue.

I have said, and I now repeat and emphasize, I am open about this. I want very much to produce a good result. I think that all of us have much to learn from each other. And for myself, I am interested only in getting a result that is good for the American people—not so much who makes it, who presents an idea, but what is the idea itself. I hope we can all approach the debate and conduct ourselves through the debate in that manner.

Mr. INOUYE. Mr. President, will the leader yield for a question?

Mr. MITCHELL. Yes, sir.

Mr. INOUYE. Am I to conclude from the leader's announcement that Defense appropriations will not be scheduled for Senate consideration until September?

Mr. MITCHELL. Mr. President, it is my hope that we can do so sooner. But it depends upon our ability to get through the rest of the schedule and the willingness of our colleagues, our Republican colleagues, to permit consideration of such a measure.

As I previously indicated to the distinguished chairman of the subcommittee, his is the last and one of the more important and significant of the appropriations bills that we will be considering. I have previously, and do now encourage him, if possible, to work out agreements which would limit the time which I think increases the likelihood of our gaining consent from our colleagues to bring the bill up and complete action on it.

Mr. INOUYE. Mr. President, I bring this up because I think it should be noted by my colleagues that the appropriations bill includes, among other things, funding for Rwanda, funding for Bosnia and other matters of urgent interest in the U.S. Congress.

Mr. MITCHELL. I agree completely with the Senator. As he knows, we have been taking these bills up largely in the order that they were reported out by the Appropriations Committee. Of the last two remaining, the bill we are now on, the Labor-HHS bill and the defense bill, Labor-HHS was reported out at an earlier time. I tended generally, although not in every instance, to proceed to them in the chronological order that they were reported out.

I will also say to the Senator that we will have to, if necessary, interrupt the debate next week to take up the crime conference report when the House acts on that. If it is at all possible to get an agreement and work in the DOD appropriations bill, I would be very receptive to that. That, of course, as the Senator knows, requires the consent of all of our colleagues. If we encounter objection to that—it will depend, in part, on other factors, such as when we complete action on the current bill and how long it would take to complete the bill that the Senator will manage.

So I assure him of my interest in doing so. I will do the very best I can in that regard.

Mr. INOUYE. I thank the leader.

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

Mr. KERREY. Mr. President, I ask unanimous consent that I and the distinguished Senator from North Dakota be allowed 15 minutes of morning business.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. SPECTER. Reserving the right to object, I did not hear the request. How much time does the Senator from Nebraska ask for?

Mr. KERREY. Fifteen minutes equally divided between the distinguished Senator from North Dakota and myself.

Mr. SPECTER. I had understood that the Senator from Nebraska wanted 5 minutes. If I may have the attention of the manager of the bill, the Senator from Nebraska had asked for 5 minutes. We have been talking about the urgency of not having a Haiti amendment, which I intend to offer at the earliest moment for an hour equally divided. If we are going to try to finish this bill today, I just want to call my colleague's attention to that, and we will spend a lot of time talking about 15 minutes equally divided, but this is three times the request the Senator from Nebraska has just talked about.

Mr. KERREY. Mr. President, the Senator from North Dakota indicated to me that he had asked last night for morning business. I was consolidating it and trying to ask for an amount of time which I made sure I did not run over. I will deliver my statement as rapidly as possible so as not to cut into the debate on the bill.

Mr. SPECTER. To keep the time short, I shall not object.

Mr. HARKIN. I understand the request is 15 minutes equally divided between the Senator from North Dakota and the Senator from Nebraska.

The ACTING PRESIDENT pro tempore. That is correct.

Mr. HARKIN. The Senator from Minnesota would like to respond.

Mr. DURENBERGER. I would like to add 5 minutes to that request.

Mr. HARKIN. I ask unanimous consent that there be 15 minutes equally divided—5 minutes for the Senator from Nebraska, 5 minutes for the Senator from North Dakota, 5 minutes for the Senator from Minnesota.

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

The Senator from Nebraska is recognized.

UNIVERSAL HEALTH CARE

Mr. KERREY. Mr. President, President Clinton, Wednesday night at his press conference, said in a statement that was broadcast and distributed across the Nation that he urged the American people, and us on their behalf, to go with him down the road to universal health care.

The route to be taken is either of the Democratic bills written by the Majority Leader GEPHARDT of the House or Majority Leader MITCHELL of the Senate. My answer, despite my great passion to have every American secure in the knowledge they will receive high-quality health care and despite my great respect for the President and both majority leaders, is no. I do not want America to go down the road the President is asking us to travel.

The road the President is asking us to travel takes us to a place where health care decisions will be increasingly centralized. The American public does not want that and their judgment is sound. They do not want political representatives or Government employees in Washington, DC, to make more of their health care decisions for them. They want them to make fewer.

The road the President is asking us to travel takes us to a place where Federal spending on health care entitlements will have displaced even more of a dwindling pool of household savings. As one representative who has some

knowledge of these predictions, I do not trust forecasts that our deficits will get smaller or remain the same.

The air is full of promises to spend more. The winds carry a message to the people that our problem is we do not spend enough on health care, telling Americans they are victims of insidious individuals and institutions with malice in their hearts. Any campaign for universal coverage which proceeds upon these beliefs cannot be trusted to make the structure of America's fiscal house any stronger.

The road the President is asking us to travel takes us to a place where an even larger percentage of the Federal budget and a larger percentage of total taxes will be devoted to spending on health care.

Washington, DC, is already beginning to resemble an ATM machine where too many individuals and too many businesses come to get some extra cash. Worse, this emphasis on broadening and deepening the promise to pay somebody else's health care bills subordinates the promise of restraint or cost containment to the promise of free health care.

The present system already penalizes States like Nebraska where frugality and efficiency are the order of the day. Any bill with new entitlements will create more demand, driving prices even higher, making matters worse for my State. It will also make matters worse by creating new Federal regulations driving Americans to Washington, DC, for permission to proceed in a wide range of currently unregulated health care activities.

The majority leader has told me he is willing to make changes in this legislation. I believe him. I have great respect for his integrity and legislative ability. However, I want there to be no doubt that I will not vote for this bill as is. My vote is no.

Tomorrow, America will celebrate, or curse, the 1-year anniversary of enactment of legislation which passed because I voted yes. I believed the road America would travel with that legislation would take us in the direction of improved consumer confidence, leading to sustained economic recovery, lower interest rates, increased housing starts, more American jobs and lower deficit spending.

I voted "yes" because I believed the positives outweighed the negatives. The economy could withstand the blow of higher taxes and the weight of fiscal constraint imposed through tough spending caps. As it turned out, the economy not only survived, it has thrived.

I almost voted no, Mr. President, for two reasons, both of which are relevant to my decision to inform the President and my Senate Democratic leader, GEORGE MITCHELL, that I will not vote for his bill in its current form.

First, it did not finish the job of eliminating our deficit. It did not put us on a course of paying off rather than continuing to accumulate debt.

Second, the rhetoric which began with the lofty and powerful message of shared sacrifice, deteriorated into the harangue of the middle class as victims of the wealthy.

This time I will not vote yes unless this bill is changed. Unless the road takes us where the power of decisionmaking shifts away from Washington, DC, I will vote "no". Unless the road takes us to where cost containment is our overriding purpose, I will not agree to get on board, Mr. President.

This time I will only vote "yes" if the President follows his own stated desire to get a bipartisan bill. And there is a way. It is the so-called mainstream coalition which includes Senator CHAFEE, Senator DANFORTH, and Senator DURENBERGER, three of the Republican Party leading advocates of health care reform. The President should call them in and ask them what they want, support their requests as an amendment to the MITCHELL bill.

The coalition has great appreciation for the President's leadership. He will discover sincere gratitude for his service in the health care cause. He has driven this issue relentlessly and with a high sense of purpose. The President will also learn we are willing to fight so that every American has the help needed to pay the costs of health care. We want health care security to be universal.

However, we believe that unless you deal with costs first you cannot get to health care security. It is the rising costs of care that are making Americans feel insecure. Further, we believe that demand for expensive care in an environment where someone else pays the bills is principally responsible for higher costs. In order to achieve universality, the price of health care must be affordable for all Americans. We cannot risk creating new entitlements which drive up costs for everyone.

Government intervention to expand coverage is risky. Using history as a guide we should be very cautious to presume that government can get the job done. Every time we withdraw money from the non-health-care economy and drive it into the health care system, prices go up. Thus, as we collectively agree to pay someone's health care bills that agreement increases costs and makes it more unaffordable creating added pressure to pay more of someone's health care bills. It is a vicious cycle.

Indeed, it is fair to say the unprecedented reduction of health care costs which has taken place in the marketplace the past 2 years is at least in part attributable to the fear of Government action. It is the action in the market which gives us a clue about what we should do with our health care laws. It is the marketplace's success at controlling costs and the Federal Government's failure which leads me to conclude that we should use the forces of the market to control costs instead of the dictates of the Government.

The Mitchell bill has too many new Federal Government dictates. The majority leader has asked and next week we will supply him with suggested changes in his good faith effort to achieve consensus. Today, let me identify five areas of increased Federal decisionmaking:

FEDERAL OVERSIGHT OF STATES

The Federal Government would set requirements which status must follow in the new system. States would submit an application to the Federal Government specifying how they will meet the requirements. If the State does not submit an application, or if the Federal Government does not approve the application, the Federal Government can step in and take over health care reform in the State, and charge a 15-percent tax on all insurance. After a State's application is approved, it is subject to the Uncle Sam's variation of the random drug test: It can audit a State's program at any time.

FEDERAL OVERSIGHT OF MEDICINE

The Federal Government would decide how many doctors will be trained each year and how many go into primary care and how many will be permitted to train in each specialty and where they will train.

The National Health Board will set standards for what is medically necessary and appropriate treatment instead of doctors.

The National Health Benefits Board and the National Health Care Cost and Coverage Commission are exempted from the Federal Advisory Committee Act. Translation: They do not have to allow the public into their meetings.

FEDERAL REGULATION OF HEALTH SPENDING

The Federal Government would set the baseline for total health spending excluding Medicare and SSI based on 1994 spending for the standard benefit package. That number is trended forward in 1995 and 1996 based on CBO estimates for health care growth in their 1993 report. The Government then sets what the rate of growth will be beginning in 1997 and forward. Any plan that exceeds that will be taxed at 25 percent of the difference beginning in 1997. Big business and big unions are exempt from the tax until 1999.

FEDERAL REGULATION OF HEALTH INSURANCE

These regulations have the net effect of eliminating the existence of hospital indemnity policies, cancer policies, and other types of supplemental policies.

FEDERAL REGULATION OF SMALL BUSINESS

No business with fewer than 500 employees would be permitted to self-insure. All businesses of less than 500 would be required to join purchasing alliances.

I do not want to travel down this road, and I do not believe the people I

represent want to either. They and I do want health care reform. They know that much in our current system is broken and they want it fixed. They know health care is becoming unaffordable for many and they know the ice of medical indigency grows thinner under their feet.

Increasingly, however, their mood is turning skeptical that we here in Washington, DC, know what we are doing. As they trust us less, they are less enthusiastic about any change we propose.

The source of their skepticism is the hyper-inflated and unnecessarily exaggerated language of the partisans for or against change. The cure for this skepticism is not a hard line decision to support or oppose one bill or another. Instead the cure is a broad based bipartisan effort to write a new law. Either we quickly produce a bipartisan majority—as I believe the mainstream coalition could become—or we should just as quickly abandon all hope of doing the people's will.

In conclusion, it will require States to come to Washington, DC, to get permission from a plan, and the Federal Government can take over the State's plan if they do not comply, giving the Federal Government the equivalent of a random drug test to come in and audit a State and take them over if they are not doing the right thing; increased regulation of business, Mr. President, increased regulation as well of the health care system and providers, increased opportunity for the Federal Government to make decisions about whether or not health care is going to be given.

Mr. President there has been unprecedented change in the marketplace in the last 3 years, and this legislation ought to recognize that change, ought to give the President full credit for producing some of it and ought to enact legislation that gets cost control done by taking advantage of it.

I yield the floor and I thank my friend from North Dakota.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

DURUM WHEAT PRICES

Mr. DORGAN. Mr. President, I appreciate the indulgence of the managers of the bill. I will be brief.

I did not want this week to go by without challenging the statements made by both the New York Times in their editorials and the pasta manufacturers, the pasta industry in this country, as a result of decisions the Clinton administration took against Canada on Monday of this week. The fact is the Canadian Wheat Board targeted the American grain market with a flood of unfairly subsidized durum. This administration finally stood up and took action, fair action, that says to the Canadians, you cannot engage in unfair trade against the American producer, against the American farmer. This administration did the right thing.

Now, let us look at what is being said. The pasta industry says this is going to have a very negative effect on the U.S. pasta industry; pasta producers are going to pay higher prices, which are also going to hit the consumer.

Now, look, this proves you do not have to think to run a pasta association, I guess. Let me show you a chart. And let us have a little show and tell. I say to the pasta manufacturers, bring your noodles, bring your linguini, bring your lasagna, your spaghetti here to Capitol Hill and let us talk. Let us find out what you did with the price of your macaroni when the price of durum went up and down.

I can show you 3 years when the price of durum wheat went down and the price of macaroni went up. Why? Why, when the price of durum wheat collapses $2 a bushel can you not walk into a grocery store, if there is such a relationship between durum wheat and macaroni, and find that macaroni prices are down in the grocery store? The fact is the pasta industry seldom, if ever, reduces their prices irrespective of what is happening to the price of durum wheat. That is a plain fact. If they dispute it, they ought to come to Capitol Hill and let us talk about it.

Second, that great bastion of knowledge about agriculture and trade, the New York Times, wrote an editorial that says the Clinton administration is keeping Canadian wheat out. Nonsense. A substantial amount of Canadian wheat will continue to come in. This administration just took the first action that finally says let us begin to stop this speeding train.

With all due respect to those folks who apparently wear coveralls and go to the New York Times every morning and think about agriculture and write these editorials, they ought to get the facts. The facts are this was unfair trade. This administration had every justification, in fact a requirement, to intervene on behalf of the U.S. producers. I am just flat sick and tired of every time there is a dispute between the big moneyed interests and the little folks, big moneyed interests win. This is a dispute that pits the big moneyed interests, some of the biggest food companies in this country with record profits, against the economic interests of the small family farmer. And guess who always wins?

Well, this administration finally stood up for the interests of the family farmer. It is about time. We could not get the time of the day from the Bush administration. This administration has taken action against Canada, and it ill-behooves the editors of the New York Times to write an editorial that does not contain the facts and reaches the wrong conclusion. And it certainly ill-behooves those who manufacture macaroni and spaghetti and lasagna in this country to tell us their prices have much to do with durum wheat. The fact is they buy durum. It does not matter what the price is; they jack up the price of pasta products in the grocery store. When durum wheat prices drop $2 a bushel, I defy anybody to go to the grocery store and find the beneficial nature of these big food corporations to rush in and reduce the sticker price of macaroni. It does not happen. Frankly, they take advantage for their own economic interests, for their own profits, and they care little about those who raise the durum wheat that produces the semolina flour that is eventually produced into a piece of elbow macaroni.

So I applaud the Clinton administration and Ambassador Kantor. It is about time. I ask the New York Times to write an editorial with the right facts, and that will lead you to the right conclusion. I say to the pasta manufacturers, if the price of macaroni has anything to do with the price of durum wheat, then let us see some reduced pasta prices for a change.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Mr. DURENBERGER. How much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator from Minnesota has 5 minutes.

Mr. DURENBERGER. I rise first to thank my colleague from North Dakota for his statement, and, in my time this morning, I would add to it the discussion of barley and some other situations that we have in common.

HEALTH CARE REFORM

Mr. DURENBERGER. Mr. President, I listened with interest to my colleague, the majority leader, this morning talk about health care reform and the schedule we are on, and I am glad we are getting to that point. I appreciate also the comments about the fact it is time to rise up and do what is good for America. So I would like to take just a couple minutes this morning and remind everyone in this Chamber of a visual that I hope they cannot and do not forget, and that is the President of the United States, William Jefferson Clinton, on January 25, 1994, speaking on the subject and the challenge of health care reform, holding up his veto pen and saying: If the legislation you send me does not guarantee every American private health insurance that can never be taken away, I will take this pen, veto that legislation, and we will come right back here and start over again.

I hope that during the course of the debate, I and others will have an opportunity to continue to repeat that promise: If the legislation you send me

does not guarantee every American private health insurance that can never be taken away, I will take this pen and veto that legislation.

Mr. President, we can get ready right now to veto the Gephardt bill, the Clinton bill, and the Mitchell bill. Not a one of these bills meets the test of the President of the United States. Neither does anything that the President has said since January 25, with the exception of one very lucid response to a Governor in Boston when he spoke on the subject of universal coverage. All of the rhetoric since January has been on the word "guarantee" and none of the rhetoric has been zeroed in on "private health insurance."

In all the talk about promises about universal coverage, about mandates, about triggers, hard and soft and in between, I have never forgotten the President's insistence on private health insurance for every American.

Mr. President, the bills presented by President Clinton, by Mr. MITCHELL and Mr. GEPHARDT do not guarantee private health plans to all Americans. The only way to make good on that guarantee is to give everyone an opportunity to buy a private health plan. The only way to make good on that guarantee is to make that plan affordable to every person to whom the guarantee is made. Otherwise, it is an empty promise. The only way to get affordable prices on health plans is to reduce the cost of medical and insurance services, maintain and improve quality of care, and expand access to those services. And the only way to improve quality and lower prices is through market competition.

So as I began looking through the 1400 or so pages of the latest Democratic proposal, Senator MITCHELL's bill, I went on a hunt for a marketplace. I have been through this drill before, back in a snowstorm in December, with the Clinton bill. I searched in vain for real market forces in the Labor Committee product—the same result. It is not there. And here we go again.

Mr. President, all is not lost. There is at the desk today the one bipartisan bill that has been passed through a committee of the Congress of the United States. Its number, if you care, is S. 2351. It was passed out of the Senate Finance Committee on July 2, 1994.

If you want to find out how to encourage medical markets, I urge you to read S. 2351. I urge you to listen to the comments of those of us who have worked so hard over this period of time to get to this point. Remember, the President promised the American people private health plans. The Finance Committee bill extends that promise to the elderly. For nearly 30 years, America's elderly have been forced at age 65 to join the Federal Government's single-payer system we call Medicare. The Finance Committee bill gives American elderly a way out of a wasteful Canadian system back into America, a private health plan that cannot be taken away. The Mitchell bill drops out all of those provisions. Instead, it slashes payments to the doctors and the hospitals who serve Medicare patients and uses all of the proceeds for a new drug benefit.

Mr. President, I express my appreciation to the managers of this bill for yielding time from morning business.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT

The Senate continued with the consideration of the bill.

Mr. HARKIN. Mr. President, what is the regular order?

The ACTING PRESIDENT pro tempore. The regular order is the Senate is considering H.R. 4606.

PRIVILEGE OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent, for the purposes of floor consideration of H.R. 4606, the Labor-HHS appropriations bill, that William Cordess, Ellen Murray, Ron Yucas, and Antonio Clinkscales be given floor privileges. They are temporarily detailed to the committee staff.

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

Mr. HARKIN. Mr. President, we are now on the Labor, Health and Human Services, and Education and related agencies appropriations bill for fiscal year 1995 that is now before the Senate.

So I ask Senators who have amendments, after the opening statements of me and Senator SPECTER, to be ready to offer their amendments so that we might finish at a reasonable hour yet today.

This bill before us totals $252.8 billion for both discretionary and mandatory spending. This bill is $6.647 billion below the appropriations for fiscal 1994.

So this is in keeping with the budget caps and the reductions for the 5-year period. That amount includes $182.9 billion for mandatory programs, a decrease of 4.9 percent from last year's level. It also includes $69.976 billion in discretionary budget authority.

The recommendations before the Senate is at its 602(b) outlay ceiling, so any amendments that Members want to offer today will have to be fully offset.

As the Senators know, this year has been particularly challenging for this subcommittee. As I said last year, the President presented us with a size 12 budget, but we received an allocation to accommodate only a size 9 shoe. This year, our feet got bigger, and our shoe smaller.

Our problem began with last year's reconciliation bill which essentially froze discretionary outlays for 5 years. That freeze presented special problems for our subcommittee, which includes nearly all of the President's people-first investments—for education reform, job retraining, and children's programs—and 40 percent of the President's entire investment package, far greater than any other subcommittee. And more than all this subcommittee's increases were devoted to those investments. In fact, the President's original budget called for $2.6 billion in increase for his investments, which is greater than the overall net increase in outlays for this subcommittee.

Our situation got worse with the allocation process. A combination of CBO's rescoring of the President's budget and the Exon-Grassley amendment to the budget resolution forced $3.6 billion in cuts to the President's overall budget. The end result of the President's appeal was that our subcommittee suffered a cut in its allocation nearly equal to the Defense Subcommittee, even through defense is nearly three times larger than ours.

As with every year, this subcommittee and staff faced additional pressures from the numerous requests by other Senators for increases in their particular programs. This year, staff received more than 1,000 requests from 96 individuals Senators.

I also want to say that I am grateful to the President and his staff for helping us to find additional sources of budget authority and outlays for this subcommittee to help meet at least most of the requests and the needed investment package in our subcommittee.

Our bill provides 43 percent of the increases the President requested for his investment programs, including:

A total of $1.296 billion for dislocated workers assistance, $120 million for one-stop career centers, $1.08 billion for Job Corps, and $200 million evenly divided between the Departments of Labor and Education for the school-to-work initiative;

A total of $3.544 billion for Head Start, a $220 million increase over last year; and $634 million for Ryan White, a $54 million increase, and the President's request for immunizations;

A total of $11.33 billion for NIH, a $395 million increase over last year; and

A total of $7.7 billion for the President's education investments, including $428 million for Goals 2000, and $6.7 billion for title I.

In addition, the subcommittee has provided $1.385 billion for the Low-Income Home Energy Assistance Program. That is $160 million more than the House figure, and $655 million more than the President's request. In addition, we have included $1.475 billion in advance funding for fiscal 1996, and $600 million in an emergency fund. I want to specially thank Senator SPECTER for all his efforts to increase funding over the House level for this important program.

Also, the subcommittee has provided $100 million for a new program providing construction and repair grants to disadvantaged urban and rural school districts. Neither the administration request nor the House bill included funds for this activity.

I believe that this is going to be a very important program that we are starting to help rebuild, and renovate schools in disadvantaged areas. It will provide jobs for people to work, and I think it will be one of the best welfare programs we have ever had because not only will it put people to work, but it will put them to work renovating, rebuilding, and building schools in urban and rural areas, disadvantaged areas.

Like last year, the subcommittee has included a number of provisions to reduce administrative costs, reduce duplication, and promote consolidation of programs within our jurisdiction.

In response to the recommendations of the Vice President's National Performance Review, this subcommittee eliminated 25 existing programs or programs that were created by the House in this year's appropriations bill.

Our bill freezes program management accounts for most departments, including the Department of Education, the Administration on Aging, HRSA [Health Resources Services Administration], and Administration on Children and Families. In addition, our bill cuts below the fiscal 1994 levels, the administrative accounts for several other offices, including the Office of the Secretary at HHS, the Centers for Disease Control and Prevention, AHCPR, SAMHSA Program Management, and the Assistant Secretary for Health.

Limits have been placed on employee bonuses for all agencies, requiring that no more than 1 percent of all salary and benefit funds can be used for employee bonuses. Furthermore, we have capped the number of employees in a single agency who can receive cash awards.

So I wanted to bring that especially to Senators' attention. I know we always have amendments that say we will take money out of salaries and expenses and we will put them into a program that we like. Again, I want to repeat for emphasis sake that in most of the management accounts we have frozen them or we have cut them below last year's level, and we put the limit on how much bonuses can be given out.

So I ask Senators to please take that into account if they have such amendments in mind.

Following up on several hearings our subcommittee held this year on waste, fraud and abuse, our bill takes several steps to implement the recommendations from those hearings. Specifically, the bill provides for—

An increase of $7.2 million for payment safeguards to eliminate overcharges to the Medicare Program. Historically, payment safeguards have been documented to save $14 for every $1 invested.

A pilot demonstration of an information system designed to help investigators detect potential Medicaid fraud. Such automated systems are an effective tool in combating health care fraud.

A requirement that prevents payment of workmen's compensation benefits to convicted felons. This requirement expands on the restrictions we imposed last year that eliminated workmen's compensation benefits for those who defrauded that program.

Increased monitoring by the Social Security Administration to identify and suspend SSI benefits to recipients who do not comply with drug or alcohol treatment requirements; certification from Government contractors that they will not knowingly claim costs that have been previously judged unallowable. Additionally, should a contractor be convicted of filing such a fraudulent claim, the conviction will be a felony punishable by fines and/or imprisonment.

So, Mr. President, there are many highlights, but I will not take the time to discuss them again. I want to yield to Senator SPECTER for any comments he would like to make and say that we are indebted to Senator SPECTER for his advice and assistance throughout this long process. His counsel is reflected throughout this bill and report, and I am grateful to him and his staff.

Following his comments, we will be open for any statements or amendments Members wish to make. Any amendments that are offered will, of course, require appropriate offsets.

As in previous years, $500,000 of the funds appropriated for targeted training grants under OSHA's compliance assistance activity is to be used to award demonstration grants for people employed in the logging industry. People in this hazardous industry have and will continue to benefit from continued efforts under the pilot worker safety program.

Mr. President, I ask unanimous consent that a statement clarifying several provisions in the committee report, Senate Report 103-294, accompanying this legislation, be printed in the RECORD.

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

SENATE REPORT 103-318 CLARIFICATION

On page 85, under the section dealing with the National Institute of Allergy and Infectious Diseases, the language concerning "Infertility and Contraceptive Research" should be moved to the section dealing with the National Institute of Child Health and Human Development.

Mr. HARKIN. I yield the floor.

Mr. SPECTER addressed the Chair.

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

Mr. SPECTER. Mr. President, at the outset, I compliment the chairman, Senator HARKIN, his staff, and my staff, on an extraordinary job of accommodating many, many conflicting interests.

The appropriations bill on discretionary accounts amounts to slightly less than $70 billion. While that may sound like a great sum of money—and it is—accommodating the appropriations process for labor, health, human services, and education is an enormous task.

I will supplement what Senator HARKIN has said by way of brief summary, because there is an interest in moving ahead to complete this bill today, if we can.

With respect to the issue of health and human services, we have added to the National Institutes of Health almost $400 million, bringing that account to $11.3 billion. That is the account which has been consistently increased, notwithstanding frequent requests by the Presidents, whether they are Democrats or Republicans, to have a cut in that account. This is my 14th year in the Senate, my 14th year in service on this subcommittee, and there has been consistent attention to that account, notwithstanding the cuts in the budget generally. I believe that has served America, really, and the world, tremendously.

We have seen advances in technology. We have seen advances in gene research. So now there are marvelous breakthroughs on cystic fibrosis, cholesterol, Alzheimer's disease, and enormous progress on AIDS and cancer, and technical developments with mechanisms like the MRI, of which I personally was a major beneficiary last year.

I think that is an enormous achievement where there will be additional funds for research on many lines—AIDS, breast cancer, prostate cancer. There have been specific additional increases in funding on screening for breast and cervical cancer, an increase of almost $22 million; increases in funds for Ryan White and other AIDS services. So that on the medical side, as the Congress is looking at comprehensive health reform, this subcommittee has been hard at work on providing very important funding for very important matters.

With respect to education, again, there has been priority treatment here with additional funding for Head Start for youngsters, some $220 million extra, now totaling in excess of $3.5 billion a year, on the recognition that early education is so important. Even Start has had an increase in funding. We have had an increase in student financial assistance on the basic recognition that education is so vital for our society as we move into the 21st century.

With respect to mine safety and health, there has been an increase in funding for black lung, provisions for

dislocated workers, Job Corps, school-to-work programs; and I think that we have taken a very hard look at the priorities and have come up with a bill which is as carefully crafted as possible. I think it meets the objectives and priorities of the sums of money involved.

LIHEAP—Low-Income Housing Energy Assistance Program—has been of tremendous concern as those funds have been decreased. It is a matter of enormous importance in Iowa, Pennsylvania, the New England States—all over the country. There has been a considerable addition in LIHEAP in this bill.

EXCEPTED COMMITTEE AMENDMENTS

Mr. HARKIN. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc; that the bill, as thus amended, be regarded for the purposes of amendment as original text, provided that no point of order shall have been considered to have been waived by agreeing to this request; and that the following committee amendments be excepted from this en bloc request:

Page 25, lines 8 through 13; page 50, line 17; page 78, line 16 through page 81, line 8; page 63, line 5 through page 64, line 4; page 68, line 18 through page 69, line 5; page 78, line 24 through page 79, line 15.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HARKIN. Mr. President, we are ready to go to amendments at any point.

I yield the floor.

Mr. SPECTER. Mr. President, I believe it is in order that I request unanimous consent that the pending committee amendment be temporarily laid aside and that it be in order to consider the committee amendment beginning on page 25, line 8; is that correct?

The PRESIDING OFFICER. The Chair advises the Senator that that is the pending committee amendment; therefore, no unanimous consent request is required.

AMENDMENT NO. 2460 TO THE EXCEPTED COMMITTEE AMENDMENT ON PAGE 25, LINES 8 THROUGH 13

(Purpose: To prohibit the use of the United States Armed Forces in Haiti)

Mr. SPECTER. 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 Pennsylvania [Mr. SPECTER] proposes an amendment numbered 2460.

Mr. SPECTER. 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 25, line 13, before the last period, insert the following:

SEC. 108. PROHIBITION ON THE USE OF THE UNITED STATES ARMED FORCES IN HAITI.

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

(1) Article I, Section 8 of the United States Constitution provides that Congress shall have the sole power to declare war; and

(2) On July 31, the United Nations Security Council adopted Resolution 940, which authorizes member states of the United Nations to use all necessary means to facilitate the departure from Haiti of the military leadership, consistent with the Governors Island Agreement, the prompt return of the legitimately elected President, and the restoration of the legitimate authorities of the Government of Haiti.

(b) PROHIBITION OF UNITED STATES ARMED FORCES IN HAITI.—The President is prohibited from using the United States Armed Forces to facilitate the departure of the military leadership and the restoration of the legitimately elected government.

(c) The prohibition in subsection (b) does not apply if—

(1) the use of the United States Armed Forces in Haiti is authorized in advance by Congress;

(2) the temporary deployment of forces of the United States Armed Forces into Haiti is necessary in order to protect or evacuate United States citizens from a situation of imminent danger and the President reports as soon as practicable to Congress after the initiation of the temporary deployment, but in no case later than 48 hours after the initiation of the temporary deployment; or

(3) the deployment of forces of the United States Armed Forces into Haiti is vital to the national security interests of the United States (including the protection of American citizens of Haiti), there is not sufficient time to seek and receive congressional authorization, and the President reports as soon as practicable to Congress after the initiation of the deployment, but in no case later than 48 hours after the initiation of the deployment.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. McCAIN. Mr. President, I believe that once the amendment is proposed, the Senator loses the right to the floor.

The PRESIDING OFFICER. Once the amendment is offered, the floor is open for recognition, but the Chair recognized the Senator from Pennsylvania.

Mr. SPECTER. I thank the Chair. I will be glad to yield to my colleague from Arizona.

Mr. McCAIN. Mr. President, the only reason I sought recognition was to ask the Senator if he was prepared to enter into a time agreement on this particular amendment. That was the only reason.

I yield back to the Senator.

Mr. SPECTER. I thank the chairman. I am prepared to do that.

Senator HARKIN and I had discussed the time agreement and it is agreeable to have a 1-hour time agreement equally divided.

Mr. HARKIN. Mr. President, if the Senator will yield, I will propound a unanimous consent request.

UNANIMOUS-CONSENT AGREEMENT

Mr. HARKIN. Mr. President, I ask unanimous consent that at 11:30 a.m., Senator McCAIN, or his designee, be recognized to move to table the Specter amendment No. 2460, with the time between now and then equally divided and controlled in the usual form, with no other amendments in order prior to the vote on the motion to table; that the time be controlled by Senator SPECTER, or his designee, and by Senator McCAIN, or his designee.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Who yields time?

Mr. SPECTER. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 10 minutes.

Mr. SPECTER. Mr. President, the amendment proposes that there be a prohibition on the use of armed forces in Haiti unless there is specific authorization in advance by Congress or the temporary deployment of forces in Haiti is necessary in order to protect or evacuate United States citizens or the deployment of forces is vital to the national security interests of the United States and there is not sufficient time to seek and receive congressional authorization.

We have debated the Haiti issue substantially on this floor, Mr. President, in the course of the past several weeks, and I believe that it is necessary to consider this amendment for a number of reasons.

One reason is that notwithstanding the sense-of-the-Senate resolutions expressing the concern of the Senate and objecting to the deployment of military forces in Haiti, the President of the United States has continued to say that he does not have to get congressional authority to move ahead with an invasion in Haiti.

It is my view that the President is incorrect and that as a matter of fundamental constitutional law, where the sole authority to declare war resides in the Congress, and the Congress has spoken, the Senate has spoken in opposition to an invasion in Haiti, the President may not proceed on the current record without a change in circumstances or cannot proceed when Congress is in session and there is an opportunity for the President to come to Congress to get congressional authorization as the Constitution requires.

The President had a news conference on Wednesday night, August 2, the day before yesterday, and it was reported in the New York Times, August 3, and I read a brief extract of the President's statement at that time. This is with respect to Haiti:

I would welcome the support of the Congress, and I hope that I will have that like my predecessors of both parties. I have not agreed that I was constitutionally mandated to get it, but at this moment I think we have done all we need to do because I do not want to cross that bridge until we come to it.

The suggestion has been made, Mr. President, that this type of an amendment is premature, but it is my view that we do not know when the Congress will recess. We do not know when the President may proceed to use force in Haiti, and it is necessary that the Senate speak as clearly and as unequivocally as possible and the Senate speak promptly after the President's statement on Wednesday night.

When the United Nations moved to authorize the use of force in Haiti at the request of the United States, it seems to me that the President, short of coming to Congress, had taken the last step to set the stage for the invasion of Haiti. On Monday of this week, the day following the United Nations action, I asked the majority leader if he had an intention of bringing to the floor a resolution authorizing the use of force as the Congress considered such a resolution before the war in Iraq, and the majority leader told me that he had not considered that but would do so. I talked with him again yesterday afternoon, and he advised me that he thought it was premature to undertake such a consideration of such a resolution. I respectfully disagree with the majority leader because I believe that it is necessary to consider that resolution at this time.

The majority leader has considerably more power in the premises than does any other Senator because the majority leader establishes the schedule of the Senate as to when we will be here. I do not know how long the Senate will be in session during the month of August before the break if there is to be a break. I understand, too, that the majority leader cannot be sure, depending upon how long the debate takes on the crime bill and how long the debate takes on the legislation for reform of our health system.

But the majority leader does have the authority to keep the Senate in for an extra day or two, and the majority leader does have the authority to set the agenda so that if he sets forth a resolution for the use of force in Haiti as he set forth a resolution for the use of force in Iraq back in 1991, he has that control which is obviously greater than the control which any other Senator has.

The other consideration on what may or may not be premature is that it is impossible to make a determination as to what the President will do. He has not said that he is going to use force or established any timetable, and there is substantial speculation in the press about when it may or may not occur. But it is entirely possible that the President may decide to use force and to invade Haiti when the Senate goes out of session later in August or perhaps in early September. I believe it is vitally important that the Senate, as one of the two Houses of the Congress, speak as emphatically and as directly as we can on this subject.

There have been a series of amendments and the sense-of-the-Senate resolutions passed by overwhelming numbers expressing our sense that there not be an invasion of Haiti. When the resolutions have taken a slightly different form, that is, to prohibit funding for an invasion, a different result occurred largely along party lines with the Senate being unwilling to cut off funding for an invasion in Haiti, and then after that, an additional amendment was offered again expressing the sense of the Senate that there not be an invasion and that resolution passed in large numbers. And then the distinguished Republican leader, Senator DOLE, and Senator GREGG offered an amendment saying that the U.N. resolution on the use of force did not constitute authorization by the Congress, and that passed unanimously 100 to nothing.

That was an important resolution because there is some legal theory that the United States is bound by treaties that become the supreme law of the land, and there might be a commitment by the United States to proceed to use force—notwithstanding the constitutional provision—because of the authorization by the United Nations.

One of the difficulties is that the sense-of-the-Senate resolutions are not binding. I considered what might be done procedurally to set forth a resolution authorizing the use of force and then arguing against it because I believe we should not invade Haiti, and I considered a sense-of-the-Senate resolution and decided that a more direct and a more binding way is to provide for a prohibition on the use of United States Armed Forces in Haiti. And that is what this amendment provides.

There are two issues, Mr. President, involved here. One is the constitutional issue, and the second is the public policy as to whether Haiti ought to be invaded. I think that the constitutional issue is institutionally the more important by far.

Taking up the question of an invasion of Haiti on the merits, there has been a virtual unanimity or overwhelming majorities in the Senate, 98 to 2 and, I believe, 93 to 4, on the sense of the Senate that Haiti should not be invaded, that we do not have vital national interests at stake. When we went into Haiti in 1915, we were there some 19 years, and it was a mistake then, and it will be a mistake now.

The President, in his press conference on Wednesday, uses another concept, a concept of fundamental interest as he articulates it. The word "vital" interests, I think, has some substantial meaning. I do believe that the Senate is virtually unanimous that there is not a vital national interest in invading Haiti, and the House of Representatives has spoken on the matter as well.

And yet, in the face of that, the President persists in saying that "I have not agreed that I was constitutionally mandated to get it"—"it", obviously, referring to congressional approval.

Mr. President, I believe that we have strayed a long way in the United States from the head-on recognition of Congress' sole authority to declare war and have moved a great deal where the powers of the President, as Commander in Chief, have been expanded.

This is a subject that I have been concerned about long before coming to the Senate, and have expressed myself on it on many occasions in my 14 years here in the Senate.

Korea, by all accounts, was a war, but Congress never declared war there. Once the President initiates an action—as President Truman did on June 25, 1950—Congress could exercise power by limiting funds, but has never done that. It is, as a practical matter, not realistic to cut off funding once the President has dispatched troops to the field.

I recall the day well, June 25. I started that day at Lowry Air Force Base in ROTC summer training between my third and fourth years at the University of Pennsylvania. When several thousand young men started that training, the thought in all of our minds was that we probably would not take the khaki off with the Korean war starting. We were not correct on that. I went back, as did the others, to finish my 4 years of college and then served as a lieutenant in the Office of Special Investigations in the Air Force stateside.

But it seemed to me at that time the constitutional mandate was not observed. Then we became embroiled in the Vietnam war. There was never a declaration of war there, and we had the Gulf of Tonkin resolution. I think Vietnam demonstrated that the United States could not fight a war without public support. The first line to get that public support is in the Congress. And I think that applies today to Haiti, as well.

When we had issues on Lebanon, the matter was debated under the War Powers Act. I had a debate with Senator Percy about whether Korea was a war, about whether Vietnam was a war. Senator Percy then was chairman of the Foreign Relations Committee and the best person to talk to about that. He agreed that both of those events constituted war, and yet there had not been a declaration. I consulted with Senator Baker, then our majority leader, and went through the laborious task of drafting a complaint to try to get a Supreme Court determination of the relative authority of the President and the Congress under the constitutional provisions. I tried to get a submission to the Supreme Court with the agreement of the President, not that that necessarily would have prevailed, where the Court takes only cases in

controversy, and the White House turned it down at that time.

We have seen the matters evolve in many situations which I will not go into now. But I think it is safe to say, Mr. President, that there has never been a situation like Haiti, where the Congress has spoken repeatedly and definitely on our judgment that we should not invade Haiti and the President has come back and, on Wednesday night, says again that he does not consider it necessary to get congressional authorization.

I was one who spoke out early on the Iraq situation after the United Nations authorized the use of force there, spoke out and said that the President, President Bush, a Republican President, did not have the authority to use force in Iraq unless there was congressional approval.

There was a very complex series of events. Senator HARKIN spoke up on January 3, 1991 on a procedural issue, which I think compelled bringing that matter to the Senate. There was a very extensive debate. The use of force was authorized and I supported it. But I thought it was important for the Congress institutionally to make that decision, and we did at that time.

And, similarly, I think it is very important institutionally that the Congress make a decision if there is to be an invasion of Haiti.

We talk about what constitutes a war, semantics as to whether the Korean conflict was a war. Certainly, it was. In my legal opinion, where there is an invasion of Haiti under these circumstances, it is a war; not a war that will necessarily be hard to win. But what do we do after we are there? And what does it do to the institutions of American Government where the constitution is explicit that only the Congress has the authority to declare war?

Congress has spoken about its sense of the matter and we have a renewed statement by the President of the United States that he does not consider himself to be constitutionally obliged—"I have not agreed that I was constitutionally mandated to get it," referring to congressional authorization.

So this is the articulation of this issue in the terms that most squarely presents the issue. That is why I have offered the amendment here. I do not wish to see this bill encumbered unnecessarily, but I think this is an important amendment. Since we have debated it in the past, I thought we could handle it in the course of an hour's debate. I am advised that the leadership does not want a vote before 11:30, so I do not think we are encumbering the process here and I do not believe that there are any other Senators who have any other amendments to offer.

But I make no apologies for offering this amendment at this time. There is no other way to take it up. We are not likely to have the defense appropriations bill on the floor before the recess. And, who knows, this issue may have to be revisited when other legislation is on the floor between now and the time of recess, depending upon what events transpire.

I inquire of the Chair, how much time remains?

The PRESIDING OFFICER. The Senator from Pennsylvania has 18 minutes and 20 seconds remaining. The Senator from Arizona has the full 35 minutes.

Mr. SPECTER. I thank the Chair and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I yield myself 10 minutes.

Mr. President, according to the unanimous-consent agreement, I will be offering a motion to table the Specter amendment at the expiration of the time.

Mr. President, it is kind of an unusual situation, because in every way I am in agreement with Senator SPECTER and the majority of this body on this issue. To me, the Specter amendment—which has been addressed in various forms in the past, and I have spoken out on this constitutional issue on several occasions—is one of an interpretation of the Constitution of the United States.

Before I go further and my friend from Pennsylvania departs, I would say that I believe that he is one of the foremost constitutional experts in this country. I believe that on many occasions he has illuminated this body on the Constitution of the United States. I appreciate the many contributions he has made.

On this particular issue, we happen to disagree, although on a constitutional basis, not on whether we should invade Haiti. I appreciate the continued efforts of the Senator from Pennsylvania to alert the people of this country as to the consequences of an invasion and also an invasion without congressional approval, which the Senator from Pennsylvania correctly assumes is an extreme likelihood.

In fact, this morning's Washington Post states:

Senior officials said that at a meeting of Clinton's senior foreign policy and security advisers on Tuesday, Joint Chiefs of Staff Chairman Gen. John Shalikashvili laid out a 4-to-6 week period as "optimal" for assembling and training an international coalition. September also would have the virtue of coinciding with the end of the upcoming congressional recess, should Clinton be disposed to consult.

So, I do not think there is any doubt that the congressional recess has an impact on the decisionmaking process in the White House, which I find, frankly, very distasteful.

Mr. President, it is well known, and I will not go into detail, all the reasons I am opposed to an invasion of Haiti. I do not think it is in our national security interest. I do not think it is worth the risk of American lives. Very importantly, I believe once we are there, without the ability to disengage, the ability to form some international force—which we are finding nearly impossible to get together—the chances of their succeeding are about the same as those of the multinational force that tried and failed in Somalia.

I am also deeply concerned—and I have to mention this again —that in yesterday's New York Times and again in this morning's Washington Post, Mr. Strobe Talbott, the No. 2 person who is described as being the lead person on this issue, is in opposition to speaking with or negotiating with Mr. Cedras and those other thugs in Haiti. He said he found it, according to the New York Times, "morally repugnant," although he did not in the past find it morally repugnant for the United States to talk with Mr. Brezhnev who invaded Afghanistan and slaughtered thousands of innocent people. But he finds it morally repugnant to talk to Cedras. Whereas Secretary of Defense Perry, as portrayed by the media, strongly feels we should try everything, every possible avenue before we put American lives at risk.

Mr. President, I ask unanimous consent this article from the Washington Post be printed in the RECORD at this time.

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

BEST TIME TO INVADE HAITI IS WEEKS AWAY, AIDES SAY

(By Ann Devroy and Daniel Williams)

President Clinton's top advisers have concluded they need until at least mid-September to launch an invasion of Haiti under "optimal" conditions, senior officials said yesterday.

That conclusion, reached following a series of high-level meetings on Haiti this week, is based on what officials said was the time required to enlist and train the international component of an invasion force headed by the United States, although so far no country has stepped forward to join such a force. Argentina, the only country to have made a public commitment, yesterday withdrew.

Officials say they also want to plug the porous border with the Dominican Republic, long a major hole in the economic blockade of Haiti. About 30 percent of Haiti's energy needs are met with gasoline and oil coming across the border.

"It will be a matter of some weeks" before the United States is prepared to invade, said one official, although others noted that if American lives were threatened or Haiti exploded in violence, military action could be undertaken right away.

Another high-ranking official said that President Clinton, who was involved in some but not all of the meetings, has "a great number of individual decisions to make," including a determination that economic sanctions will produce no further progress and invasion is the only option to achieve his goal of ousting Haiti's military rulers.

Pending decisions include whether to issue a public deadline for their departure from

the country, whether to send a high-profile envoy to Haiti to deliver an ultimatum to the military, and whether to enlist support in Congress for an invasion.

The delay in reaching decisions has costs, for Haiti suffering under sanctions and a repressive regime, but also for Washington in its efforts to synchronize policy with other countries.

Even as efforts to collect invasion partners have been unsuccessful so far, Venezuela and other hemispheric governments that oppose invasion prepared a separate diplomatic approach to Haiti. The Venezuelans have proposed sending a delegation of foreign ministers to Haiti to offer a secure and comfortable exile to Haiti's military leaders, and amnesty for their subordinates left behind.

If Haitian military leaders Lt. Gen. Raoul Cedras and others refuse, the ministers would warn of invasion, Venezuelan officials said. Yesterday Venezuela put the plan on hold pending a clear sign from the United States that invasion would follow an ultimatum. "We don't want to go with a weak hand," said Enrique Tejera Paris, Venezuela's ambassador to the United Nations.

U.S. officials expressed some dismay over the Venezuelan proposal, however, saying it might cause greater delay if it involves prolonged negotiation. The officials also said they feared it would result in letting Cedras and the others off the hook.

Senior officials said that at a meeting of Clinton's senior foreign policy and security advisers on Tuesday, Joint Chiefs of Staff Chairman Gen. John Shalikashvili laid out a four-to-six week period as "optimal" for assembling and training an international coalition. September also would have the virtue of coinciding with the end of the upcoming congressional recess, should Clinton be disposed to consult.

The officials discussed but rejected setting an internal deadline for the Haitian rulers to leave, fearing that it would become public and tie the administration's hands. Defense Secretary William J. Perry was particularly opposed, senior officials said.

Secretary of State Warren Christopher argued for no further negotiations with the Haitian military, but he was opposed by Perry who said that all options should be given a chance because American lives would be at stake.

Deputy Secretary of State Strobe Talbott and Perry clashed over whether financial inducements should be offered to Cedras and others, with Talbott opposing, officials said.

White House and other administration officials yesterday attempted to portray the administration as united, with everyone in agreement that the United States must lead an invasion force as a "last resort" and that all other options would be exhausted first. The rest was mere debate over tactics, they said.

Clinton has "not even entered this discussion seriously," a senior official added.

Supporters and advisers of deposed President Jean-Bertrand Aristide here suspect that delay is a maneuver by the Clinton administration to prepare for compromise with anti-Aristide political forces in Haiti. They say that Talbott and Clinton's national security adviser Anthony Lake have talked of a need for a political counterweight in the Haitian government to Aristide, viewed as radical by many U.S. officials.

Meanwhile, White House press secretary Dee Dee Myers said yesterday that the United States has asked Haitian authorities for permission to send a charter plane to pick up as many as 500 Haitians who have been approved to come to the United States as refugees. She said no response has been received.

Haiti has been without international air service since Sunday, when Air France, the last carrier operating out of Port-au-Prince, suspended all flights. American and other international carriers stopped serving Haiti weeks ago as part of the international sanctions.

Myers said that if the U.S. request to send a charter plane is turned down, other means of evacuating the Haitians will be explored, according to the Associated Press.

In addition to the 500 who are ready to leave, another 1,000 or so Haitians also have been declared eligible for refugee status but are not ready to travel because their paperwork is not complete.

Officials said they are pleased with current trends, noting only one Haitian has been rescued at sea since Sunday. In contrast, more than 3,200 were saved on July 4, the most since Haitians began to flee after Aristide's ouster almost three years ago.

Mr. McCAIN. "Deputy Secretary of State Strobe Talbott and Perry clashed over whether financial inducements should be offered to Cedras and others, with Talbott opposing, officials said."

Then most alarming of all, Mr. President—in fact I find it unbelievable—the article says, "Clinton"—obviously President Clinton—"Clinton has 'not even entered this discussion seriously,' a senior official added."

Here we are making plans for an invasion of Haiti and the President of the United States has "not even entered this discussion seriously." Give me a break. I think it is time that the President of the United States entered this discussion seriously.

We have sent, in clear and unequivocal terms within the constitutional constraints of this body and the Congress of the United States, the views of the Senate of the United States against an invasion of Haiti. I believe the 100-to-0 vote that just occurred in this body within the last 48 hours on a resolution stating unequivocally that authorization by the United Nations does not constitute authorization by the Congress of the United States sends a clear message. Time after time both bodies in this Congress have sent sense-of-the-Congress resolutions saying we are opposed to an invasion of Haiti. The message is clear, and it reflects the overwhelming majority view of the American people.

My problem with the Specter amendment is that it exceeds the authority of the Congress of the United States. The first military endeavor in the history of this country was a dispatch of naval forces to the Mediterranean to stop the Barbary pirates, as they were then known, from interfering with U.S. commerce in the Mediterranean. The great nations were not disturbed by these pirates. Those ships were sent. They engaged in combat—very successful combat I am happy to say. There was conflict, they took casualties, and the Congress of the United States never made a declaration of war or even a declaration of approval. That has been the case throughout.

Senator SPECTER mentioned the case of Korea. I would say to Senator SPECTER, at any time if the Congress of the United States had shown the willingness to do so, they could have had a resolution on a declaration of war. They chose not to.

There was a case, I inform my friend from Pennsylvania, in the case of Cambodia, where the Congress of the United States did cut off funds which prevented further aerial bombardment of Cambodia. I did not happen to agree with that decision of Congress, but there is historical precedent for congressional action, after the President of the United States acts.

Why is that? Why did our Founding Fathers give this enormous authority to one person, the Commander in Chief of the U.S. Armed Forces, the President of the United States? Because legislative bodies cannot anticipate events in the world. If we use the philosophy and the line of thinking of this amendment, we should be considering as amendments to this bill resolutions by the Senate prohibiting our engagement in Rwanda. Right now there is a possibility of our being involved militarily in Rwanda. Perhaps this body wants to speak on that issue.

In Bosnia, clearly the Bosnian peace process is breaking down. Should we be considering legislation prohibiting the President of the United States from engaging militarily in Bosnia? I do not want the President of the United States to engage militarily in Bosnia, but I can draw a scenario where, if the Balkan conflict spreads throughout the region, then maybe, tragically the United States may have to be involved. But should we have passed an amendment, a binding amendment on the President of the United States that he not go into Bosnia?

Mr. President, it is impossible for legislative bodies to anticipate world events. That is why our Founding Fathers put those responsibilities, enormous responsibilities—the lives of American service men and women—within the authority of the President of the United States of America.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Arizona has 26 minutes 30 seconds remaining.

Mr. McCAIN. Mr. President, we put that enormous responsibility into the hands of the President of the United States because there is no way that a legislature can anticipate events in the world which would require U.S. reaction. And that is particularly true in the 20th century.

But if the President of the United States embarks on a wrong or dangerous course—on a course which involves the needless and wasteful loss of American lives, then the Congress of the United States does have the clear responsibility—not just the privilege or

right, but responsibility—to act. We have the power of the purse. If the President of the United States leads this country into some kind of military debacle, then we can cut off those funds. That is clear. That was exercised, as I mentioned, in the case of the bombing of Cambodia back in the year 1973, if I remember correctly.

So the problem that I see here is that if we approve an amendment, no matter how well-meaning and no matter how much I share the goal of prohibiting the President of the United States from invading Haiti, there is no reason why we should not be able to prohibit the President of the United States from going anywhere in the world. And, unfortunately, this body, the Congress of the United States, does not have the clairvoyance and ability to predict events anywhere in the world.

Two or three years ago, I do not believe there were many Americans who knew where Bosnia was. Unfortunately, today most Americans do not know where Macedonia is, where we happen to have a few hundred marines stationed. I do not believe the people of this country are appreciative—nor should they be—of the flash points of the world, nor of the fact that there are conflicts going on in 40 places in the world. It takes a wise and foresighted foreign policy in order to anticipate where the United States may have to be militarily involved, where our vital national security interests are threatened.

I would say again to my friend from Pennsylvania, elections have consequences. Elections have consequences, as we all know. I supported and I believe that the foreign policy of the Reagan-Bush administration will go down in history as perhaps one of this Nation's finest hours in the conduct of foreign policy. I do not have to review for my colleagues the incredible events that took place between the years 1981 and 1993 that literally changed the shape and complexion of this world. Our children can now go to sleep at night without fear of a nuclear exchange. But the fact is, at no time during those years would I have contemplated prohibiting the President of the United States from military actions any place in the world.

In 1983, when we were considering a resolution about Beirut, I went to the floor of the House of Representatives where I was at the time and spoke as passionately as I could in opposition to sending our marines to Beirut. I wish they had listened to me because 241 young marines would be alive today. But I exhausted my responsibilities at that time as a Member of Congress, just as, when we pass resolutions as to what the sense of this body is, we exhaust our responsibilities, as tragic as it may be. And the fact is, the President of the United States, Bill Clinton—although I obviously wish it were not Bill Clinton because I am of the opposite party—has that responsibility. It was given to him by the American people. And as long as he is Commander in Chief I intend to help him carry out his responsibilities, although I will closely monitor them. And if he goes wrong, I will take every constitutional action to try to prohibit further mistakes and further loss of American life.

Mr. President, I believe that there have been serious mistakes made. I have ventilated my views on this issue many times on this floor. But the fact is that the President of the United States is given the responsibility, the most grave responsibility of sending into harms way our greatest national treasure, our young men and women.

So, Mr. President, with all due respect to Senator SPECTER, whose knowledge of the Constitution I am deeply appreciative of, and whose impassioned interest on this issue and many other foreign policy issues has been a great service to this body and this country, I will seek to table the amendment.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank my colleague from Arizona for those comments. I understand his background as a naval pilot, and I appreciate the comments he has made about the authority of the President. But where we join issue, and where I disagree with him categorically—if I might have the Senator's attention because I would like to discuss this one point—is the point about prohibiting him from acting, which does bind him.

I agree with most of what Senator MCCAIN had to say. When he talks about the Cambodian situation, Congress did withdraw funds, but that was on bombing, which is very different when you have forces on the ground. So I think it would be impossible for the Congress realistically to stop ground forces once they were in Haiti, just as I think it was impossible for the Congress to stop ground forces in Vietnam, although there was much sentiment in this body and in the House against the Vietnam war.

When the Senator from Arizona says that the necessity exists for Executive action in cases of emergency if something unforeseen happens, I agree with him. I have tried to craft the exceptions very much as Senator GREGG did in an amendment which Senator MCCAIN approved cutting off funds. I believe he voted for that amendment.

Mr. MCCAIN. I say to my friend I voted against that.

Mr. SPECTER. I thank the Senator for the correction. I had thought he was with us on that.

But coming to the merits as to what he has argued, this prohibition would not apply under three specific circumstances. One of the circumstances is when the temporary deployment of forces of the United States into Haiti is necessary in order to protect or evacuate United States citizens from a situation of imminent danger. And a second exception would be when the deployment of forces into Haiti is vital to the national security interests of the United States and there is not sufficient time to seek and receive congressional authorization.

So I believe that on the face of this amendment there would be sufficient latitude for the President to act if there were an emergency.

The concern that I have is that if the President moves into Haiti after the House and the Senate have spoken, and there is no change in circumstance, there is really nothing left to the congressional authority to declare war and that when the Senator from Arizona says that legislative bodies cannot anticipate all the events in the world, I agree with him on that. But I think there is sufficient latitude here.

So the question on which I take issue with the Senator from Arizona and would like a specific view, is that where you agree that the Constitution gives the authority to the Congress to declare war, and where you agree that there should not be an invasion of Haiti on the merits, if there is no change in circumstance, why should not the Congress enter a prohibition?

Mr. MCCAIN. I say to my friend from Pennsylvania, the Constitution gives the Congress the right to declare war. It does not give the Congress of the United States the right to declare peace. It does not give the Congress of the United States the right to declare, prior to the President acting, that we cannot engage militarily. The President of the United States, as Commander in Chief of the Armed Forces, can send forces into hostilities any place in the world, with the proviso that sooner or later—hopefully sooner—he should seek congressional approval.

That is my reading of the Constitution of the United States, as it was probably Thomas Jefferson's when he sent a naval task force to put down the Barbary pirates in 1801. Just as there were expeditions, in my view tragically, into Mexico on several occasions in pursuit of Pancho Villa. Just as there was another occupation of Haiti in the year 1915 that was planned to last for a few months, but unfortunately and tragically for all concerned, lasted until 1934.

There is a clear history, I will say to my friend from Pennsylvania, from the beginning of the origins of this country where military force has been used by the Commander in Chief of the United States without congressional approval. If Congress did not choose to exercise

its constitutional responsibility, I cannot blame the President of the United States for that.

Mr. SPECTER. I have a followup question. I would appreciate it if the Senator from Arizona would be willing to answer on his time because my time is whittling down, and he has a fair amount left.

Where you say the Congress does not have the authority to declare peace, the thought crosses my mind that the Congress has the sole authority to declare war. And if the President gets us involved in a war in Haiti where Congress has had a chance to speak, authorize the use of force or to declare war and there is no change in circumstance, but the President does not consider it necessary to come to Congress to get authorization to invade and, therefore, to undertake a war, is not the President really usurping the sole congressional authority to declare war?

Mr. McCAIN. I will say to my friend, if the President gets us into Haiti militarily—and if the Washington Post is to be believed and other information we have, it is increasingly likely—then the Congress of the United States has the right to act at that time, according to my reading of the Constitution of the United States.

But the Congress of the United States, in my view, does not have the authority to act prospectively. Never in the history of the United States has the Congress prohibited the President from carrying out his responsibilities as Commander in Chief of the Armed Forces.

The Senator from Pennsylvania talks about interpretations of the Constitution. I would tell him that the history of the United States indicates time after time, from our earliest history, that the President of the United States, as Commander in Chief of the Armed Forces, has engaged militarily. If Congress has not shown the guts, in the case of the Vietnam war—where at one point an overwhelming public opinion was for an immediate withdrawal—to force that withdrawal, which they had the power to do, I cannot blame the President of the United States.

We cannot do anything but open a veritable Pandora's box if we somehow establish the precept and the concept that the Congress of the United States has a right to prohibit military action anyplace in the world. I think we would then see resolutions that the President cannot engage militarily in Africa, the President cannot engage in Bosnia.

I would love to not see the United States of America involved in Bosnia. And if I were President of the United States, I absolutely would not go militarily into Bosnia, I promise you that. But I am not the President of the United States.

Where the Senator and I disagree is where the American people and the Constitution of the United States has placed the responsibilities of the Commander in Chief of U.S. Armed Forces.

Now, they have given the right and the authority of Congress to cut off funds—the powers of the purse—but if the Congress of the United States does not choose to use that, then that is not the President's responsibility. Mr. President, I would like to yield 4 minutes to Senator PELL, from Rhode Island, if that is all right.

Mr. SPECTER. Mr. President, if I may——

Mr. McCAIN. I am sorry, the Senator from Pennsylvania still has the floor.

Mr. SPECTER. Mr. President, just in response to what the Senator from Arizona has said. My interpretation is, from the thrust of our debate, that what he cited are circumstances totally different from what we have today in Haiti where Congress has expressed its view on the merits and has ample time.

The conclusion that I come to and submit to my colleagues is that if the conclusions of the Senator from Arizona are adopted and not mine, that there is nothing left of the congressional authority to declare war under the Constitution.

I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM). Who yields time?

Mr. McCAIN. I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Let me say in response to the Senator from Pennsylvania, one, the Congress of the United States has the right to declare war. They can do that without any prompting from the President of the United States, although clearly that has not been the case at any time we have chosen to declare war in the past. I believe that the Senate of the United States has spoken as much and as strongly as it can given our constitutional responsibilities and that was the 100 to zero vote on the resolution by the Republican leader and Senator GREGG that the United Nations does not constitute Congressional authorization and other sense-of-the Congress resolutions that said we do not support an invasion of Haiti. And if the President invades Haiti and it turns out to be a debacle, I would be one of the first to come to the floor of this Senate, although I would not do so at the time when American lives are at risk, at least in the beginning, and seek a prohibition and a cutoff of funds for further military involvement in Haiti which I think is clearly within the responsibilities of the Congress.

I would like to yield 4 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 4 minutes.

Mr. PELL. I thank my colleague.

Mr. President, the gist of this amendment should be familiar to every Member of this body. The Senate has rejected similar amendments which would prohibit or restrict our Presidents' ability to deploy troops in Haiti three times. While I share the desire that the United States should not use force and have so advised our President, I do not believe we should be tying the hands of our President.

I very much hope and it is very much in the interest of the United States and the people of Haiti that the ruling junta leave voluntarily so that democracy can be restored. If that is to happen, however, the possibility of the use of force to remove the junta cannot be taken off the table or called into question. It is ironic, but true, that if military action is to be avoided, the threat of it is essential.

At this point, the President has decided that rather than using force, the United States should tighten sanctions and allow them time to work in the hope of avoiding military intervention. The United States and the United Nations are working to tighten the border along the Dominican and Haitian border. The United States is providing equipment and the United Nations will send observers to help the Dominican Government enforce the embargo. And, only a few days ago, the last commercial flight servicing Haiti left Port-au-Prince, heightening pressure on the coup leaders and their supporters.

If the pending amendment were to be enacted it would seriously undermine the administration's diplomacy which focused on persuading the illegal government in Haiti that it must go voluntarily. If the amendment were to pass, it would send the very damaging message that General Cedras and his cohorts would have nothing to fear from refusing to give up power, because the Congress would see to it that the threat of force is an empty one. Indeed, the rascal leaders in Port au Prince have interpreted similar amendments considered by this body as a sign that some in the Senate do not support democracy or human rights, but instead are on the side of the thugs who continue to rule through terror.

I am certain my colleagues would agree this is not the message that we ought to send either to the junta or the Haitian people who have suffered so much—too much in fact.

This is a very strong amendment, mandatory, and actually prohibits our President from taking the kinds of actions that Presidents have taken in the past.

I urge my colleagues to oppose this amendment.

Mr. SPECTER. The question I have for the distinguished chairman of the Foreign Relations Committee is the essential question. It is true that the President of the United States has engaged as Commander in Chief in many military operations historically, but there has never been an occasion like

the one present where both bodies of the Congress have spoken as a matter of the sense-of-the-Senate, the sense-of-the House, in opposing on the merits the invasion of Haiti. If there is no change of circumstance, and there is ample time for the President to come to the Congress and get our authorization for the use of force or a declaration of war, and the President says that he does not feel mandated to do it, and all of this time has elapsed where we have been considering this for many months, what then is left of the congressional sole authority under the Constitution to declare war?

Mr. PELL. We have that right. As you know, we have not exercised it since 1941. And I think that we have that right, we can do that, but we see military actions taken without declaring war—Vietnam, Grenada, and so forth.

Mr. SPECTER. Well, my followup question would be where the Congress has the opportunity to declare war or authorize the use of force and withholds from doing so, does the President then have the authority to declare and to make war?

Mr. PELL. The President has the authority to make it de facto, not de jure, by his actions.

Mr. SPECTER. Well, I thank the chairman for that. If the Senator says that the President has the power to make it de facto, not de jure, I think that——

Mr. PELL. The Constitution gives it to the Congress de jure.

Mr. SPECTER. Right. But does the Senator think the President has the right to declare or make war de facto?

Mr. PELL. I do. He has waged war in the absence of a formal declaration several times.

Mr. SPECTER. Well, I think that underscores the necessity for this amendment to reassert the sole authority of the Congress of the United States to declare war.

I thank the Chair and yield. I thank my colleague from Rhode Island. I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. Who yields time?

The time is under the control of the Senator from Arizona and the Senator from Pennsylvania.

Mr. DOLE. How much time does the Senator from Pennsylvania have?

The PRESIDING OFFICER. The Senator from Pennsylvania has 10 minutes 6 seconds.

Mr. DOLE. I yield myself 5 minutes of his time.

The PRESIDING OFFICER. The minority, leader, the Senator from Kansas.

Mr. DOLE. Mr. President, I first want to call attention to all my colleagues on both sides of this issue what I consider to be an excellent treatise by Louis Fisher, senior specialist in separation of powers, Congressional Research Service, Library of Congress dated August 1, 1994. I am going to put the entire document in the RECORD. For anybody on either side of this issue, I would certainly say this is recommended reading.

It will be presented to the American Political Science Association, New York Hilton, September 1 through 4, this coming month. Let me read just three short paragraphs.

THE KOREAN WAR: ON WHAT LEGAL BASIS DID TRUMAN ACT?

In June 1950, President Harry Truman ordered U.S. troops to Korea without first requesting congressional authority. For legal footing he cited resolutions passed by the United Nations Security Council, a beguiling but spurious source of authority. In 1990 the Bush administration tried the same tactic, relying on the Korean War as an acceptable precedent for taking offensive action against Iraq, again without seeking congressional approval. Like Truman, Bush claimed that UN resolutions were a sufficient base of authority. In Bosnia, President Clinton has relied on UN resolutions and NATO agreements as sufficient authority to military force without first seeking congressional approval.

UN machinery is not a legal substitute for congressional action. If that were possible, the President and the Senate, through treaty action, would strip from the House of Representative its constitutional role in deciding questions of war. Following that same logic, the President and the Senate, through the treaty process, could rely on the UN to determine trade and tariff matters, again bypassing the prerogatives of the House of Representatives. This history of the United Nations makes it very clear that all parties in the legislative and executive branches understood that the decision to use military force through the UN required prior approval from both Houses of Congress.

THE LEAGUE OF NATIONS

The Versailles Treaty was defeated by the Senate in 1919 and again in 1920. The treaty failed in large part because a number of Senators insisted that any commitments of U.S. troops to a world body (the League of Nations) had to be first approved by Congress. On that issue, and others, President Wilson refused to yield.

I ask unanimous consent this treatise by Louis Fisher be printed in the RECORD.

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

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, August 1, 1994.

Senator ROBERT DOLE,
Washington, DC.

DEAR SENATOR DOLE: UN Security Council Resolution 940 of July 31, 1994, authorizing military action against Haiti, raises the same issue that this country faced in 1950 when President Truman relied on a Security Council resolution to take military action against North Korea. The fundamental question: Is a Security Council resolution a legal substitute for explicit congressional approval?

In a paper to be presented next month at the American Political Science Association annual meeting, I conclude that Truman's action violated the Constitution and violated the UN Participation Act, which calls for congressional approval by bill or joint resolution. The UN Charter, entered into by a President and the Senate, was never a means of eliminating the constitutional role of the House of Representatives. In short, UN resolutions are not an appropriate or legal mechanism for circumventing Congress.

If I can be of any further assistance, please contact me at 707-8676.

Sincerely,

LOUIS FISHER,
Senior Specialist in Separation of Powers.

THE KOREAN WAR: ON WHAT LEGAL BASIS DID TRUMAN ACT?

(By Louis Fisher, Congressional Research Service)

In June 1950, President Harry Truman ordered U.S. troops to Korea without first requesting congressional authority. For legal footing he cited resolutions passed by the United Nations Security Council, a beguiling but spurious source of authority. In 1990 the Bush administration tried the same tactic, relying on the Korean War as an acceptable precedent for taking offensive action against Iraq, again without seeking congressional approval. Like Truman, Bush claimed that UN resolutions were a sufficient base of authority. In Bosnia, President Clinton has relied on UN resolutions and NATO agreements as sufficient authority to use military force without first seeking congressional approval.

UN machinery is not a legal substitute for congressional action. If that were possible, the President and the Senate, through treaty action, could strip from the House of Representatives its constitutional role in deciding questions of war. Following that same logic, the President and the Senate, through the treaty process, could rely on the UN to determine trade and tariff matters, again bypassing the prerogatives of the House of Representatives. The history of the United Nations makes it very clear that all parties in the legislative and executive branches understand that the decision to use military force through the UN required prior approval from both Houses of Congress.

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President Wilson submitted the treaty to the Senate on July 10, 1919, attaching to it the Covenant of the League of Nations. The Covenant provided for an Assembly (giving each member nation an equal voice) and a Council (consisting of representatives from the United States, Great Britain, France, Italy, Japan, and four other nations elected by the Assembly). Members pledged to submit to the League all disputes threatening war and to use military and economic sanctions against nations that threatened war. In an emotional address to the Senate, Wilson called the League of Nations a "practical necessity" and "indeed indispensable." He said that statesmen saw it as "the hope of the world. . . . Shall we or any other free people hesitate to accept this great duty? Dare we reject it and break the heart of the world?"[1]

Senator Henry Cabot Lodge (R-Mass.) favored U.S. participation in the League but

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Footnotes at end of article.

proposed a number of "reservations" to protect American interests. The second of fourteen reservations concerned the congressional prerogative to decide questions of war:

"The United States assumes no obligation to preserve the territorial integrity or political independence of any other country or to interfere in controversies between nations—whether members of the league or not—under the provisions of article 10, or to employ the military or naval forces of the United States under any article of the treaty for any purpose, unless in any particular case the Congress, which, under the Constitution, has the sole power to declare war or authorize the employment of the military or naval forces of the United States, shall by act or joint resolution so provide."[2]

Wilson opposed the Lodge reservations, claiming that they "cut out the heart of this Covenant" and represented "nullification" of the treaty.[3] Wilson's theory of the treaty process was a simple one: the President proposes, the Senate acquiesces. There was no room in his philosophy of government for independent Senate thinking or the offering of legislative amendments and reservations.

Wilson's attitude toward the Senate and presidential power had been revealed crisply in two books. In Congressional Government (1883), he advocated unilateral presidential negotiation with complete exclusion of the Senate. These executive initiatives would supposedly set to the country "into such scrapes, so pledged in the view of the world to certain courses of action, that the Senate hesitates to bring about the appearance of dishonor which would follow its refusal to ratify the rash promises or to support the indiscreet threats of the Department of State."[4] In Constitutional Government in the United States (1908), he reiterated the same line of argument:

"One of the greatest of the President's powers I have not yet spoken of at all: his control, which is very absolute, of the foreign relations of the nation. The initiative in foreign affairs, which the President possesses without any restriction whatever, is virtually the power to control them absolutely. The President cannot conclude a treaty with a foreign power without the consent of the Senate, but he may guide every step of diplomacy, and to guide diplomacy is to determine what treaties must be made, if the faith and prestige of the government are to be maintained. He need disclose no step of negotiation until it is complete, and when in any critical matter it is completed the government is virtually committed. Whatever its disinclination, the Senate may feel itself committed also."[5]

This legislative strategy, fully articulated in Wilson's writings, failed abysmally with the Treaty of Versailles. After excluding the Senate from the negotiating sessions, he tried to present Senators with a fait accompli. The result: a resounding political defeat for Wilson. He had never cultivated sufficient support among Senators to have his handiwork approved. The treaty was rejected in November 1919 and again in March 1920. Wilson appealed to the public in an exhausting campaign across the country, leading to his physical and emotional collapse. The dismal experience of a President's "going it alone" would remain seared in the nation's memory, casting a shadow over future efforts to create the United Nations.

CREATING THE U.N. CHARTER

America's entry into a world organization was revived in 1943 through a series of methodical steps: the Ball Resolution, the Connally and Fulbright Resolutions, and the Moscow Declaration. Those actions were followed by meetings at Dumbarton Oaks in 1944 and in San Francisco in 1945. The issue of which branch takes the nation to war—Congress or the President—was ignored at some of these meetings and addressed at others. The predominant view required prior authorization by Congress (both Houses) of any commitment of U.S. forces to the United Nations.

On March 16, 1943, Senator Joseph Hurst Ball (R-Minn.) introduced a resolution calling for the formation of the United Nations. He was joined by Senators Lister Hill (D-Ala.), Harold Burton (R-Ohio), and Carl Hatch (D-N.M.). The bipartisan nature of this resolution commanded respectful attention. Senator Ball said that the "whole world, and our allies, know today that it is the United States Senate which will finally decide what will be the foreign policy of our country when the war ends." He noted that the Senate's constitutional power in the past had been used "negatively," reminding listeners of the rejection of the Treaty of Versailles. Senator Ball hoped that the decision on the United Nations would not become embroiled in partisan politics.[6] Senate debate on the Ball Resolution said nothing about which branch of government would commit U.S. troops.

On the day that Ball introduction his resolution, Walter Lippman wrote an article on the Senate's role in giving advice and consent to treaties. Lippman had long been identified as a defender of foreign policy by elites and executive officials. In an article published in the *Washington Post*, he now urged that President Wilson's mistake with the Treaty of Versailles not be repeated. Ways and means had to be found of "enabling the Senate to participate in the negotiations."[7]

On September 20, the House debated a resolution introduced by Senator J. William Fulbright (D-Ark.) to support the concept of a United Nations. The language was exceedingly brief:

"*Resolved by the House of Representatives (the Senate concurring)*, That the Congress hereby expresses itself as favoring the creation of appropriate international machinery with power adequate to establish and to maintain a just and lasting peace, among the nations of the world, and as favoring the participation by the United States therein."[8]

Congressman Hamilton Fish, Jr. (R-N.Y.) proposed that Fulbright's resolution end with the language "favoring participation by the United States therein through its constitutional processes."[9] He explained that the additional language meant that any commitment to join the United Nations, made either by agreement or by treaty "must go through in a constitutional way, either by a two-thirds vote of the Senate or by the approval of the entire Congress."[10] He warned that a number of Members of Congress were prepared to oppose the Fulbright Resolution because they "are afraid that some secret commitments will be entered into and that the Congress will be by-passed, and that the Constitution will be ignored."[11]

The House passed the Fulbright resolution, as introduced, 252 to 23.[12] The following day it voted again, after adding the language "through its constitutional processes," and this time the margin was 360 to 29.[13] The House action sharply challenged the Senate's presumed monopoly to define foreign policy for the legislative branch. The debate pointed out that both Houses acted on the declaration of war for World War II, voted funds to sustain it, and conscripted American soldiers to fight the battles.[14] Recalling the Senate's role in rejecting the Treaty of Versailles, Congressman Mike Monroney (D-Okla.) said he was "unwilling to surrender to 33 Members of the Senate, one-third of that body, the life or death veto over the security of future generations of Americans."[15]

The Senate ignored the Fulbright Resolution, which had been introduced as a concurrent resolution (H. Con. Res. 25) and therefore needed concurrence by the Senate. Instead, the Senate considered a resolution (S. Res. 192) requiring only its own action. Debate on this resolution, called the Connally Resolution, stretched from October 25 through November 5. Similar to the House, it included the phrase "through its constitutional processes" to prevent the President from joining the United Nations without explicit congressional support.[16] Congressional processes meant the "powers of Congress"—both Houses, not just the Senate.[17] A few Senators thought of congressional action solely through the treaty process, excluding the House[18] The majority recognized that international commitments (in this case joining the United Nations) could be made either by treaty or by a majority of each House voting on a bill or joint resolution.[19]

The final version of the Connally Resolution, approved 85 to 5, provides that the United States, "acting through its constitutional processes," joins in the establishment of an international authority with power to prevent aggression. The final paragraph states that any treaty made to effect the purposes of the resolution shall be made only with the concurrence of two-thirds of the Senate.[20] Senator Robert Taft (R-Ohio) said that the requirement for Senate action was added because of the fear that the President "has shown some indications of a desire to do by executive agreement things which certainly in my opinion ought to be the subject of a treaty."[21]

Little was said during this lengthy Senate debate about congressional controls over the use of American troops in a UN action. Senator Claude Pepper (D-Fla.) opposed any delegation of Congress' war-declaring power to an international body, but believed that it would be permissible for American troops to be used, without prior congressional approval, as a "police force" to combat aggression in small wars.[22] The notion of a "police action" would be later used by President Truman as a legal pretext for going to war in Korea without congressional approval. Truman was a member of the Senate at the time Pepper made that remark.

Senate action on the Connally Resolution occurred during a four-nation conference that endorsed an international peacekeeping organization. On October 30, 1943, the United States, the United Kingdom, the Soviet Union, and China issued the Moscow Declaration, setting forth a number of guiding principles. The declaration recognized "the necessity of establishing at the earliest practicable date a general international organization . . . . for the maintenance of international peace and security."

Those same nations met a year later at Dumbarton Oaks, in Washington, D.C., to give further definition to the international organization. Legal specialists who monitored these meetings speculated on the procedures for going to war. Edwin Borchard surmised: "Constitutionally, the plan seems to assume that the President, or his delegate, without consulting Congress, the war-making and declaring authority, can vote for the use of the American quota of armed forces, if that can be limited when the 'aggressor' resists."[23] Two weeks after the end

of the conference at Dumbarton Oaks, President Roosevelt delivered an address in which he indicated the need for advance congressional approval:

"The Council of the United Nations must have the power to act quickly and decisively to keep the peace by force, if necessary. A policeman would not be a very effective policeman if, when he saw a felon break into a house, he had to go to the town hall and call a town meeting to issue a warrant before the felon could be arrested.

"It is clear that, if the world organization is to have any reality at all, our representatives must be endowed in advance by the people themselves, by constitutional means through their representatives in the Congress, with authority to act."[24]

After Roosevelt's death, Borchard learned that President Truman had sent a cable from Potsdam stating that all agreements involving U.S. troop commitments to the UN would first have to be approved by both Houses of Congress.[25] Borchard believed that the Constitution required approval by both Houses and not merely the Senate.[26]

Another perspective appeared in a letter to The New York Times. Six specialists of international law analyzed the President's authority to contribute troops to the UN. They recognized the risks for congressional prerogatives: "It is doubtless true that Congress feel a certain hesitancy in permitting the President, acting through the Security Council, to engage even a small policing force in international action because it will fear that this might commit the United States to further military action and thus might impair the discretion of Congress in respect to engagement in 'war.'" Yet they suggested that Presidents in the past had broad discretion in the use of military force, frequently acting without explicit congressional authority. The American constitutional system, they said, relied heavily on good-faith actions and sensitive political judgment by the President: "Congress has always been dependent upon the good faith of the President in calling upon it when the situation was so serious that a large-scale use of force may be necessary."[27]

The meetings at Dumbarton Oaks were followed by a conference in San Francisco in 1945, attended by fifty nations and lasting nine weeks. Unlike Wilson's futile strategy for the Versailles Treaty, half of the eight members of the U.S. delegation came from Congress: Senators Tom Connally (D-Tex.) and Arthur H. Vandenberg (R-Mich.) and Representatives Sol Bloom (D-N.Y.) and Charles A. Eaton (R-N.J.).[28] John Foster Dulles, later to be Secretary of State under President Eisenhower, told the Senate Foreign Relations Committee in 1945 that, in the past, he had "some doubts as to the wisdom of Senators participating in the negotiation of treaties." After his experience at the San Francisco conference, he said those doubts "were dispelled."[29]

Out of the San Francisco conference came the United Nations Charter, which was submitted to the Senate for its approval. The UN consisted of a General Assembly (representing all member states), a Security Council (eleven members, including China, France, the Soviet Union, the United Kingdom, and the United States as permanent members), a Secretariat, an International Court of Justice, and specialized councils. Chapter VII of the Charter dealt with UN responses to threats of peace, breaches of the peace, and acts of aggression. Procedures were established to permit the UN to employ military force to deal with these threats. All UN members would make available to the Security Council, "on its call and in accordance with a special agreement or agreements," armed forces and other assistance for the purpose of maintaining international peace and security. The agreements were to be concluded between the Security Council and members states and "shall be subject to ratification by the signatory states in accordance with their respective constitutional processes." Thus, the decision of who would grant that approval in the United States—Congress, the President, or the two branches acting jointly—was deliberately deferred. Each nation would determine for itself the "constitutional processes" to be followed.

From July 9 to July 13, 1945, the Senate Foreign Relations Committee held hearings on the Charter. Leo Pasvolsky, a Special Assistant to the Secretary of State, was asked whether Congress would have ultimate control over the special agreements to use armed force. Pasvolsky replied: "That is a domestic question which I am afraid I cannot answer."[30] Senator Vandenberg volunteered that, in his opinion, the President would not need "the consent of Congress to every use of our armed forces."[31]

John Foster Dulles, an adviser to the U.S. delegation at San Francisco, testified that the procedure for special agreements would need the approval of the Senate and could not be done unilaterally by the President.[32] Dulles elaborated: "It is clearly my view, and it was the view of the entire United States delegation, that the agreement which will provide for the United States military contingent will have to be negotiated and then submitted to the Senate for ratification in the same way as a treaty." Senator Connally agreed with that interpretation.[33] When Senator Walter F. George (D-Ga.) suggested that congressional approval could be by statute, involving both Houses, Dulles disagreed: "The procedure will be by treaty—agreements submitted to the Senate for ratification."[34] Senator Eugene Millikin (R-Colo.) tried to distinguish between "policing powers" (to be exercised exclusively by the President) and "real war problems" (reserved for congressional action).[35] Dulles agreed with that concept: "If we are talking about a little bit of force necessary to be used as a police demonstration, that is the sort of thing that the President of the United States has done without concurrence by Congress since this Nation was founded."[36]

During floor debate, Senator Scott Lucus (D-Ill.) took sharp exception to Dulles' contention that special agreements would come back to Congress as treaties to be disposed of solely by the Senate. Such agreements, Lucas said, required action by both Houses. He cited constitutional passages giving to the entire Congress powers to raise and support armies and to make rules for the government and regulation of the land and naval forces.[37] Of course action by both Houses is required to declare war and to appropriate funds for the military. A number of Senators agreed with Lucas in rejecting the proposition advanced by Dulles.[38]

As the debate continued, Senator Vandenberg called Dulles to clarify his position. Dulles explained that when the issue came up in the hearings, he thought the question was between unilateral action by the President (through executive agreements) or retaining congressional control (which Dulles took to mean action on treaties). The central point he tried to make, Dulles said, was that "the use of force cannot be made by exclusive Presidential authority through an executive agreement." He was positive about that. On the other issue—whether Congress should act by treaty or by joint resolution—he was less certain.[39]

At other points in the debate, Senator Harlan Bushfield (R-S.D.) said he had objected "and I still object, to a delegation of power to one man or to the Security Council, composed of 10 foreigners and 1 American, to declare war and to take American boys into war." Such a proposal "is in direct violation of the Constitution." Congress did not have the power, Bushfield said, "to make such a delegation even if we desired to do so."[40] Senator Burton Wheeler (D-Mont.) was also emphatic on that point:

"If it is to be contended that if we enter into this treaty we take the power away from the Congress, and the President can send troops all over the world to fight battles anywhere, if it is to be said that that is to be the policy of this country, I say that the American people will never support any Senator or any Representative who advocates such a policy; and make no mistake about it."[41]

President Truman, aware of the Senate debate on which branch controlled the sending of armed forces to the UN, wired a note to Senator McKellar on July 27, 1945, from Potsdam. Truman pledged: "When any such agreement or agreements are negotiated it will be my purpose to ask the Congress for appropriate legislation to approve them."[42] In asking "Congress" for legislation, Senators understood that Congress "consists not alone of the Senate but of the two Houses."[43] With that understanding, the Senate approved the UN Charter by a vote of 89 to 2.[44]

Having approved the Charter, Congress now had to pass additional legislation to implement it and to determine the precise mechanisms for the use of force. The specific procedures, brought into conformity with "constitutional processes," are included in the UN Participation Act of 1945.

THE UN PARTICIPATION ACT

Nothing in the passage of the Fulbright and Connally Resolutions or the history of the UN Charter supports the notion that Congress, by endorsing the structure of the United Nations as an international peacekeeping body, altered the Constitution by reading itself out of the war-making power. Congress did not—it could not—do that. That conclusion is driven home even more sharply by the legislative history of the UN Participation Act.

Under the provisions of the UN Charter, in the event of any threat to the peace, breach of the peace, or act of aggression, the UN Security Council may decide under Article 41 of the UN Charter to recommend "measures not involving the use of armed force." If those measures prove inadequate, Article 43 provides that all UN members shall make available to the Security Council—in accordance with special agreements—armed forces and other assistance. These agreements would spell out the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided. It was anticipated that each nation would ratify these agreements "in accordance with their respective constitutional processes."

The meaning of constitutional processes is defined by Section 6 of the UN Participation Act of 1945. Without the slightest ambiguity, this statute requires that the agreements "shall be subject to the approval of the Congress by appropriate Act or joint resolution." Statutory language could not be more clear. The President must seek congressional

approval in advance. Two qualifications are included in Section 6:

The President shall not be deemed to require the authorization of the Congress to make available to the Security Council on its call in order to take action under Article 42 of said Charter and pursuant to such special agreement or agreements the armed forces, facilities, or assistance provided therein: *Provided*, That nothing herein contained shall be construed as an authorization to the President by the Congress to make available to the Security Council for such purpose armed forces, facilities, or assistance in addition to the forces, facilities, and assistance provided for in such special agreements or agreements."[45]

The first qualification states that once the President receives the approval of Congress for a special agreement, he does not need subsequent approval from Congress to provide military assistance under Article 42 (under which the Security Council determines that peaceful means are inadequate and military action is necessary). Congressional approval is needed for the special agreement, not subsequent implementations of that agreement. The second qualification clarifies that nothing in the UN Participation Act is to be construed as congressional approval of other agreements entered into by the President.

Thus, the qualifications do not eliminate the need for congressional approval. Presidents could commit armed forces to the UN only after Congress gave its explicit consent. That point is crucial. The League of Nations Covenant foundered precisely on the issue of needing congressional approval before using armed force. The framers of the UN Charter knew of that history and very consciously included protections for congressional prerogatives.[46]

The legislative history of the UN Participation Act reinforces the need for advance congressional approval. In his appearance before the House Committee on Foreign Affairs, Under Secretary of State Dean Acheson explained that only after the President receives the approval of Congress is he "bound to furnish that contingent of troops to the Security Council; and the President is not authorized to furnish any more than you have approved of in that agreement."[47] When Congresswoman Edith Rogers remarked that Congress "can easily control the [Security] Council," Acheson agreed unequivocally: "It is entirely within the wisdom of Congress to approve or disapprove whatever special agreement the President negotiates."[48] Congressman John Kee wondered whether the qualifications in Section 6 of the UN Participation Act permitted the President to provide military assistance to the Security Council without consulting or submitting the matter to Congress. Acheson firmly rejected that possibility. No special agreement, Acheson said, could have any "force or effect" until Congress approved:

"This is an important question of Judge Kee, and may I state his question and my answer so that it will be quite clear here: The judge asks whether the language beginning on line 19 of page 5, which says the President shall not be deemed to require the authorization of Congress to make available to the Security Council on its call in order to take action under article 42 of the Charter, means that the President may provide these forces prior to the time when any special agreement has been approved by Congress.

"The answer to that question is "No," that the President may not do that, that such special agreements refer to the special agreement which shall be subject to the approval of the Congress, so that until the special agreement has been negotiated and approved by the Congress, it has no force and effect."[49]

Other parts of the legislative history support this understanding. In reporting the UN Participation Act, the Senate Foreign Relations Committee anticipated a shared, coequal relationship between the President and Congress:

"Although the ratification of the Charter resulted in the vesting in the executive branch of the power and obligation to fulfill the commitments assumed by the United States thereunder, the Congress must be taken into close partnership and must be fully advised of all phases of our participation in this enterprise. The Congress will be asked annually to appropriate funds to support the United Nations budget and for the expenses of our representation. It will be called upon to approve arrangements for the supply of armed forces to the Security Council and thereafter to make appropriations for the maintenance of such forces."[50]

The Senate Foreign Relations Committee further noted that "all were agreed on the basic proposition that the military agreements could not be entered into solely by executive action."[51] Nevertheless, during floor debate, Senators Connally and Taft agreed that in "certain emergencies" the President and the Security Council might be able to act without first obtaining authority from Congress.[52] These comments are interesting, but they do not change the statutory requirement that special agreements be approved in advance by "appropriate Act or joint resolution." Moreover, Connally and Taft seemed to be laboring under concepts left over from the San Francisco conference and the Senate debate over the UN Charter. They were endorsing the President's ability to become engaged in "police actions" without any congressional involvement.

Connally's confusion is evident a few pages later where he agrees with Senator Kenneth Wherry (R-Neb.) that special agreements could be made by treaty.[53] That misinterpretation, originally pushed by John Foster Dulles and others, was explicitly corrected by the language in Section 6 of the UN Participation Act. Later, an amendment was offered in the Senate to authorize the President to negotiate a special agreement with the Security Council solely with the support of two-thirds of the Senate.[54] Senator Vandenberg opposed the amendment on these grounds:

"If we go to war, a majority of the House and Senate puts us into war. . . . The House has equal responsibility with the Senate in respect of raising armies and supporting and sustaining them. The House has primary jurisdiction over the taxation necessities involved in supporting and sustaining armies and navies, and in maintaining national defense.

". . . [The Senate Foreign Relations Committee] chose to place the ratification of that contract in the hands of both Houses of Congress, inasmuch as the total Congress of the United States must deal with all the consequences which are involved either if we have a war or if we succeeded in preventing one. . . ."[55]

Vandenberg's reasoning prevailed. The great majority of Senators recognized that the decision to go to war must be made by both Houses of Congress. The amendment was defeated decisively, 57 to 14.[56]

The House of Representatives also designed the UN Participation Act to protect congressional prerogatives over war and peace. In reporting the bill, the House Foreign Affairs Committee drew attention to the vote in the Senate rejecting the idea that special agreements could be handled solely by the Senate through the treaty process. The Committee "believes that it is eminently appropriate that the Congress as a whole pass upon these agreements under the constitutional powers of the Congress."[57] During floor debate, Congressman Sol Bloom, one of the delegates at the San Francisco conference, underscored that point:

"The position of the Congress is fully protected by the requirement that the military agreement to preserve the peace must be passed upon by Congress before it becomes effective. Also, the obligation of the United States to make forces available to the Security Council does not become effective until the special agreement has been passed upon by Congress."[58]

The restrictions on the President's power under Section 6 to use armed force were clarified by amendments adopted in 1949, allowing the President on his own initiative to provide military forces to the United Nations for "cooperative action." However, presidential discretion to deploy these forces are subject to stringent conditions: they could serve only as observers and guards, could perform only in a noncombatant capacity, and could not exceed one thousand.[59] Moreover, in providing these troops in the UN the President shall assure that they not involve "the employment of armed forces contemplated by chapter VII of the United Nations Charter."[60] Clearly, there was no opportunity in the UN Participation Act or its amendments for unilateral military action by the President.

THE KOREAN WAR

With these safeguards supposedly in place to protect congressional prerogatives, on June 26, 1950, President Truman announced to the American public that he had conferred with the Secretaries of State and Defense, their senior advisers, and the Joint Chiefs of Staff "about the situation in the Far East created by unprovoked aggression against the Republic of Korea."[61] He said that the UN Security Council had acted to order a withdrawal of the invading forces to positions north of the 38th parallel, and that, "[i]n accordance with the resolution of the Security Council, the United States will vigorously support the effort of the Council to terminate this serious breach of the peace."[62] At that point, he made no commitment of U.S. military forces.

On the next day, however, President Truman announced that North Korea had failed to cease hostilities and to withdraw to the 38th parallel. He summarized the UN action in this manner:

"The Security Council called upon all members of the United Nations to render every assistance to the United Nations in the execution of this resolution. In these circumstance I have ordered United States air and sea forces to give the [South] Korean Government troops cover and support."[63]

In addition to this argument, Truman said that "the occupation of Formosa by Communist forces would be a direct threat to the security of the Pacific area and to United States forces performing their lawful and necessary functions in that area."[64] Finally, he advised that all members of the United Nations "will consider carefully" the consequences of Korea's aggression "in defiance of the Charter of the United Nations" and that a "return to the rule of force in international affairs" would have far-reaching effects. The United States, he said, "will continue to uphold the rule of law."[65]

In fact, Truman violated the unambiguous statutory language and legislative history of the UN Participation Act. How could he pretend to act militarily in Korea under the UN umbrella without any congressional approval? The short answer is that he ignored the special agreements that were the vehicle for assuring congressional approval in advance of any military action by the President. With the Soviet Union absent, the Security Council voted 9 to 0 to call upon North Korea to cease hostilities and to withdraw their forces. Two days later the Council requested military assistance from UN members to repel the attack, but by that time Truman had already ordered U.S. air and sea forces to assist South Korea.

Truman's legal authority was non-existent for two reasons. First, it cannot be argued that the President's constitutional powers vary with the presence or absence of Soviet delegates to the Security Council. As Robert Bork noted in 1971, "the approval of the United Nations was obtained only because the Soviet Union happened to be boycotting the Security Council at the time, and the President's Constitutional powers can hardly be said to ebb and flow with the veto of the Soviet Union in the Security Council."[66]

Second, the Truman administration did not act pursuant to UN authority, even though it strained to make that case. On June 29, 1950, Secretary of State Acheson claimed that all U.S. actions taken in Korea "have been under the aegis of the United Nations."[67] Aegis is a fudge word, meaning shield or protection. Acheson was using it to suggest that the United States was acting under the legal banner of the United Nations, which of course was not the case.

Acheson falsely claimed that Truman had done his "utmost to uphold the sanctity of the Charter of the United Nations and the rule of law," and that the administration was in "conformity with the resolutions of the Security Council of June 25 and 27 giving air and sea support to the troops of the Korean government."[68] Yet Truman committed U.S. forces before the Council called for military action. General MacArthur was immediately authorized to send supplies of ammunition to the South Korean defenders. On June 26, Truman ordered U.S. air and sea forces to give South Koreans cover and support.[69] After Acheson summarized the military situation for some members of Congress at noon on June 27, President Truman exclaimed: "But Dean, you didn't even mention the U.N.!"[70] Later that evening the Security Council passed the second resolution. In his memoirs, Acheson admitted that "some American action, said to be in support of the resolution of June 27, was in fact ordered, and possibly taken, prior to the resolution."[71] After he left the presidency, Truman was asked whether he was prepared to use military force in Korea without UN backing. He replied, with customary bluntness: "No question about it."[72]

On June 29, at a news conference, Truman was asked whether the United States was at war. His response: "We are not at war."[73] He was asked whether it would be more correct to call the conflict "a police action under the United Nations." He agreed with that language: "That is exactly what it amounts to."[74] The UN exercised no real authority over the conduct of the war. Other than token support from a few nations, it was an American war. The Security Council requested the United States to designate the commander of the forces and authorized the "unified command at its discretion to use the United Nations flag."[75] Truman designated Gen. Douglas MacArthur to serve as commander of this so-called unified command.[76] Measured by troops, money, casualties, and deaths, it remained an American war.

As to the distinction between police actions and wars, federal courts had no difficulty in defining the hostilities in Korea as war. A federal district court noted in 1953: "We doubt very much if there is any question in the minds of the majority of the people of this country that the conflict now raging in Korea can be anything but war."[77] During Senate hearings in June 1951, Secretary of State Acheson conceded the obvious by admitting "in the usual sense of the word there is a war."[78]

Truman violated constitutional and statutory requirements in part because of his mistaken reading of history. In deciding whether North Korean aggression could go unanswered, he looked, in his own lifetime, to Japan's invasion of Manchuria and Germany's reoccupation of the Rhineland. He did not consider other historical parallels where force is used, such as the American Civil War or with nineteenth-century efforts in Germany for unification. It did not occur to him that the situation in Korea resembled the latter more than it did Manchuria and the Rhineland.[79]

Even if a case could be made that the emergency facing Truman in June 1950 required him to act promptly without first seeking and obtaining legislative authority, nothing prevented him from returning to Congress and asking for a supporting statute or retroactive authority. John Norton Moore has made this point: "As to the suddenness of Korea, and conflicts like Korea, I would argue that the President should have the authority to meet the attack as necessary but should immediately seek congressional authorization."[80] I would put it a little differently. In a genuine emergency a President may act without congressional authority (and without express legal or constitutional authority), trusting that the circumstances are so urgent and compelling that Congress will endorse his actions and confer a legitimacy that only Congress, as the people's representatives, can provide.

POLITICAL REPERCUSSIONS

Congress was largely passive to Truman's usurpation of the war power. Some members offered the weak justification that "history will show that on more than 100 occasions in the life of this Republic the President as Commander in Chief has ordered the fleet or the troops to do certain things which involved the risk of war [without seeking congressional consent]."[81] This list of alleged precedents for unilateral presidential action contains not a single military adventure that even comes close to the magnitude of the Korean War. As Edward S. Corwin noted, the list consists largely of "fights with pirates, landings of small naval contingents on barbarous or semi-barbarous coasts, the dispatch of small bodies of troops to chase bandits or cattle rustlers across the Mexican border, and the life."[82]

A few legislators insisted that Truman should have gone to Congress for authority first.[83] Congressman Vito Marcantonio (ALP-N.Y.) delivered this indictment: "when we agreed to the United Nations Charter we never agreed to supplant our Constitution with the United Nations Charter. The power to declare and make war is vested in the representatives of the people, in the Congress of the United States."[84]

Senator Taft warned that if the President could intervene in Korea "without congressional approval, he can go to war in Malaya or Indonesia or Iran or South America." Taft conceded that U.S. entry into the United Nations created a new framework, "but I do not think it justifies the President's present action without approval by Congress." Taft referred to Section 6 of the UN Participation Act, noting that no special agreement had ever been negotiated by the Truman administration and submitted to Congress for its approval.[35]

Almost a year after the war began, a number of Senators participated in a lengthy debate that thoroughly shredded the administration's legal pretenses. Truman's commitment of troops to Korea violated the UN Charter, the UN Participation Act, and repeated assurances given to Congress by Acheson and other executive officials. Truman used military force before the second Security Council resolution. It was a war, not a police action. It was an American, not a UN, operation. On all those points the record is abundantly clear.[36]

Just as the Vietnam War spelled defeat for the Democrats in 1968, so did the Korean War help put an end to twenty years of Democratic control of the White House. "Korea, not crooks or Communists, was the major concern of the voters," writes Stephen Ambrose.[87] The high point of the 1952 campaign came on October 24, less than two weeks before the election, when Dwight D. Eisenhower announced that he would "go to Korea" to end the war.[88] Two authors of a study on Eisenhower described the crucial influence of the Korean War: "Dissatisfaction with the war destroyed Truman's popularity and had much to do with Eisenhower's emphatic victory in the election of 1952."[89]

Some leading academics, after rushing to Truman's support, later regretted their failure to give proper attention to constitutional principles. Henry Steele Commager, a prominent historian, was quick to defend Truman. Writing for The New York Times on January 14, 1951, Commager blithely remarked that the objections to Truman's unilateral actions "have no support in law or in history."[90] His own research into law and history, on this point, was superficial and misinformed. Consider this reasoning by Commager:

". . . it is an elementary fact that must never be lost sight of that treaties are laws and carry with them the same obligation as laws. When the Congress passed the United Nations Participation Act it made the obligations of the Charter of the United Nations law, binding on the President. When the Senate ratified the North Atlantic Treaty it made the obligations of that treaty law, binding on the President.

"Both of these famous documents require action by the United States which must, in the nature of the case, be left to a large extent to the discretion of the Executive. . . ."[91]

Commager not only overstated the President's power under mutual defense treaties but ignored, totally, the statutory text and legislative history of the UN Participation Act.

Arthur S. Schlesinger, Jr. was also an early defender of Truman's action in Korea. In a letter to *The New York Times* on January 9, 1951, he disputed the statement by Senator Taft that President Truman "had no authority whatever to commit American troops to Korea without consulting Congress and without Congressional approval" and that by sending troops to Korea he "simply usurped authority, in violation of the laws and the Constitution." Schlesinger said that Taft's

statements "are demonstrably irresponsible." Harkening back to Jefferson's use of ships to repel the Barbary pirates, Schlesinger claimed that American Presidents "have repeatedly committed American armed forces abroad without prior Congressional consultation or approval."[92]

Schlesinger neglected to point out that Jefferson told Congress he was "[u]nauthorized by the Constitution, without the sanction of Congress, to go beyond the line of defense." It was the prerogative of Congress to authorize "measures of offense also."[93] Schlesinger did not cite, nor could he, a presidential initiative of the magnitude of the Korean War. Years later he expressed regret that, in calling Taft's statement "demonstrably irresponsible," he had responded with "a flourish of historical documentation and, alas, hyperbole."[94]

Edward S. Corwin took Commager and Schlesinger to task by labeling them the "high-flying prerogative men."[95] However, Corwin himself had been careless in earlier publications in describing the scope of presidential war power. Writing in 1949, he said that the original grant of authority to the President to "repel sudden attacks" had developed into an "undefined power—almost unchallenged from the first and occasionally sanctified judicially—to employ without Congressional authorization the armed forces in the protection of American rights and interests abroad whenever necessary."[96] He did note the significance of the UN Participation Act, which is said was based on the theory that American participation in the United Nations "is a matter for Congressional collaboration."[97]

By the late 1960s, with the nation mired in a bitter war in Vietnam, Commager and Schlesinger publicly apologized for their earlier unreserved endorsements of presidential war power. By 1966 Schlesinger was counseling that "something must be done to assure the Congress a more authoritative and continuing voice in fundamental decisions in foreign policy."[98] In 1973 Schlesinger stated that the "idea of prerogative was not part of presidential powers as defined by the Constitution," although it "remained in the back of [the framers'] mind."[99] Commager told the Senate in 1967 that there should be a reconsideration of executive-legislative relations in the conduct of foreign relations.[100] Testifying in 1971, Commager appealed for stronger legislative checks on presidential war powers.[101]

CONCLUSIONS

President Truman's unilateral use of armed force in Korea violated the U.S. Constitution and the UN Participation Act of 1945. It is not a valid precedent for what President Bush planned to do in 1990-91, against Iraq, nor is it a valid precedent for any military operations that President Clinton would want to launch in Bosnia or other UN "peacekeeping" operations. The decision to place U.S. troops in combat and to take the nation from a condition of peace to a state of war requires approval by Congress in advance. That was the constitutional principle in 1787. It has not changed today.

Presidents and their advisers point to more than 200 incidents in which Presidents have used force abroad without first obtaining congressional approval. Most of those actions were minor adventures done in the name of protecting American lives or property, taken at a time when U.S. intervention in neighboring countries was considered routine and proper. Is the bombardment of Greytown, Nicaragua, in 1854 an acceptable "precedent" for the current use of American military power? Are we comfortable with citing America's occupation of Haiti from 1915 to 1934 or the repeated interventions in Nicaragua from 1909 to 1933? Today, such invasions would violate international law and regional treaties. We should not speak nonchalantly about "more than 200 precedents," assuming that such numbers, by themselves, justify unilateral military action by the President. We need to examine the specific incidents. Are they attractive precedents for the use of force today? None of the two hundred incidents come close to justifying military actions of the magnitude and risk of Korea in 1950, Panama in 1989, Iraq in 1990, or Bosnia in 1994.

The Korean War stands as the most dangerous precedent because of its scope and the acquiescence of Congress. In recognizing the importance of the Korean War and its threat to constitutional democracy, we should not attempt to confer legitimacy to an illegitimate act. Illegal and unconstitutional actions, no matter how often repeated, do not build a lawful foundation. If Presidents withdrew funds from the Treasury without an appropriation from Congress, those actions would have no constitutional legitimacy, regardless of the number of infractions. As Gerhard Casper has remarked: "unconstitutional practices cannot become legitimate by the mere lapse of time."[102] Justice Frankfurter noted: "Illegality cannot attain legitimacy through practice."[103] Presidential acts of war, including Truman's initiative in Korea, can never be accepted as constitutional or as a legal substitute for congressional approval.

FOOTNOTES

[1] 17 Richardson 8735.
[2] 58 Cong. Rec. 8777 (1919).
[3] 63 The Papers of Woodrow Wilson 451 (Arthur S. Link ed. 1990); 64 The Papers of Woodrow Wilson 47, 51 (Link ed. 1991).
[4] Woodrow Wilson, Congressional Government 233-234 (1885).
[5] Woodrow Wilson, Constitutional Government in the United States 77-78 (1908).
[6] 89 Cong. Rec. 2031 (1943).
[7] Id. at 2032.
[8] Id. at 7623.
[9] Id. at 7646-47.
[10] Id. at 7647.
[11] Id.
[12] Id. at 7655.
[13] Id. at 7728-29.
[14] Id. at 7705 (Congressman Richards).
[15] Id. at 7706.
[16] Id. at 9187 (Senator Willis, first column).
[17] Id. at 8662 (reading by the legislative clerk).
[18] Id. at 9187 (Senator Willis, first column); id. at 9189 (Senator Brooks); id. at 9205 (Senator Wherry).
[19] Id. at 9207 (Senator Hayden).
[20] Id. at 9222.
[21] Id. at 9101.
[22] Id. at 8742-43.
[23] Edwin Borchard, "The Dumbarton Oaks Conference," 39 Am. J. Int'l L. 97, 101 (1945).
[24] 11 Dep't of State Bull. 447, 448 (1945).
[25] Edwin Borchard, "The Charter and the Constitution," 39 Am. J. Int'l L. 767, 767-768 (1945).
[26] Id. at 770-771.
[27] The New York Times, November 5, 1994, at 8E. Signers of the letter: John W. Davis, W.W. Grant, Philip C. Jessup, George Rublee, James T. Shotwell, and Quincy Wright.
[28] "The Charter of the United Nations," hearings before the Senate Committee on Foreign Relations, 79th Cong., 1st Sess. 197 (1945).
[29] Id. at 644.
[30] "The Charter of the United Nations," hearings before the Senate Committee on Foreign Relations, 79th Cong., 1st Sess. 298 (1945).
[31] Id. at 299.
[32] Id. at 645-646.
[33] Id. at 646.
[34] Id. at 652.
[35] Id. at 654.
[36] Id. at 655.
[37] 91 Cong. Rec. 8021 (1945).
[38] Id. at 8021-8024 (Senators McClellan, Hatch, Fulbright, Maybank, Overton, Hill, Ellender, and George).
[39] Id. at 8027-28.
[40] Id. at 7156.
[41] I. at 7988.
[42] Id. at 8185.
[43] Id. (Senator Donnell).
[44] Id. at 8190.
[45] 59 Stat. 621, §6 (1945).
[46] Michael J. Glennon, "The Constitution and Chapter VII of the United States Charter," 85 Am. J. Int'l L. 74, 75-77 (1991).
[47] "Participation by the United States in the United Nations Organization," hearings before the House Committee on Foreign Affairs, 79th Cong., 1st Sess. 23 (1945).
[48] Id.
[49] Id. at 25-26.
[50] S. Rept. No. 717, 79th Cong., 1st Sess. 5 (1945).
[51] Id. at 8.
[52] 91 Cong. Rec. 10965-66 (1945).
[53] Id. at 10974
[54] Id. at 11296.
[55] Id. at 11301.
[56] Id. at 11303.
[57] H. Rept. No. 1383, 79th Cong., 1st Sess. 7 (1945).
[58] 91 Cong. Rec. 12267 (1945).
[59] 63 Stat. 735-736, §5(1949).
[60] Id.
[61] Public Papers of the Presidents, 1950, at 491.
[62] Id.
[63] Id. at 492.
[64] Id.
[65] Id.
[66] Robert H. Bork, "Comments on the Articles on the Legality of the United States Action in Cambodia," 65 Am. J. Int'l L. 79, 81 (1971).
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[68] Id. at 46.
[69] Public Papers of the Presidents, 1950, at 529.
[70] Glenn D. Paige, The Korean Decision 188 (1968).
[71] Dean Acheson, Present at the Creation 408 (1969). See also Edwin C. Hoyt, "The United States Reaction to the Korean Attack: A Study of the Principles of the United Nations Charter as a Factor in American Policy-Making," 55 Am. J. Int'l L. 45, 53 (1961).
[72] Merle Miller, Plain Speaking: An Oral Biography of Harry S. Truman 276n (1973).
[73] Public Papers of the Presidents, 1951, at 503.
[74] Id. at 504. On July 13, at a news conference, he again called the Korean war a police action." Id. at 522.
[75] Id. at 520.
[76] Id.
[77] Weissman v. Metropolitan Life Ins. Co., 112 F.Supp. 420, 425 (S.D. Cal. 1953). See also Gagliormella v. Metropolitan Life Ins. Co., 122 F.Supp. 246 (D. Mass. 1954); Carius v. New York Life Insurance Co., 124 F.Supp. 388 (D. Ill. 1954); and A. Kenneth Pye, "The Legal Status of the Korean Hostilities," 45 Geo. L. J. 45 (1956).
[78] "Military Situation in the Far East" (Part 3), hearings before the Senate Committees on Armed Services and Foreign Relations, 82d Cong., 1st Sess. 2014 (1951).
[79] Richard S. Kirkendall, Harry S Truman and the Imperial Presidency 11, 16 (1975).
[80] John N. Moore, "The National Executive and the Use of the Armed Forces Abroad," 21 Naval War College Rev. 28, 32 (1969).
[81] 96 Cong. Rec. 9229 (1950). Statement of Senator Scott Lucas (D-Ill.)
[82] Edward S. Corwin, "The President's Power," The New Republic, January 29, 1951, at 16.
[83] 96 Cong. Rec. 9233 (1950). Statement of Senator Arthur V. Watkins (R-Utah). See also Arthur V. Watkins, "War by Executive Order," 4 West. Pol. Q. 539 (1951).
[84] 96 Cong. Rec. 9268 (1951).
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[87] 1 Stephen E. Ambrose, Eisenhower: Soldier, General of the Army, President-Elect 569 (1983).
[88] Id.
[89] Chester J. Pach, Jr. and Elmo Richardson, The Presidency of Dwight D. Eisenhower 46 (1991).
[90] Henry Steele Commager, "Presidential Power: The Issue Analyzed," The New York Times, January 14, 1951, p. 11.
[91] Id. at 24.
[92] Arthur Schlesinger, Jr., "Presidential Powers: Taft Statement on Troops Opposed, Actions of Past Presidents Cited," The New York Times, January 9, 1951, p. 28.
[93] 1 Richardson 315.

[94] Arthur M. Schlesinger, Jr., The Imperial Presidency 139 (1973).

[95] Edward S. Corwin, "The President's Power," The New Republic, January 29, 1951, at 15.

[96] Edward S. Corwin, "Who Has the Power to Make War?" The New York Times Magazine, July 31, 1949, at 14.

[97] Id.

[98] Arthur M. Schlesinger, Jr. and Alfred de Grazia, Congress and the Presidency 27-28 (1967).

[99] Schlesinger, The Imperial Presidency, at 9. Emphasis in original.

[100] "Changing American Attitudes towards Foreign Policy," hearings before the Senate Committee on Foreign Relations, 90th Cong., 1st Sess. 21 (1967).

[101] "War Powers Legislation," hearings before the Senate Committee on Foreign Relations, 92d Cong., 1st Sess. 7-74 (1971).

[102] Gerhard Casper, "Constitutional Constraints on the Conduct of Foreign and Defense Policy: A Nonjudicial Model," 43 U. Chi. L. Rev. 463, 479 (1976).

[103] Inland Waterways Corp. v. Young, 309 U.S. 517, 524 (1940).

Mr. DOLE. The treaty was never ratified.

Mr. President, having said that, this is essentially the same amendment that was defeated in the Senate by a vote of 65 to 34 on June 29, 1994. I am not certain that bringing up the issue again with the same outcome likely sends the right signal to the White House because we read in this morning's paper—at least it hints—that the President will wait until we are in recess before there is any action. We read that he may not have seriously engaged the question and has not really focused on it himself.

The President has indicated he does not want, nor needs, congressional authorization. He said that in his press conference the other night. I happen to believe that is a mistake. If President Clinton made his case for the use of force, and if Congress authorized the use of force, I believe President Clinton's hand would be strengthened just as President Bush's hand was strengthened when he in effect rolled the dice and came to Congress and asked for our support for offensive military action in Iraq.

The best way for the administration to show the United States is serious would be the affirmative Congress authorizing the use of force in Haiti. The Congress should have a role to play.

It is a little odd that the administration goes to the United Nations and ignores the Congress. There is the argument made the other day that the Senator from Arizona has already referred to in this amendment. It passed by a vote of 100 to 0. We indicated at that time, every Senator, that U.N. authorization certainly is not authorization by Congress or the American people.

It is a little odd that Argentina has decided not to participate in the invasion precisely because of opposition from the Argentine Congress. Their Congress said no. They are pulling out.

So apparently they are going to bypass our Congress. That seems the President's attitude at the White House.

There should be no mistake at the other end of Pennsylvania Avenue if this amendment is defeated. It does not mean the Congress does not have a role to play, and Congress should play a role. There is no emergency in Haiti.

The President has plenty of time to come up here right now and say, "OK. I want to get authorization from Congress." But he has to make his case to the American people first. If he cannot make it to the American people, he certainly is not going to make it effectively to the Congress of the United States So the President ought to come up here and try to make his case.

I think Roll Call, a little newspaper here on Capitol Hill, had a good editorial on August 4, which I also want to include in the RECORD.

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

HAITI VOTE NOW

White House officials tell us that President Clinton is undergoing an "excruciating" process of deciding whether to seek Congressional authorization for an invasion of Haiti. His aides are divided, the officials say, with some fearing Congress will deny permission and undercut Clinton's effort to scare the illegitimate military government into abdicating, others arguing that putting the issue to Congress will create a bad precedent narrowing the powers of the Commander-in-Chief, and still others (apparently a minority) advising that a Congressional vote is the right thing to do, politically and constitutionally.

We strongly urge the President to listen to this last group, and we strongly urge Congressional leaders to insist that Clinton seek proper authorization if he decides on an invasion. We render no opinion on the invasion idea itself, but we think it's vital that Congress be restored to its proper constitutional role in deciding whether the United States goes to war.

During the Cold War era, it came to be accepted practice that presidents would commit US troops abroad without a declaration of war or other formal authorization. In some cases where quick action is necessary, this will continue to be the case—as it was prior to the Cold War. But a Haiti invasion, if it occurs, will take place in the new post-Cold War era, and now is the right time to make certain that in this new world, Congress is no longer left out of the process.

The basic principle is simple: If the president decides that military action is required to secure some desired foreign policy purpose, and time is not of the essence, he ought to have to secure Congress' permission for it. This is what President Bush did with the Persian Gulf war, and it's generally agreed that the debate preceding the authorization vote was one of the US government's finest hours in recent history.

If President Clinton is worried that Congress will deny him authorization for an invasion of Haiti, this is all the more reason he needs to seek it. Congress usually supports a president when he takes decisive action overseas, so doubt about Congress's will in this case is strong evidence that the President has failed to make his case for an invasion. He needs to do that to win public support as well as Congressional support. Going to war without such approval leaves a president "on his own"—without a safety net if anything goes wrong.

Independent of the Haiti case, it's time for Congress to fulfill its oft-made—and oft-broken—resolve to rewrite the 1973 War Powers Resolution, which neither Congress nor the President finds workable. It permits a president to put troops in combat for up to 90 days, but then demands their removal if Congress has not approved their dispatch.

In the case of Haiti, President Clinton has sought and obtained the blessing of the United Nations Security Council for an invasion. If he plans to use US troops, however, he needs to secure the authorization of the US Congress. He is rumored to be thinking of mounting an invasion when Congress is in recess later this month, but that would be a mistake. Clinton needs to face, not duck, opponents of his Haiti policy. If he wins a vote in Congress, that might really induce the Haitian military to flee to France.

Mr. DOLE. It says, "Haiti Vote Now," and it points out a number of reasons why I think the President should come to Congress.

Let me just reiterate what my colleague has said.

Mr. President, I am not certain what rationale the administration may have in mind, if in fact there is intervention in Haiti. Certainly, if it is because the people are impoverished or the people are suffering, if that were a rationale that you could use, that might be enough. But that is not. There are not any Americans being threatened. There is no real American interests being threatened. There are a lot of poor people there. They deserve our help. But that is not enough to justify intervention, shedding Haitian blood, and perhaps American blood. And who knows how long the occupation would last thereafter? We all know the last one lasted about 19 years.

So it seems to me that the President of the United States has some obligation to come to Congress and make his case. In my view, if the President can persuade the Congress that he is right, we ought to do what he asked us to do, what he asked the American people to do, or asked the American soldier to do. Then I think his case will be strengthened with the American people.

I recall that after President Bush came to Congress, not one single member of the Democratic leadership, not a single Member in the House or the Senate of the Democratic leadership, supported President Bush's efforts to get Congress to authorize the use of offensive forces in Iraq. But there were 11 Democrats and a number of Republicans, and President Bush rolled the dice and prevailed.

As I recall it—I will go back to check to be certain—but once the Congress put its stamp of approval on what President Bush asked, then support for that operation climbed steadily. I think the same would be true, whether it is Haiti or anywhere else.

I do not see any reason for an intervention in Haiti. Others do. The Presiding Officer feels just as strongly the other way, and maybe for good reason. But I think we all should make the

case that the President has an obligation to come to us, to come to Congress, to make his case. First, he has to make it to the American people.

It appears that the only country that is going to help us is now saying we cannot do it because our Congress objects. What about our Congress? If there are going to be American soldiers, why not Argentine soldiers? In our Congress, we reflect the views of the American people. We ought to be prepared to have some role.

So I support the amendment of the Senator from Pennsylvania because it is much like the Gregg-Dole amendment which was defeated. And I hope that maybe today Senator SPECTER may prevail. But if not, the White House should not misunderstand the vote, or misconstrue the vote.

The PRESIDING OFFICER. Who yields time?

Mr. McCAIN. Mr. President, I yield 3 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, I thank you. I thank my colleague from Arizona.

Mr. President, on this particular question, I join with the Senator from Arizona and others who are concerned about the possible ramifications of potential action that we would be taking if we were to approve the amendment by our colleague from Pennsylvania.

I understand the intent of his amendment at this particular point. I do not agree, however, with the operative effect of it. I think that this would be a very serious and, indeed, dangerous precedent for the Congress of the United States to engage in.

I happen to be one, with all deference to the Republican leader, who was, at least temporarily, as the occupant of the chair is now, in the leadership 3 years ago, whatever the date was, when we were asked to consider the question of force authorization. I, as the occupant of the chair, supported force authorization with respect to the invasion of Kuwait by Iraq. But in this particular case, I differ with my friend from Arizona with respect to the advisability of some action and certainly with respect to the question of whether or not the President is engaged—I know for a fact that he is engaged and is considering this question very, very seriously.

But putting that aside for a moment, the far more serious question is whether or not we should attempt, given the responsibility under the Constitution to declare war, whether we should attempt to usurp the authority of the President of the United States under section 2, article II, in his role as Commander in Chief.

In this particular case, an attempt to engage in prior restraint would not only send the very difficult and mixed signal that has already been alluded to in some of the debate, it would set a precedent for future U.S. actions that would be, in my judgment, fundamentally wrong. Again, there is a wide difference within this body as to whether or not the President ought to engage in certain actions.

I supported the unanimous consent resolution recently because it was a sense-of-the-Senate resolution regarding whether or not U.N. Security Resolution 940, I think was the number, actually authorized the use of U.S. forces. Clearly on its face, it did not and could not.

This is a different question, however. I think it is very important that our colleagues understand the potential ramifications and the precedents that this would set, and I think as far as I am concerned certainly would be entirely a wrong precedent.

So with all deference to my friend from Pennsylvania, whose expertise in terms of the Constitution of the United States is not questioned or challenged by any Member of this body, and indeed there are very wide differences on this particular point, I nonetheless must respectfully urge my colleagues to vote against the Specter amendment.

With that, Mr. President, I yield the floor.

I thank my colleague from Arizona for yielding the time.

Mr. SPECTER. Will the Senator from Virginia yield for a question?

Mr. ROBB. The Senator would be delighted to yield for a question.

Mr. SPECTER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Four minutes and thirty-nine seconds.

Mr. SPECTER. My question to the Senator from Virginia is that the chairman of the Foreign Relations Committee stated earlier in response to a question that the Congress has the de jure authority to declare war but the de facto authority to declare war has been overtaken by the President. Would you agree with that?

Mr. ROBB. Let me say, Mr. President, to the Senator from Pennsylvania that I am not as quick to defend constitutional role in war-making as some of my friends. I accept that. I accept the War Powers Resolution. I think it is important, however, to recognize that as Commander in Chief we expect certain responsibility to be vested in the President of the United States. I think that we severely inhibit his or potentially her ability to carry out that function if we engage in additional restraint, and particularly if the attempt is to engage in specific prior restraint with respect to activities that may or may not be undertaken or authorization that may or may not be requested.

Mr. SPECTER. I thank my colleague. I take that as a qualified yes.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. McCAIN. Let me try to make myself clear on this issue. The question before this body is not whether we think that the President of the United States should invade Haiti. The Senate has spoken very clearly on that issue. In October 1993, on the Defense appropriations bill, there was a vote by the U.S. Senate to express the sense of the Senate. Just a few days ago, a short time ago, there was a 100-to-0 vote which was correctly interpreted as a message to the President that he must come to the Congress before initiating a military action in Haiti. And if there was a simple, again, sense-of-the-Senate resolution here as to whether we should invade Haiti, I do not have any doubt that the vote would be overwhelming in opposition to invasion.

But this is not about whether we should invade Haiti. I believe with every bone in my body that the President should consult with Congress, should come to Congress for authorization, and should receive approval of any military action in Haiti. According to the Washington Post this morning, "September also would have the virtue of coinciding with the end of the upcoming congressional recess, should Clinton be disposed to consult."

I say to my friend from Virginia, if he believes the President is fully engaged, I hope he will ask that "senior administration official," whoever it was, to correct his statement that the President has "not even entered this discussion seriously." Maybe a retraction could be issued by that senior administration official.

Mr. President, is the answer to the problem of a failure of the President to consult with Congress and receive authorization from Congress a prohibition, a prospective proscription of actions on the part of the President? I would say the answer is no. I believe that if any military action is initiated by the President, without congressional approval, it will fail. The Vietnam war, Somalia, and Beirut prove that you have to have support of the American people and the support of the Congress; otherwise, military actions are doomed to failure.

I believe that this President is very smart, and I believe that this President is going to realize that he has to come to the Congress and the American people—not necessarily in that order—if he is going to invade Haiti. For us to say we are so afraid that he will not that we have to prohibit him from becoming militarily involved in Haiti, I believe, creates an enormous constitutional crisis.

I will add one other thing from the Members' perspective on my side of the aisle; that is, I do not expect the other party to control the White House forever. I believe fervently, hopefully, prayerfully, that somebody from my

party will be President of the United States. If that happens, I would hate for us to have set a precedence where we are prohibiting the President of the United States from carrying out his responsibilities as Commander in Chief. The fact is that at any time the President of the United States is engaged militarily, the Congress can debate a declaration of war and declare war or not. If the Congress chooses not to exercise their constitutional rights to do that, then that responsibility lies on the Congress, not on the President.

I repeat, Mr. President, I want the President of the United States to come and consult. I want him to get approval and authorization before we engage ourselves militarily in Haiti. I am afraid he may not. But for us to prohibit the President of the United States from taking actions, which I believe are clearly within his constitutional authority, I think is the wrong solution. How much time do I have remaining?

The PRESIDING OFFICER. The Senator controls 5 minutes 18 seconds.

Mr. McCAIN. I yield 4 minutes to the Senator from Connecticut.

Mr. DODD. Thank you very much, Mr. President. I thank my colleague from Arizona.

I suppose I can say "amen" here to what he just said. This is not a debate about whether or not we ought to commit United States Forces to Haiti. That debate, hopefully, will never come and we will not have to engage in that question, and the issue will be resolved without ever getting to that point. But if it does, there will clearly be—if it comes to the Congress—a significant debate and discussion.

Ideally—the Senator from Arizona is absolutely correct—the proper way to proceed is that Presidents come to the Congress and ask for that kind of authority before engaging. As my colleague has pointed out—and I was not here for all of this debate—I count 14 or 15 occasions since 1903 when Presidents of all political persuasions have injected U.S. Forces into hostile environments without prior authority from the Congress. It began in Panama in 1903. Coincidentally, the last one also happens to be Panama. Many would have argued—and I think did—that they wish the President had come to this Congress beforehand.

But the point I think the Senator from Arizona is making, and the one I think we need to emphasize, is that under our Constitution, the Constitution divides war powers, in effect, between Congress and the Executive. That is why we have these debates, because it clearly is the power of the President to be Commander in Chief. It is also very clear that the power to declare war is vested in the Congress. So you have these two branches of Government, separate but equal, that are charged in the same Constitution with responsibilities in the conduct of war. And so we find ourselves in this situation. So I say to my friend from Pennsylvania, while I certainly respect his knowledge and ability and awareness in constitutional areas, I do not think at this juncture you want to be precommitting without the initiation being taken by the Executive.

President Bush, to his credit, came to this institution prior to the conflict in the Persian Gulf. He asked this body, and the other, to express its view on whether or not forces should be committed to hostilities in the Middle East. I point out that—I do not know the exact number; my colleague could probably tell me—there was a significant number of forces we sent over to the Middle East prior to the debate in this body. But President Bush deserves a great deal of credit for what he did then, the least of which was to come here and ask our view.

I generally say that this President should do the same, if he can, if he is confronted with that choice. There may be circumstances, as we have seen in other examples where that will not or cannot be the case. I do not want to tie the hands of a President when he feels as though he should take some action. He can inform and consult with the Congress, but not necessarily be able to come and seek that authority.

So I do not know what the proper motion is here, but whatever it is, I urge that this amendment be defeated. Again, we have had 5 amendments now, as I count them, in the last 2 weeks on Haiti. We have had a pretty good discussion around here about what the circumstances are and, I think, what we all hope happens. I think this is a premature debate. Hopefully, it is a debate that will never have to occur because we will not have to commit those United States Forces to Haiti. I join with my colleague from Arizona and the distinguished chairman of the Foreign Relations Committee in support of the proposition that this amendment be rejected.

I thank my colleague from Arizona, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Pennsylvania controls 3 minutes 20 seconds; the Senator from Arizona 1 minute 6 seconds.

Mr. SPECTER. Mr. President, the key point was made by the distinguished chairman of the Foreign Relations Committee when he said, in response to my question, that de jure the Congress has the authority to declare war and de facto the President has the power to declare war. I think that is correct.

I think that is the way it has worked out, and it is high time, under circumstances as clear as those present now, that the Congress reassert its de jure and de facto authority to declare war. "De jure" means out of law; "de facto" means out of fact.

The fact is that he who asserts the fact of the matter controls what practically happens, and where you have a situation where the Senate of the United States has said, "Do not invade Haiti," and the House has said, "Do not invade Haiti," and the President says, "I am not mandated to get the authority of the Congress," that is a flat violation of the constitutional requirement that only the Congress has the power to declare war. There may well be a constitutional crisis if the President moves ahead to declare war and make war in violation of the Constitution.

Mr. President, this amendment is carefully crafted to leave the President his authority as Commander in Chief to have temporary deployment of U.S. Forces to protect U.S. citizens or to have the deployment of U.S. forces to protect vital U.S. national security interests where there is not time to come to the Congress. So his power as Commander in Chief is respected and protected.

What this amendment does is seek to reassert the de facto authority of the Congress as the sole authority to declare war.

It is ironic, Mr. President, that we articulate a desire to promote democracy in Haiti while we are ignoring democracy and the United States Constitution at home.

Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Pennsylvania controls 40 seconds.

Mr. SPECTER. I yield the floor.

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

Who yields time?

Mr. McCAIN. Mr. President, I yield myself the remaining time.

The PRESIDING OFFICER. The Senator has 1 minute 1 second.

Mr. McCAIN. Mr. President, one of the great embarrassments to me as a Senator is the failure to abide by our own law, which is the War Powers Act.

I urge the participation of Senator SPECTER and others in this body to review this law and revise it in a fashion that we can obey. We should abide by the laws that we pass as we expect the people of the rest of the country to abide the laws we pass.

This amendment is not about whether we should invade Haiti. That issue has been ventilated and will be ventilated again many times on the floor. This amendment is not about whether the President should come to the Congress of the United States and consult and receive prior authorization before he invades Haiti, if he contemplates such action.

This amendment is about the Constitution of the United States and Senator SPECTER's view of it and mine.

I believe that history shows that the President of the United States should be clear to exercise his powers as Commander in Chief of the Armed Forces. I believe the Constitution of the United States does provides him with this authority. For us to prospectively prohibit that action, I think would set a very dangerous precedent for the future.

I yield the floor.

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

Mr. SPECTER. Mr. President, this amendment is about a de facto amendment to the Constitution of the United States. It was succinctly and accurately expressed by the chairman of the Foreign Relations Committee that the President takes on the de facto authority to declare war, and if, in the circumstances here where there has been ample time for the President to come to the Congress and he does not, the Congress says, "Do not make war in Haiti," and the President responds, "I am not mandated to come back to the Congress," if we allow that to stand and if we allow the President to assert and usurp the authority to make war, we are having a de facto amendment of the Constitution.

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

WRONG SIGNAL ON HAITI

Mr. BYRD. Mr. President, I oppose the amendment offered by the Senator from Pennsylvania on Haiti. The adoption of this amendment today would send the wrong message to the military leadership in Haiti. We should not take action today that gives the de facto Haitian Government any sense of security or complacency, and which might impede other diplomatic efforts to ensure their speedy departure.

I agree with the Senator from Pennsylvania in that I believe that the President should seek prior congressional approval for any military action in Haiti that does not stem from the urgent need to protect Americans living in Haiti or from some other immediate national security concern. Under the Constitution, the President has the freedom of action to respond to those emergency situations. Military actions to remove the military leadership of Haiti and return the legitimately elected civil authorities are actions for which he should want and should seek the approval and support of the Congress. I believe that the President understands that actions such as are contemplated for Haiti, involving risk for United States military personnel, are actions for which he would want and would seek congressional support and approval. That way, should any eventual military action result in casualties, that burden would not be borne by the President alone.

A prohibition on the use of military force in Haiti except in cases where the President already has the clear constitutional authority to act, is unwise at this time. It gives support for the military leadership in Haiti. The President needs flexibility to exercise his responsibilities as Commander in Chief and he should also have the good judgment to build a solid consensus in Congress and the American public for military action. The President, I believe, has that good judgment and I do not think we should be presuming that he does not. Therefore, I urge my colleagues to table this amendment.

Mr. LAUTENBERG. Mr. President, I do not support an invasion of Haiti at this time, but I will oppose the Specter amendment which appears to prohibit it.

As Senator MCCAIN, and others who oppose both an invasion and the amendment have argued, the Specter language would do nothing but undercut the ability of this or any future President to use the threat of force as a negotiating tool.

I want the President to seek congressional authorization prior to any action. I believe that President Bush's decision to seek such an authorization prior to the conflict with Iraq was extremely helpful. If President Clinton believes that an invasion of Haiti is necessary, he should explain that to the Congress and the country. He should explain the need for action and the strategy which will guide that action. While I am not now persuaded that an invasion is the best course to take, I intend to listen carefully to the President's arguments and explanations.

Mr. President, the Specter amendment involves issues of process and politics rather than policy. Defeat of this amendment does not mean that the Congress supports or wants an invasion of Haiti; adoption of this amendment would not prohibit an invasion since it spells out, as does existing law, situations in which the President may act unilaterally.

The Senate has cast a series of votes on Haiti over the past few weeks. My votes on those amendments make it clear that I want the President to consult with the Congress and that I am not persuaded that an invasion is justified or wise at this time. It was unfortunate, in my view, that this amendment was offered as the debate has made clear, Senators do not see this as a debate about policy. It is a debate about process and no one—in Haiti or in America—should read anything more than that into this vote. To interpret this as a vote for or against a given policy in Haiti would be a serious mistake and could lead to serious miscalculations.

Mr. WARNER. Mr. President, I rise today to join Senator MCCAIN in opposing the amendment of the senior Senator from Pennsylvania.

I have consistently voted against legislation, such as the amendment offered by Senator SPECTER, which would prohibit the president from exercising his constitutional authority as Commander in Chief. I last spoke to this issue on June 29, during consideration of a similar amendment offered by Senator GREGG.

I agree with the arguments of Senator MCCAIN that the Constitution grants the President, as Commander in Chief, the authority to deploy U.S. military forces abroad as he deems appropriate. I would hope that Presidents, absent situations where timing is so critical that consultations cannot precede execution of a military operation, would either consult with Congress or seek prior congressional authorization regarding the use of force. But I do not find constitutional authority to require such congressional involvement as a condition precedent.

Having said that, my vote against the specter amendment should not be broadly interpreted as an endorsement of a United States invasion of Haiti, given the facts existing today, August 5, 1994. I have serious misgivings about the policy being pursued by the administration regarding Haiti. I remain firm in my belief that the administration has not made a convincing case to justify the use of United States troops in Haiti.

We are all moved by the tragedies in Haiti—the human rights violations, the thousands of desperate refugees, the military leaders prospering while the poor are suffering. But our compassion alone is not sufficient reason for endangering the lives of the men and women of the U.S. Armed Forces, should they be ordered to invade. Compassion will not offset the injury to other nations in this hemisphere who constantly remind us of Yankee imperialism in years past.

The main question that I believe the administration has failed to answer is—what is the United States national interest in Haiti that would justify the use of United States military power? It appears at this point that there remains disagreement at the highest levels of the administration regarding this question. I refer my colleagues to Senator MCCAIN's floor statement of yesterday addressing the New York Times article of August 4 entitled, "Top U.S. Officials Divided in Debate on Invading Haiti."

During briefings to the Congress, administration officials have said that the United States has an interest in restoring democracy to Haiti. This is not, as some officials claim, a justification for the use of force. While we would like to see democracy restored in Haiti, we should not shed American blood to achieve that goal.

The administration has also stated that we have an interest in stability in the Caribbean. I agree. But I fail to see

how the situation in Haiti is contributing to uncontrolled instability in the region. Several months ago, on May 16, the nation which adjoins Haiti, the Dominican Republic, held a Presidential election. The unrest in Haiti—just miles away—did not de-stabilize that free election.

We should not forget the history of United States military involvement in Haiti as we contemplate a possible invasion. The last time the United States intervened in Haiti it restored order, in 1915, we remained for 19 years. History has a way of repeating itself.

Mr. President, it is unfortunately true that the world today is a more dangerous and violent place than it was just 10 years ago. There are currently 64 areas of conflict in the world. The United States cannot be expected to solve all of the problems in the world today. We are not the world's policeman. We must be selective in the use of U.S. military power. Unless vital U.S. national interests are at stake, U.S. troops should not be sent into harm's way. At this point, Haiti does not meet that standard. A U.S. military solution to the problems in that country should be avoided.

The PRESIDING OFFICER. Pursuant to the previous order, the Senator from Arizona is recognized upon the expiration of time.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arizona to lay on the table the amendment of the Senator from Pennsylvania. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. WALLOP. Mr. President, on this vote I have a pair with the distinguished Senator from Vermont [Mr. JEFFORDS]. Senator JEFFORDS is unavoidably absent. If he were present and voting, he would vote "yea," for the McCain motion to table. If I were at liberty to vote, I would vote "nay." And, therefore, I withhold my vote.

Mr. FORD. I announce that the Senator from Louisiana [Mr. BREAUX], the Senator from Arizona [Mr. DECONCINI], the Senator from Alabama [Mr. HEFLIN], and the Senator from Tennessee [Mr. MATHEWS] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Vermont [Mr. JEFFORDS] is necessarily absent.

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

The result was announced—yeas 63, nays 31, as follows:

[Rollcall Vote No. 263 Leg.]

YEAS—63

Akaka	Ford	Metzenbaum
Baucus	Glenn	Mikulski
Biden	Gorton	Mitchell
Bingaman	Graham	Moseley-Braun
Bond	Gramm	Moynihan
Boren	Harkin	Murkowski
Boxer	Hatfield	Murray
Bradley	Hollings	Nunn
Bryan	Inouye	Pell
Bumpers	Johnston	Pryor
Byrd	Kassebaum	Reid
Campbell	Kennedy	Riegle
Chafee	Kerrey	Robb
Coats	Kerry	Rockefeller
Cochran	Kohl	Sarbanes
Conrad	Lautenberg	Sasser
Daschle	Leahy	Shelby
Dodd	Levin	Simon
Dorgan	Lieberman	Stevens
Exon	Mack	Warner
Feinstein	McCain	Wofford

NAYS—31

Bennett	Faircloth	Nickles
Brown	Feingold	Packwood
Burns	Grassley	Pressler
Cohen	Gregg	Roth
Coverdell	Hatch	Simpson
Craig	Helms	Smith
D'Amato	Hutchison	Specter
Danforth	Kempthorne	Thurmond
Dole	Lott	Wellstone
Domenici	Lugar	
Durenberger	McConnell	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Wallop, against

NOT VOTING—5

Breaux	Heflin	Mathews
DeConcini	Jeffords	

So the motion to lay on the table the amendment (No. 2460) was agreed to.

Mr. DOLE. Mr. President, I just wanted the RECORD to reflect that Senator JEFFORDS is regrettably absent today due to a family medical emergency.

VOTE ON EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 25, LINE 8, THROUGH LINE 13

The PRESIDING OFFICER. The question now occurs on the underlying committee amendment on page 25, line 8.

If there be no further debate, the question is on agreeing to the amendment.

So the excepted committee amendment beginning on page 25, line 8, through line 13, was agreed to.

Mr. HARKIN. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HARKIN. I move to reconsider also the vote on the Specter amendment.

The PRESIDING OFFICER. There is a motion to reconsider the vote to table the Specter amendment. Is there a motion to lay that upon the table?

Mr. SPECTER. So moved.

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT AGREEMENT

Mr. HARKIN. Mr. President, I ask unanimous consent that pursuant to the previous agreement, the list of excepted amendments be modified to read as follows:

Page 25, lines 8 through 13;

Page 51, line 16, through page 52, line 17;

Page 78, line 16 through line 23;

Page 78, line 24, through page 79, line 15;

Page 80, line 1 through line 5;

Page 80, line 6, through page 81, line 8;

Page 63, line 5, through page 64, line 4.

Page 68, line 18, through page 69, line 5.

The PRESIDING OFFICER (Mr. DORGAN). Will the Senator modify his request to delete the committee amendment on page 25, lines 8 through 13?

Mr. HARKIN. That was the one just adopted. I delete the one excepted amendment on page 25, lines 8 through 13.

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

Mr. HARKIN. Mr. President, now we are ready to move to an amendment that will be offered by the Senator from Arizona regarding the Corporation for Public Broadcasting. As soon as he is recognized to offer that, then perhaps we can enter into some time agreement on it.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, before I send an amendment to the desk, I would like to tell the distinguished managers that the Republican leader has asked for 10 minutes to speak on this amendment. So I only need 5 or 10 minutes. I will need a maximum of 20 minutes on this side on the issue. I will be glad to enter into a unanimous-consent agreement for a time limit.

Mr. HARKIN. Mr. President, if the Senator will yield, I ask unanimous consent that on the McCain amendment dealing with the Corporation for Public Broadcasting there be 40 minutes equally divided, 20 minutes controlled by the Senator from Arizona, or his designee, and 20 minutes controlled by Senator INOUYE, or his designee.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. I want to be sure, reserving the right to object, that Senator STEVENS has 10 minutes in that time.

Mr. BROWN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Is the distinguished chairman willing to include my Taiwan amendment in that unanimous-consent request? I will be happy to limit that to 10 minutes.

Mr. HARKIN. We have not cleared that.

Mr. BROWN. It has not been cleared. I thought it would be appropriate to do it in terms of a time limitation.

Mr. HARKIN. We will seek to get that agreement as soon as we finish the

Corporation for Public Broadcasting. I think we will be OK on it.

Mr. BROWN. I have no objection.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request propounded by the Senator from Iowa? Without objection, it is so ordered.

The Senator from Arizona.

AMENDMENT NO. 2461 TO EXCEPTED COMMITTEE AMENDMENT ON PAGE 68, LINE 18, THROUGH PAGE 69, LINE 5

(Purpose: To increase funding for AIDS programs)

Mr. McCAIN. Mr. President, I ask unanimous consent that the pending committee amendment be laid aside and that the committee amendment beginning on page 68, line 18, through page 69, line 5, be the pending business.

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

Mr. McCAIN. Mr. President, I send a second-degree amendment to the pending committee amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN] proposes an amendment numbered 2461.

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

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

The amendment is as follows:

At the end of the committee amendment on page 69, at the end of line 5, insert the following: *Provided further*, That $37,360,000 shall be transferred to Department of Health and Human Services to be used solely for AIDS research and prevention programs in Fiscal Year 1997."

The PRESIDING OFFICER. The Senator is recognized.

Mr. McCAIN. Mr. President, this amendment mandates that of the $330 million appropriated in the bill for the Corporation for Public Broadcasting, $37,360,000 should be transferred to the Department of Health and Human Services to be used for AIDS research and prevention programs.

The bill before the Senate appropriates $330 million to the CPB for fiscal year 1997. This amendment lowers that amount to $292,640,000000, the amount that was requested by the President and mandates the difference be used for AIDS research.

Mr. President, this is simply a matter of priorities. Each day Americans in every Member's State, in every congressional district will die from AIDS. According to the Centers for Disease Control, as of March 1994, 382,173 Americans were diagnosed as having AIDS and another 1 million were infected with the HIV virus.

Based on current information, those numbers will undoubtedly increase. The facts surrounding this killer are well known, and there is no need to repeat them all. But there exists no cure for AIDS, and we are in desperate need to do all we can to fund AIDS research and prevention programs.

At the same time, we are increasing the funding for the Corporation for Public Broadcasting. The President requested the Corporation for Public Broadcasting be funded at $292 million for 1997. I do not always agree with the President, but when I do—and when I recognize a concerted effort on his part to control spending—then we have an obligation, in my view, to support him.

Mr. President, I repeat, this is an issue of priorities. Do we increase funding for the CPB in excess of the President's request, or do we use the money for AIDS research?

Let me point out, this bill funds the CPB $37 million more than the President's request. It funds the Ryan White AIDS Program at $8 million below the President's request. The Ryan White AIDS Program, which funds AIDS early intervention programs, is funded at $14,400,000 below the President's request. And, Mr. President, title IV of the Ryan White program, which funds pediatric AIDS programs, is funded $1 million less than the administration's request.

Let me repeat, pediatrics AIDS programs in this bill are funded at a level $1 million less than requested, yet we are funding the Corporation for Public Broadcasting above requested levels.

The supporters of the CPB constantly state how important the CPB is for our Nation's young people. Let me emphasize, this is obviously very important to young people, but those young people have to be alive. The House has realized that we must make priorities, and the House Members and the Labor/HHS Appropriations Subcommittee cut the fiscal year 1995 budget by $20 million. The report that accompanies the House bill states:

The committee's action to rescind a portion of the advanced appropriation for 1995 is consistent with funding recommendations for many other programs in the bill which are slightly reduced below the 1994 funding level due to the committee's tight budget allocation and the need to shift resources to the President's investment priorities in education, job training, health prevention and biomedical research.

The CPB may have served a need when it was created in 1969. It served many individuals who were not able to receive quality programming and does still in some areas. But times have changed, needs have changed, and our priorities must change with them.

Cable is now available to 97 percent of American homes and 63 percent of all households subscribe to cable television and subscription rates are rising. Additionally, direct broadcast service television, known as DBS, has begun direct satellite-to-home broadcast television. The popularity of that service is expected to skyrocket.

What kind of programming can someone watch on these venues? Stations such as Arts and Entertain, BRAVO, CNN, Nickelodeon, C-SPAN and Discovery—many stations that air programs as good as, if not better, than those which exist on PBS. Yet we continue to raise the spending levels for the CPB.

I am keenly aware that the Senator from Alaska and the Senator from Hawaii will point out the far-reaching areas of their States where cable is not available and public broadcasting is necessary. I would state to my colleagues, first, DBS will soon solve that problem; second, if my amendment is adopted, we in Congress can mandate during consideration of the reauthorization bill, which is currently pending in the Commerce Committee, that CPB use its funding to ensure that rural Alaska and rural Hawaii is not abandoned; and, third, we will still be funding the CPB at substantial levels.

I acknowledge that there is a need for public broadcasting stations to remote sections of our Nation. However, in areas such as metro Washington, DC, where three public broadcasting stations are available over the airwaves, at the very least, continued increases in Federal funding must be called into question.

I repeat, it is a matter of priorities.

Cutting the money from the CPB budget will not cause public broadcasting to cease. Public broadcasting can and will continue to exist, but the fact remains, using this $37 million to fund AIDS research may save lives. It may bring us one day closer to a cure for this deadly disease. And that, Mr. President, I believe is worth a small reduction in the CPB budget.

I reserve the remainder of my time.

Mr. INOUYE addressed the Chair.

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

Mr. INOUYE. Mr. President, I rise in support of the funding level for the Corporation for Public Broadcasting which is included in this bill, $330 million for fiscal year 1997.

Mr. President, this amount is well below the proposed authorized level of $425 million provided for in S. 2120, the Public Broadcasting Act of 1994.

The funding contained in this appropriations bill would allow public broadcasting stations to simply maintain the present level of high quality programming. I think all of us have seen firsthand how public broadcasting has helped this country. Public broadcasting's effort in education, advanced technology, and program development continues to set the standard for commercial broadcasting.

For example, nationwide, public television is the largest contributor of video and televised instructional material for schools, for colleges, and home viewers in the country. Public TV

reaches over 29 million students in nearly 70,000 schools from kindergarten to grade 12. Close to 2 million teachers use public educational services provided by public TV and nearly 2 million adults have earned college credit because of public broadcasting.

Last month, public television launched a new school readiness service designed to help children to start school ready to learn. The ready to learn service is being tested in 11 sites across the country, and this service will offer quality children's programming, community outreach, and increased support services for children.

Yesterday, public broadcasting announced that it will launch another new education initiative called Ready to Earn. This service is designed to enhance career and economic opportunity for millions of Americans. "Going the Distance," the first of the ready to earn programs, will allow students to earn associate of arts degrees in over 60 community colleges in PBS telecourses. The program will enable students who need to work, parents who need to take care of their children, and citizens who do not live near a college campus to earn a college degree.

Many of us do not realize this, but public television provides closed captioning for the hearing impaired, a descriptive video service which has an optional audio narration track for the sight impaired, and Spanish language tracks for Spanish-speaking students.

Innovative services like these are important as our society becomes more diverse.

Public broadcasting also allocates a large percentage of its funds to enhance programming by and for minorities in traditionally unserved areas. And through the Independent Television Service and five minority consortia, public broadcasting has enabled Americans to explore important social issues and experience a wide variety of opinions and ideas.

CPB coordinates statewide planning and conducts research to help public broadcasting systems keep up with the new technologies and fluctuating financial conditions. For instance, many public radio and television stations are exploring new ways to manage the administrative and technical processes to achieve greater efficiency, and I applaud the efforts of these stations to become more efficient and eliminate duplicate program coverage.

When one considers, Mr. President, that public broadcasting receives only $1 a year per person from the Federal Government, one can only conclude that public broadcasting is one of the wisest investments that Congress can make. The Communications Subcommittee of the Commerce Committee is committed to passing reauthorization legislation this year so that we can ensure a healthy public broadcasting system in this country. The subcommittee held a hearing just 2 months ago on legislation to reauthorize the CPB, and I expect the bill to be marked up before the next recess.

The House is also expected to introduce a similar measure and to hold hearings rather soon. And I believe any issues with regard to CPB programs and policies should more properly be considered in the context of an authorization bill.

Finally, Mr. President, I support the funding level contained in this bill and must commend Senator HARKIN and the Appropriations Committee for demonstrating such fiscal responsibility. The funding provided in the appropriations bill is a good investment in our country's future.

Mr. President, it is time once again for Congress to reaffirm its commitment to the public broadcasting system and to provide the financial stability and means needed for CPB to realize its full potential.

How much time do we have?

The PRESIDING OFFICER. The Senator from Hawaii has 14 minutes and 10 seconds remaining. The Senator from Arizona has 14 minutes and 26 seconds remaining.

Mr. INOUYE. I suggest the absence of a quorum with no time taken off from either side.

The PRESIDING OFFICER. The absence of a quorum is noted, with no time taken off the time agreement. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. HARKIN. How much time is remaining on both sides, Mr. President?

The PRESIDING OFFICER. There are 14 minutes remaining to the Senator from Iowa and 14 minutes and 26 seconds remaining to the Senator from Arizona.

Mr. McCAIN. Will the Senator yield?

Mr. HARKIN. Will the Senator from Hawaii yield to me a couple minutes on the subject?

Mr. INOUYE. I would be happy to. I promised 10 minutes to the Senator from Alaska.

Mr. HARKIN. How much time does the Senator from Hawaii have?

Mr. INOUYE. Fourteen minutes.

The PRESIDING OFFICER. Just under 14 minutes.

Mr. HARKIN. I ask the Senator to yield 2 minutes.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 2 minutes.

Mr. HARKIN. Mr. President, I urge Senators to vote against the McCain amendment. Few of the programs funded in this bill touch as many lives as public broadcasting does; 90 million people watch public television, more than half of American households in any given week. Many of them are children. For them, public television makes essential learning opportunities available regardless of their parents' education, income, or occupation. It exposes children to information about world politics, economic events, and career opportunities that will affect their lives.

Commercial broadcasting's primary goal is to deliver an audience to advertisers. Public broadcasting's primary goal is to produce quality programs that do not necessarily make money, and this difference makes public broadcasting unique. There is nothing like All Things Considered or Morning Edition anywhere on commercial radio. There is nothing like MacNeil/Lehrer or Sesame Street anywhere on commercial television.

Of the $330 million provided in the Senate bill for CPB, $218 million goes directly to the Nation's 700 radio stations and 350 public television stations in the form of community service grants. Stations use these grants to acquire or produce programming that serves the needs of their local communities. In spite of overall increases in CPB funding, many stations have had their grants cut in real and relative terms. Between 1989 and 1994, at least 15 new public television stations and 90 new public radio stations have become eligible for these grants. Grants to these new stations, although helping the system bring public broadcasting services to areas and audiences not previously served, have offset significantly the growth in Federal support for existing stations. Small rural stations are most reliant on these funds and would be most affected by cuts. For rural audiences, the money we appropriate is vital. Because television stations in rural areas do not have great fundraising capabilities, smaller rural stations will likely be forced to cut service to their communities. Public broadcasting works because it is a partnership between business, Government and the American people. If you weaken one leg, the whole enterprise is affected.

The PRESIDING OFFICER. The Senator has consumed 2 minutes.

Who yields time?

Mr. INOUYE. Mr. President, I suggest the absence of a quorum without taking time off either side.

The PRESIDING OFFICER. The absence of a quorum is noted without the time being taken from either side. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCAIN. 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. McCAIN. Mr. President, I want to use about 2 minutes of my time.

Then I would like to go ahead and move to lay the pending amendment aside so that Senator BROWN, the Senator from Colorado, can pose his amendment. I believe the Senator from Iowa is working on a time certain for this vote and also for the next vote.

Mr. ROBB. Mr. President, today as we consider the level of funding to be provided for the Corporation of Public Broadcasting, I believe it is important to reflect on the accomplishments and potential for public broadcasting.

During the last 27 years, public broadcasting has enabled Americans to take countless journeys, explore the heavens and Earth, participate in great events and arouse more dreams and address more issues of social importance.

Public broadcasting is no longer just "MacNeil/Lehrer," "All Things Considered," or Big Bird. Today it is public telecommunications encompassing all forms of technology from videodisc to interactive computers and high-definition television to other means of communication that will continue to allow us to dream, take journeys, experience great drama and music, and explore the heavens and beyond.

Today, communications technologies offer exciting opportunities to improve the quality and quantity of educational programming on television and radio. Education is the key to the future of our country. If we fail to provide quality education, we risk not only the minds of our children but also our Nation's place in an increasingly competitive world. But how do we, in times of budget deficits, make the most of our limited resources to ensure that Americans are able to function in the workplace? One way is to empower citizens and communities to work together to find solutions. And in order to do so, it is Congress' role to provide citizens and communities the means to work together.

One of the best means available to Congress to achieve this goal is public telecommunications. CPB is embarking on several new journeys which ensure its place in our changing world. It is exploring new ways to improve school readiness for very young children using the powerful medium of television as a positive influence rather than a harmful one. It is developing community-wide education and information services that will provide local capacity to utilize the national information infrastructure. And it is seeking ways to use its access into every community and every home to address such difficult problems as youth violence.

Preschool children have been exposed since the late 1960s to the early childhood educational values of "Sesame Street" and "Mr. Rogers' Neighborhood." Classroom television from kindergarten through high school reaches 29 million students across the country with science, math, and reading instruction. After school, public television programs like "Reading Rainbow", "Where in the World is Carmen SanDiego?", and the upcoming "Magic Schoolbus" series, encourage youngsters to pursue subjects such as reading, geography, and science.

College courses are available through the Annenberg/CPB Project, a 1981 initiative to promote adult education which has been a pioneer in interactive computer systems to improve teaching and learning. Nearly 1.5 million students used the audio and video material in their college classes in 1989. Approximately 150,000 students have completed Project courses for college credit, and an additional 7.5 million general interest viewers tune in to courses every week.

For these reasons, I fully support the Appropriations Committee recommendation to provide $330 million to the Corporation for Public Broadcasting for fiscal year 1997 and I oppose the McCain amendment to cut CPB funds.

Mr. President, I also ask your permission to submit for the record an article from yesterday's Washington Post which describes a new Public Broadcasting Service initiative, "Going the Distance." The program is a cooperative effort with 60 community colleges across the country, including Northern Virginia Community College, that will enable students for the first time to earn degrees entirely through PBS telecourses. I believe this is a sterling example of public TV's commitment to meet the lifelong educational needs of all Americans and to be a significant provider of quality programming for the so-called information superhighway.

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

[From the Washington Post, Aug. 4, 1994]

PBS LAUNCHES COUCH COLLEGE—STUDENTS CAN EARN ASSOCIATE DEGREE

(By Ellen Edwards)

Public television has forged a partnership with 60 community colleges around the country that will enable students to earn degrees for the first time entirely through PBS "telecourses."

"It will bind PBS as never before to its original education mission," said PBS President Ervin Duggan. "Educational TV has come a long way since a single camera was trained on Mrs. Gundy holding a pointer at the blackboard.

"In a 500-channel universe we have to have a unique and differentiated mission. This is the first big strategic thing we are doing."

The program, called Going the Distance and scheduled to begin this fall, is to be announced at a news conference today. It will permit students who need to work, who take care of their children at home or who live too far from a campus to earn an associate of arts degree from any of the colleges paired with 20 PBS stations.

In the Washington area, only Maryland Public Television is participating in the program's initial phase, in conjunction with Prince Georges Community College in Largo, Catonsville Community College in Baltimore, Howard Community College in Columbia and Northern Virginia Community College in Annandale.

PBS has offered courses for credit since 1981—with nearly 350,000 enrolled last year—but students have never before been able to earn a degree with only those programs. The program comes under the umbrella of PBS's new "Ready to Earn" initiative, which is a parallel program with the network's elaborate preschool initiative called "Ready to Learn."

Reich said the increasing "structural unemployment" brought about by technology and downsizing is forcing more people to develop new job skills. "Our message loud and clear is that the future requires you to upgrade your skills and get ahead.".

In addition, it is a way for community colleges to increase their own enrollment.

PBS estimates that 90 percent of the students participating in "distance learning" are employed; 68 percent are women; and 70 percent are between the ages of 23 and 49.

Wanda Cromer, 29, is typical. She is married, lives in Prince George's County, works full time as an administrator for a computer company in College Park and is raising two children, ages 4 and 6. She now tapes her telecourses off the Prince George's cable channel, she said, and watches them when she can. She wants to get an associate degree in business management, which she estimates will take her about four years, and then transfer to the University of Maryland to complete requirements for a bachelor's degree. Right now she has had to go to the Prince George's campus to meet course requirements. The new program will give her increased flexibility in where and how she completes the courses.

PBS's Adult Learning Service has been self-supporting, according to Jinny Goldstein, who is in charge of educational project development, and Going the Distance should also pay for itself. PBS receives a $15 fee from the colleges for each student who takes the class as well as a license fee of between $400 and $500 from the college to air each course.

Some of the course materials come from programs that originally aired on PBS, such as "Eyes on the Prize," about the civil rights struggle in America, and "Art of the Western World." Other courses are created by outside educational producers specifically for the program. For the fall, about 60 courses will be offered.

Students must register and pay tuition at a participating community college, and then they receive the video portion of the course in a variety of ways—either through over-the-air broadcasts on the station, on videocassettes or on educational cable channels.

Each participating school sets its own requirements for successful completion of the course.

In each case the effort will be to reach students who could not otherwise attend college and work toward a degree.

"The information highway," said Reich, "is irrelevant if you don't know how to drive on it."

Because of its focus on job training and retraining, Labor Secretary Robert Reich is to join Duggan in announcing the program this morning. "This effort directly affects the work force of the future," Reich said yesterday. "Earnings are directly correlated to knowledge. Those who have some training beyond high school earn about 10 percent more than those with only a high school degree."

Mr. INOUYE. Mr. President, I rise in support of the funding level for the

Corporation For Public Broadcasting [CPB] included in the Labor, HHS and Education Appropriations bill. The Appropriations Committee approved $330 million for the CPB for fiscal year 1997. This amount is well below the proposed authorized level of $425 million provided for in S. 2120, the Public Broadcasting Act of 1994.

The funding contained in this appropriations bill would allow public broadcasting stations to simply maintain the level of high-quality programming they provide today while properly balancing the need of Congress to show fiscal responsibility.

We have all seen first hand how public broadcasting has helped our Nation. Public broadcasting's efforts in education, advanced technology, and program development continue to set the standard for commercial broadcasting. For instance, in the area of education, Public television has shown itself to be one of the most economical and efficient mechanisms for distributing educational information to our homes and schools. Public television stations are providing their local schools and State educational institutions with technical expertise and quality programs to supplement classroom instruction.

Nationwide, public television is the largest contributor of video and televised instructional materials for schools, colleges and home viewers in the country. Public TV reaches over 29 million students in nearly 70,000 schools, grades K through 12. Close to 2 million teachers use public educational services provided by Public TV and nearly 2 million adults have earned college credit because of public broadcasting.

Last month public television launched a new school readiness service designed to help children start school ready to learn. The ready-to-learn service is being tested in 11 sites across the country. The new service will offer quality children's programming, community outreach and increased support services for children, families, and child care providers.

Today, the Public Broadcasting Service announced that it will launch yet another new education initiation called "ready-to-earn." The ready-to-earn service is designed to enhance career and economic opportunities for millions of Americans. "Going the distance," the first of the ready-to-earn programs will allow students to obtain an associates arts degree from over 60 community colleges through PBS telecourses. The program will enable students who need to work, parents who need to take care of their children and citizens who do not live near a college campus to earn a college degree. Mr. President, continued Federal funding will enable public broadcasting to offer more programs like these—programs that will help millions of American citizens.

We should not forget how public broadcasting has helped broaden the reach of television to many of our Nation's citizens. Public television provides closed-captioning for the hearing-impaired, Descriptive Video Services [DVS]—an optional audio narration track for the sight-impaired, and Spanish language tracks for Spanish-speaking citizens. Innovative services like these are important as our society becomes more diverse.

The CPB also allocates a large percentage of its funds to enhance programming by and for minorities and traditionally unserved areas. Through the Independent Television Service [ITVS] and the five minority consortia, public broadcasting has enabled Americans to explore important social issues and experience a wide variety of opinions and ideas.

The CPB coordinates systemwide planning and conducts research to help the Public Broadcasting System keep up with new technologies and fluctuating financial conditions. For instance, many public radio and television stations are exploring new ways to manage their administrative and technical processes to achieve greater efficiencies. Some are discussing ways to consolidate their stations and share resources. I applaud the efforts of these stations to become more efficient and eliminate duplicate program coverage.

When one considers that public broadcasting receives only $1 a year per person from the Federal Government, one can only conclude that public broadcasting is one of the wisest investments that Congress can make.

Mr. President, the Communications Subcommittee of the Commerce Committee is committed to passing reauthorization legislation this year so that we can ensure a healthy public broadcasting system in this country. The subcommittee held a hearing just 2 months ago on legislation to reauthorize the CPB. I expect the bill to be marked up before the next recess. The House is also expected to introduce a similar measure and to hold a hearing relatively soon. I believe any issues with regard to CPB programs and policies should more properly be considered in the context of an authorization bill.

Finally, Mr. President, I support the funding level contained in this appropriations bill and must commend Senator HARKIN and the Appropriations Committee for demonstrating such fiscal responsibility. The funding provided in the appropriations bill is a good investment in our country's future.

It is time once again for Congress to reaffirm its commitment to the Public Broadcasting System and to provide the financial stability and means needed for the CPB to realize its full potential.

Mr. KENNEDY. Mr. President, I urge the Senate to support the Corporation for Public Broadcasting, and the funding levels provided by the committee for its important programs.

The Corporation for Public Broadcasting [CPB] has done an excellent job creating many worthwhile educational programs for young people, and a wide range of documentary and cultural programming for older viewers.

At a time when commercial programming is often saturated with violence, public broadcasting offers a realistic alternative for young viewers and families. Programs such as "Sesame Street" and "Shining Time Station" are widely watched, and they deserve our support.

The Federal investment in public broadcasting is approximately $1 per person. That investment must be matched by $2.50 in non-Federal support. More than twice that amount in matching funds is actually attained each year, demonstrating the enthusiasm and broad support that CPB has earned through its record of quality programming and community outreach.

In Massachusetts, WGBH and WGBY have been extraordinary leaders in their communities. I commend WGBH for its instrumental role in supporting the Ready to Learn Program. School readiness is the first of the Nation's education goals. Ready to Learn is using television and video broadcasting to develop important programming for preschool children to help them enter school ready to learn.

The Ready to Learn activities are under the jurisdiction of the Department of Education, to insure that educational priorities are included in the programming. Public broadcasting has been an early advocate and innovator in this effort, and I am pleased that the Department of Education will be working closely with CPB in this effort to improve readiness skills for the Nation's preschoolers.

Some critics claim that because so many alternatives now exist, public broadcasting is no longer needed. It is true that some cable signals provide similar educational programming. But nationally, only a little over half of all households subscribe to cable. By contrast, public broadcasting is available in any home with a television set, and we ought to take advantage of this access.

No other alternative can match the commitment of public broadcasting to educational, informative, and cultural programming. Our national system of community-based and viewer-supported public broadcasting is an extraordinary achievement.

Support for public broadcasting is good public policy and a sound Federal investment. I urge the Senate not to undermine it.

NATO AIR STRIKES IN BOSNIA

Mr. McCAIN. Mr. President, I have just been informed that NATO airplanes are getting ready to conduct strikes in Bosnia. I have long opposed this action. I am very concerned about the ultimate outcome of the use of air power without a full commitment of the U.S. forces because I do not believe it is a viable military option. I think we may be on the verge of a very dangerous move on the part of the United States of America without the American people being properly consulted as to what we are getting into.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT

The Senate continued with the consideration of the bill.

Mr. McCAIN. Mr. President, I ask unanimous consent, if it is agreeable to the Senator from Iowa, at this time to set aside the pending amendment in order that Senator BROWN may offer his amendment.

Mr. HARKIN. I have no objection. I hope we can get a time agreement.

Mr. McCAIN. Mr. President, I am prepared to yield back the remaining time. The Republican leader said he wanted to speak. He is unable to. I understand from the Senator from Hawaii that the same is true in his case.

Mr. HARKIN. Mr. President, I agree to the unanimous-consent request that we set the pending amendment aside; that we recognize the Senator from Colorado [Mr. BROWN] for his Taiwan amendment, and that the Senator from Colorado have 10 minutes; then at the end of his 10 minutes, we will return to the amendment offered by the Senator from Arizona.

The PRESIDING OFFICER. Is there objection?

The Chair inquires of the Senator from Iowa, is it his intention that his request be that the pending amendment and the underlying amendment be set aside?

Mr. HARKIN. Yes, exactly, that both be set aside.

Mr. McCAIN. Reserving the right to object, is it also the view of the Senator from Iowa that we have both votes, on both the Brown and the McCain amendments, at approximately 1:15?

Mr. HARKIN. I am hopeful that we can do that. That will have to be checked further. I hope we just go ahead and go to the Brown amendment. Let us take that up. We will try to get this time worked out.

Mr. McCAIN. I do not object.

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

The Chair recognizes the Senator from Colorado.

Mr. BROWN. Mr. President, I rise to offer an amendment to the committee amendment on behalf of myself, Senators SIMON, MURKOWSKI, and LIEBERMAN.

AMENDMENT NO. 2462 TO THE EXCEPTED COMMITTEE AMENDMENT ON PAGE 51

(Purpose: To ensure that the President of the Republic of China on Taiwan can enter the United States on certain occasions)

Mr. BROWN. 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 Colorado [Mr. BROWN], for himself, Mr. SIMON, Mr. MURKOWSKI, and Mr. LIEBERMAN, proposes an amendment numbered 2462.

The amendment is as follows:

At the appropriate place in the committee amendment, add the following new section—

"SEC. . VISAS FOR OFFICIALS OF TAIWAN.

Section 4(b)(6) of the Taiwan Relations Act (22 U.S.C. 3302(b)(6) is amended—

(1) by inserting "(A)" immediately after "(6)"; and

(2) by adding at the end the following:

"(B) Whenever the president of Taiwan or any other high-level official of Taiwan shall apply to visit the United States for the purposes of discussions with United States federal or state government officials concerning:

(i) Trade or business with Taiwan that will reduce the U.S.-Taiwan trade deficit;

(ii) Prevention of nuclear proliferation;

(iii) Threats to the national security of the United States;

(iv) The protection of the global environment;

(v) The protection of endangered species; or

(vi) Regional humanitarian disasters.

The official shall be admitted to the United States, unless the official is otherwise excludable under the immigration laws of the United States.".

Mr. BROWN. Mr. President, I asked that the amendment be read in full to the body because it is very brief and to the point. The point is simply this:

This country has had a policy of excluding or denying visas to officials from Taiwan to visit this country. Members may have varied and differing feelings on that subject. I, for my own part, believe it is a great mistake to refuse to talk with our friends in Taiwan, or to refuse to permit them to visit.

The purpose of this amendment is self-evident. It pinpoints some specific instances in which the Congress can go on record as favoring visits by Taiwanese officials.

Back on May 4, the President of Taiwan stopped overnight in Hawaii. He was on his way to Costa Rica. He had asked for an opportunity to spend the night in Hawaii during his trip. This democratically elected leader of a foreign country, who is our fifth largest trading partner, who has stood side-by-side with us in conflicts around the world, was denied even the opportunity to stay overnight in Hawaii. It is almost unbelievable. Taiwan is a country that wants to be our friend—one of our bigger trading partners—and this administration will not even permit the democratically elected leader of Taiwan to stay overnight. The administration's unbelievable treatment of our distinguished Taiwanese guest prompted this amendment.

It is in this Nation's interest to at least allow contacts with Taiwanese officials on specific matters. What is included in this amendment are matters that I suspect no Member of this body will find objectionable. It requires that in discussions with regard to United States-Taiwan trade matters, and the trade deficit, we will permit them to talk with us. It also requires that for discussions of efforts to prevent nuclear proliferation, Taiwanese officials should be admitted; for threats to the national security of the United States, Taiwanese officials should be admitted; for discussions involving protection of the global environment; protection of endangered species; and regional humanitarian disasters—for discussions in these narrow, specific areas, the Taiwanese leadership will be admitted. All of these are areas I believe every Member of this body feels are appropriate and necessary, and it would be unreasonable to exclude Taiwanese officials from the United States to discuss these matters.

I am going to ask for a recorded vote on this amendment, because it is important that we go on record to let the Nation and the world know that we believe this kind of discussion and debate is important and helpful.

Mr. President, it is incredible at a time when we are facing potential problems—conflicts around the world—that we would be unwilling to even allow officials of the Taiwanese Government, who are our friends, major trading partners, who believe in democracy, who have stood side-by-side with us in a variety of conflicts, that we would prohibit them from even visiting this country. Thus, Mr. President, this amendment is offered. It is one I think would be helpful to set forth the opinions and the views of the American people. I hope it will result in a change in our policy toward Taiwan.

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. BROWN. Mr. President, I ask unanimous consent at this time to have printed in the RECORD a letter from Senator PAUL SIMON to his colleagues on this subject, dated May 5, and also a letter from the chairman of the Senate Foreign Relations Committee and six of its members regarding this subject, as well.

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

U.S. SENATE,
Washington, DC, May 5, 1994.

DEAR COLLEAGUE: Yesterday, the United States slighted President Li of Taiwan when

he was in our country. The Taiwan government had asked for an overnight stop for President Li in Honolulu, en route from Taiwan to Costa Rica. The ambassador of the People's Republic made a strong protest; the administration considered not allowing any stop at all; the compromise was a 90-minute refueling stop.

President Li was not allowed to disembark in Honolulu. No ranking official of our government was on hand to welcome the freely-elected leader of a friendly and prosperous democracy which has, in contrast to the People's Republic, an exemplary human rights record. Yesterday I expressed my dismay to Secretary Christopher in the attached letter.

Increased focus this spring, both here and in the administration, on China's deplorable human rights record and the President's upcoming determination on its MFN status should not mean U.S. neglect of its important relationship with Taiwan (the Republic of China). That view was widely shared when we adopted Section 508 of the Foreign Relations Authorization Act, signed by the President on April 30, expressing the sense of the Congress that:

"in addition to Cabinet-level visits, the President should take steps to show clear United States support for Taiwan. . ."

Is President Li's treatment "clear U.S. support for Taiwan"?

Since last year, the administration has held off completing a review of U.S. policy toward Taiwan. It has sought to delay Senate hearings on policy toward Taiwan. Now, we are given to understand that the policy review will be completed after the President's decision on China's MFN status is announced.

Before June 3, I will seek passage of my Taiwan resolution, S. Res. 148, which encourages full participation by representatives of Taiwan in the U.N. as well as Cabinet-level exchanges between the U.S. and Taiwan. S. Res. 148, which is attached, now has 22 cosponsors.

I hope you will consider joining us in supporting S. Res. 148.

PAUL SIMON,
U.S. Senator.

U.S. SENATE,
Washington, DC, July 25, 1994.

Hon. RONALD V. DELLUMS,
Chairman, House Armed Services Committee, Washington, DC.

Hon. FLOYD SPENCE,
Ranking Member, House Armed Services Committee, Washington, DC.

DEAR CHAIRMAN DELLUMS AND MR. SPENCE: In May, the United States turned down a request by President Lee of Taiwan to overnight in Hawaii en route to Costa Rica. Instead, we only permitted him to land for 90 minutes to refuel.

Taiwan is the United States' fifth largest trading partner, one of our closest allies in the Pacific and a functioning democracy. In our view, the Administration's policy of refusing entry to Taiwan's president does not make sense.

Consequently, during consideration of the Defense Authorization Bill for FY1995, the Senate included a provision to ensure that the President of Taiwan and other high-level Taiwanese will be admitted to the United States for discussions of matters directly related to U.S. interests, including:

(a) Trade or business with Taiwan that will reduce the U.S.-Taiwan trade deficit;

(b) Prevention of nuclear proliferation;

(c) Threats to the national security of the United States;

(d) The protection of the global environment;

(e) The protection of endangered species; or

(f) Regional humanitarian disasters.

We strongly urge you to include the Brown-Simon amendment concerning "Visas for Officials of Taiwan" in the final version of the conference report.

Sincerely,

CLAIBORNE PELL,
CHARLES S. ROBB,
PAUL SIMON,
JESSE HELMS,
FRANK MURKOWSKI,
HANK BROWN,
U.S. Senators.

VISAS FOR HIGH-LEVEL TAIWANESE OFFICIALS

Mr. MURKOWSKI. Mr. President, I am pleased to join my good friend from Colorado, Senator BROWN, in offering this amendment to ensure that high-level officials from the Taiwanese Government will be issued visas to visit the United States to discuss issues of mutual interest to our two governments.

I find it shocking that this amendment is even necessary. The Taiwan Relations Act was passed "to promote the foreign policy of the United States by authorizing the continuation of commercial, cultural, and other relations between the people of the United States and the people on Taiwan," 22 U.S.C. 3301. This policy has been impeded because of the U.S. Government's restrictive policies on high-level visits.

I remind my colleagues that Taiwan is the world's 13th largest trading partner and the United States 5th largest trading partner. With $16.2 billion in United States exports to Taiwan in 1993, it was the United States' second largest export market in the Asia-Pacific region, after Japan. It holds the world's largest foreign reserves. Taiwan is friendly, democratic, stable and prosperous. Its human rights record has steadily improved.

And how do we treat this democratic country that plays such an important part in our economic and security interests in East Asia? I believe we wrongly treat them like an international pariah. In May of this year, I was embarrassed to learn that the Department of State refused the request of the Honorable Lee Teng-hui, the freely elected leader of the democratic Republic of China on Taiwan, to overnight in Hawaii en route to Costa Rica. I believe this decision was extremely ill-advised. Similar snubs have met other high-ranking Taiwanese officials. For instance, Taiwanese officials are forced to meet with U.S. Government officials in hotels, rather than Government buildings, even though they are discussing issues that are of mutual interest to the people of both countries.

The U.S. Government has the opportunity to make long overdue changes to its policy. For well over a year, the United States Government has been engaged in an interagency review of its policy toward Taiwan. President Clinton could take important steps to show clear United States support for Taiwan as part of this policy review. He could begin by welcoming President Lee Teng-hui on U.S. soil for a visit. There is ample precedent for such a visit by the leader of a country with which we don't maintain formal diplomatic ties. Senator BROWN and I also would like the State Department to allow President Lee to visit our home States of Alaska and Colorado as part of our efforts to expand and strengthen ties between the people of the United States and the people of Taiwan.

President Clinton could also incorporate high-level exchanges into its new policy. I encourage President Clinton to send one of his Cabinet officers to Taiwan this fall. Fifty three of my colleagues joined me in letter to the President inviting him to do just that. Such visits will promote American interests in Taiwan and ensure the continued success of American business projects.

Even small, but symbolic changes, such as allowing the Coordination Council on North American Affairs to change its name to the Taipei Representative Office will show that the United States is prepared to treat the people of Taiwan with the respect they deserve.

Mr. President, I know my colleagues have supported many amendments over the past year that have had the intent of sending a signal both to the United States Government and to the people of Taiwan that the United States Senate supports positive changes in United States policy toward Taiwan. I am confident that this amendment will be added to that list. I hope the administration is listening.

UNANIMOUS-CONSENT AGREEMENT

Mr. HARKIN. Mr. President, I ask unanimous consent that beginning at 1:15, the vote on or in relation to the amendment offered by the Senator from Arizona [Mr. MCCAIN], commence; that upon the disposition of that vote, without any intervening business, the Senate proceed to the vote on or in relation to the amendment offered by the Senator from Colorado [Mr. BROWN].

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HARKIN. Mr. President, for the benefit of Senators, there will be two back-to-back votes beginning at 1:15 then.

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. 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.

The PRESIDING OFFICER. Who yields time? The Chair advises the Senator from Iowa that he controls 9 minutes. The Senator from Colorado controls 5½ minutes.

Mr. LEAHY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LEAHY. Had a time specific been set for the vote on this amendment?

The PRESIDING OFFICER. The Senator from Vermont should be advised there are two votes that will occur starting at 1:15. On the Brown amendment, as the Chair indicated, there are 8½ minutes remaining for the Senator from Iowa, and 5 minutes remaining for the Senator from Colorado.

The Chair will further advise that on the McCain amendment, each side has approximately 12 minutes remaining.

The Senator from Hawaii.

Mr. INOUYE. Mr. President, pursuant to prior agreement, I am pleased to yield 10 minutes to the Senator from Alaska.

The PRESIDING OFFICER. Without objection, the Senator from Alaska [Mr. STEVENS] is recognized for 10 minutes.

Mr. STEVENS. I thank the President and I thank the Senator from Hawaii.

AMENDMENT NO. 2461

Mr. STEVENS. Mr. President. I am opposed to this amendment which attacks the forward funding concept that was developed in the Public Broadcasting Financing Act of 1975.

I worked on that measure, as did our former colleague, Senator Barry Goldwater.

The purpose of forward funding is to help public broadcasting raise non-Federal funds. Each year, Congress directs public broadcasting to raise $2.50 in non-Federal support for every Federal dollar received. In recent years, CPB has attracted more than $6 in matching funds for every Federal dollar invested.

Thus, public broadcasting is more than doubling its statutory match, making it one of the most successful public-private partnerships in the Federal budget.

Forward funding was also developed to protect public broadcasting from politically motivated interference in its programming.

I know public broadcasting is not perfect. Many of my constituents have complained about programs they felt were biased against reasonable development in the Arctic National Wildlife Refuge—I shared their concerns. Many, including me, felt a recent Frontline piece of the 1872 mining law was biased against miners.

But we should not destroy the system to address an issue. Senator INOYUE and I are members of the authorizing committee, as is the Senator from Arizona—that is the appropriate forum for complaints about objectivity or balance.

I for one am not going to set myself up as the censor of public broadcasting. The law establishing CPB calls for balance in programming. I frankly believe CPB should go farther to achieve that goal and I stand ready to work with public broadcasting toward that end.

Congress has mandated that public broadcasting expand its signal to reach rural and underserved areas. By 1997 we will have more stations on-line to achieve that goal. A return to 1995 levels will produce an across-the-board reduction in funding. That 5-percent cut does not account for inflation.

Mr. President, the small rural radio stations of my State cannot afford such a cut. Some of them have already reduced services because of tough economic times in many rural areas of Alaska.

In Alaska, we have what are called sole service stations. Stations in Galena, Unalaska, Chevak, St. Paul, Sand Point, Ft. Yukon, Unalakleet, and Talkeetna all provide the only local broadcast service. In most instances they are the only daily news service. Public broadcasting is the only source of news and official information in these communities.

Unlike large urban stations, where CPB is a small part of the overall economic picture, some of the sole service stations I am talking about, whether on St. Paul Island or Zuni, New Mexico, depend on CPB grants for up to 50 percent of their total support.

For rural Alaskans, public broadcasting is not a luxury, it is a necessity.

In the spring of 1991, when the Kuskokwim River overflowed its banks and threatened the lives of many people in the western interior of Alaska, it was KSKO public radio in McGrath that literally came to the rescue.

Over KSKO, State officials told residents which local roads were safe to travel and when emergency supplies would be available.

KSKO became the 911 service for that portion of my State. I urge the Senate not to cut funds to that life-line; a cut in those funds will threaten public safety in large portions of Alaska.

Again, not too long ago, several subsistence walrus hunters from the Arctic community of Gambell were lost in a violent storm in the Bering Sea. Alaska's Governor was conducting his monthly call-in program on the public radio network when the Gambell mayor called-in to alert the Governor to the situation of the walrus hunters. Within minutes, the Governor dispatched the National Guard to that area and those hunters were saved.

People do not understand the relationship between public broadcasting and public service in an area such as ours, one-fifth of the United States in areas where there is no other means of communication other than public broadcasting.

Public broadcasting in Alaska also helps preserve a way of life. In Bethel, AK, through KYUK the only television station, newsbreaks are provided in their Yupik Eskimo language. To do this the station maintains two news staff—one English-speaking, one Yupik-speaking. That costs money.

The effect of the proposed CPB reduction would be the almost certain loss of Native language news broadcasts in Bethel and elsewhere, in places where bilingual programs are absolutely necessary. Those cuts cannot be sustained.

The unintended consequences of cutting CPB further will reduce services to rural Americans who are already underserved and some that are unserved that the increased financing would provide. These people are already denied full access to news and information. The only solution is that that CBP provides to these underserved and unserved areas.

So I oppose the McCain amendment.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. I ask if the Senator from Iowa will yield me time.

Mr. HARKIN. Mr. President, again, what is the time situation so I can know what to yield to the Senator?

The PRESIDING OFFICER. Under the McCain amendment, the Senator from Hawaii controls 7 additional minutes.

Mr. HARKIN. On behalf of the Senator from Hawaii, I yield 7 minutes of that time to the Senator from Vermont. How much time is left on the Brown amendment?

The PRESIDING OFFICER. The Senator from Iowa has 8 minutes remaining on the Brown amendment.

Mr. HARKIN. I yield 5 of those 8 minutes at the beginning also to the Senator from Vermont, to give the Senator from Vermont at least 12 minutes. If he needs more, I will yield more.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 12 minutes.

Mr. LEAHY. Mr. President, I ask unanimous consent that my remarks appear at a different place in the RECORD.

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

LANDMINES

Mr. LEAHY. Mr. President, 2 years ago when the U.S. Senate passed the moratorium on exports of antipersonnel landmines, many people were skeptical. They said we were naive to think that other landmine exporting nations would follow our lead. In fact, over and over again, the naysayers would mention Italy. They mentioned Italy because Italy produces and exports more landmines than practically anybody else. They said the Italians would simply take over the markets for landmines that the American companies lost.

I heard the same thing when I introduced legislation last month to impose

a 1-year moratorium on the production of antipersonnel mines. Some in the Pentagon called it unilateral disarmament, as if somehow antipersonnel landmines is the key to American military superiority. Others said that Italy and other countries would simply expand their production.

Often around here, the pessimists win out. But interestingly enough, that has not happened with landmines. Time and again in the past 2 years, the naysayers have been proven wrong. Our export moratorium was like a shot heard around the world. What started as nothing more than a whisper, suddenly became a deafening cry for global action to ban landmines altogether. A lot of countries took heart in what the U.S. Senate did.

Since the United States stopped exporting antipersonnel landmines, at least eight countries have adopted their own moratoria. Six other countries have not enacted formal moratoria, but in practice they have done it because they have stopped issuing export licenses. A number of other countries are expected to soon. It is one of those instances where what we did on the floor of this body actually counted worldwide.

And for the naysayers who kept pointing to Italy, I want them to know what is happening there today.

Italian Senator Caro Ronchi introduced a resolution in the Upper House to ban landmines. It is cosponsored by almost half of that body. Parliamentarian Emma Bonino sponsored identical legislation in the Lower House. And the Italian Minister of Defense announced that he supports a moratorium on both exports and production of antipersonnel landmines.

We started something here in the U.S. Senate.

I think of the times when Tim Rieser, from my office, would talk with people not only in this country but in other parts of the world and felt like a voice in the wilderness. Now Tim gets calls and faxes from around the world from people who want to join with him. And I would note, Mr. President, my personal congratulations to Mr. Rieser for what he has done tirelessly.

In the debate on Mr. Ronchi's resolution earlier this week, the Italian Government pledged to observe a moratorium on the exports of antipersonnel landmines. It further pledged to end production of antipersonnel mines which pose grave dangers to civilians and to work collectively with other countries to support landmine clearing efforts.

I mention this because I want to commend both these legislators for their initiative, and the Italian Defense Minister for his support for this effort.

According to my information, Italy produces over 30 varieties of antipersonnel landmines. Fiat, the automobile manufacturer, is Italy's largest producer of mines. One of its deadlier models is the Valmara 69. If you trip it, it leaps up and then explodes at waist height, spewing shrapnel over a 60-foot kill zone. It can pulverize a child, and blind or blow the arms or legs off of anyone standing within 300 feet.

Thousands of Italian mines were discovered in Iraqi arsenals after the gulf war. Now we know these mines were used against the Kurds in northern Iraq.

Mr. President, we can talk in the abstract. This is what actually happened. This is a photograph of a Kurdish child in northern Iraq who lost a leg from a mine. Look at the face of this child. Can anybody think of this child as an enemy? Can you imagine the tragedy he feels?

Look at the face of his father. You can see the despair and grief he feels for his own child. It is obscene, what is happening. These mines have become a terrorist weapon against civilian populations all over the world.

Mr. President, if Italy lives up to its pledge, it deserves the strong support of the United States. It reflects the views of over half the Senate, Democrats and Republicans, liberals and conservatives, who are original cosponsors of my legislation for a 1-year moratorium on the production of antipersonnel landmines.

Mr. President, in March and May of this year, government experts met in Geneva to begin to prepare for a U.N. conference on landmines next September. The third experts meeting will take place next week. It is absolutely essential that the August meeting achieve significant progress.

How much is achieved in Geneva will depend completely on whether the participants, including the United States and our allies, want this to be an exercise in posturing or one that produces real results.

In 1981, the United States was one of over 50 countries that signed the Conventional Weapons Convention, including the landmine protocol. There was great fanfare and congratulations, and during the next decade somewhere between 50 and 100 million landmines were strewn around the world.

Vast areas of land in dozens of countries became virtual death traps for the people who live there. Landmines became the weapon of choice in the Third World, from Cambodia to Bosnia, and it is civilians who have suffered the most. Well over 100,000, and probably more than 200,000 people have been killed and maimed. Another 1,200 casualties are added each month.

So much for rhetoric. So much for an agreement that was so riddled with loopholes and exceptions that it was worth little more than the paper it was written on. I have to wonder if the diplomats who signed that flawed agreement ever really believed it could accomplish its lofty goals.

Today, 13 years since the landmine protocol was signed, we have the opportunity to show that we have learned something from all the misery that has been caused by landmines since then.

Several countries including the United States, France, and Germany have proposed modifications to the protocol. In France and Germany today, innocent people are still being blown up by mines left from World War II. These proposals contain some good ideas, but none goes nearly far enough. Even if every recommendation was adopted it would fall far short of what is needed to stop this senseless slaughter.

I am pleased that the United States is pushing hard for the extension of the protocol to internal, as well as international conflicts. The vast majority of mine casualties are a result of civil wars.

But far more must be achieved, and frankly I am very concerned that we may see something of a repeat of what happened in 1981. I am afraid that we may see an elaborate and wholly unenforceable control regime that permits the industrialized countries to continue to produce, use, and export to each other their high technology mines, but which does not stand a glimmer of a chance of changing the behavior of the Third World countries where the problem is most severe. That would be a traffic failure of governments to address an urgent humanitarian crisis that afflicts over 60 countries.

I will have a number of recommendations for our negotiators during the coming months. I will also be urging other governments, both those who produce landmines and those whose citizens have experienced the horrors mines cause, to support these recommendations.

Mr. President, we have all watched in horror as hundreds of thousands of innocent people were killed and mutilated in Rwanda. I cannot imagine there is a Member of the Senate who has not been sickened by the news accounts of children, thousands of children, mutilated or hacked to death by people wielding machetes in Rwanda. Our skin crawls at the idea. We are repulsed, as civilized people.

But, Mr. President, that is happening year-round to thousands of children, not being mutilated and killed by machetes, but mutilated and killed by landmines. Some of those mines have been there for years, placed by governments no longer in power or by combatants who are no longer even remembered, but they have left this deadly legacy; and sometimes it has been combatants who placed the landmines there before these children were even born.

And now those children see a metal object that might even resemble a toy, and they go eagerly to pick it up. And it is the last thing they will ever see,

because even if they live, they have probably lost their eyes and half their face.

Mr. President, so many people stood by for months during the genocide in Rwanda. We do not have to do that with landmines. We can stop the landmine scourge if we challenge other countries and give support to those who share our goals.

As part of that effort, 3 weeks ago, U.S. Army personnel went to Cambodia to train Cambodian troops to clear some of the 5 to 10 million landmines strewn there. This mission is a result of funding approved by the Congress last year to support humanitarian mine clearing overseas. Additional funds are going to be in the 1995 Defense appropriations bill, as well as funds for research and development of new technology for detecting and destroying mines. It is not too late. There are 100 million unexploded landmines strewn around the world.

Mr. President, one of the things I look forward to when we are not in session is to be back at my home in Vermont, to walk around the fields and woods on my tree farm there. It is one of the prettiest places I know. I have been walking those same trails and fields as I did when I was a child. I do it with a sense of safety and security and peace.

As many as 100 million landmines are in countries where you cannot walk in the fields or the woods, or let your cattle graze, or your children play, or reap your crops, because you know you may die from it by stepping on a mine.

Mr. President, I ask unanimous consent that the transcript of a television film on landmines, produced by the Center for Defense Information, entitled "Killing Fields: The Deadly Legacy of Landmines," be printed in the RECORD.

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

[From the Center for Defense Information]

KILLING FIELDS: THE DEADLY LEGACY OF LANDMINES

Steve Goose: The human costs of landmines are appalling. The Red Cross estimates that probably some 15,000 people a year are either killed or injured by landmines around the world. That means that while your viewers are watching this program, probably one or two people are going to be killed or maimed by landmines.

Senator Patrick Leahy (D-VT): Time after time, when I've talked with landmine victims in Africa, in Central America, in every part of the world where I've talked to them, and I've said, "What side were you on in the conflict?" Time and time again, they say, "I'm just trying to raise food for my family. I didn't have a side."

Narrator: They are known as "hidden killers" and "weapons of mass destruction in slow motion." They have killed or maimed more people than have been killed by nuclear, biological and chemical weapons combined. They have been called the perfect soldier, never sleeping and never missing. Unlike other weapons, many of them are designed to maim, but not kill. They are landmines.

["America's Defense Monitor" program introduction.]

Admiral Eugene Carroll, Jr. (USN, Ret.): One-hundred and thirty years ago, General Sherman said that "war is hell." Today, in some respects, war is even worse. For example, there are modern weapons which go on wrecking havoc, destroying lives, maiming innocent children, killing farmers in their fields long after the battles are over. This program will show you graphic evidence of this in images which are grim and disturbing, but you will see firsthand evidence of the deadly legacy of landmines.

Kenneth Rutherford: About ten minutes into our excursion, the Land Rover filled up with dust and lurched forward. I looked at my Somali colleague. His face was covered with dust, and then down to my legs. My right foot was gone. At first, I wondered if the bone that I saw was mine or Duali, my IRC colleague. It was mine.

Several times I tried to put my right foot back on. It was hanging by stretched skin towards my knee. I would attempt to do a partial sit-up so I could reach up and touch my foot, and the foot kept on falling off.

Narrator: The International Committee of the Red Cross says landmines kill or injure more than 1200 people per month world-wide, most of them unarmed civilians.

General Patrick Blagden: Every 15 minutes of the daylight hours of every day, of every week, of every month, of every year, I hit my desk and I say, "That's another one gone."

Jody Williams: A report by the US State Department released last year estimates 100 million uncleared landmines in the world today.

Narrator: Jody Williams is coordinator of the Landmines Campaign of the Vietnam Veterans of America Foundation, which is part of an international effort to ban the production, stockpiling, sale and use of landmines.

Ms. Williams: There are also estimated to be an additional 100 million in stockpiles around the world.

Narrator: Many landmines are designed specifically to main rather than kill, in order to make the victims an ongoing burden.

Mr. Goose: Landmine injuries are particularly gruesome.

Narrator: Steve Goose is the Washington Director of the Human Rights Watch Arms Project, which co-authored the authoritative report, Landmines: A Deadly Legacy.

Mr. Goose: Doctors who have to deal with these things in the field say that they are amongst the worst things to try and treat. The blast blows up bits of shoe, and plastic, and metal tear up into a leg. Almost always it results in either traumatic amputation by the mine itself or by surgical amputation later.

General Blagden: Many people won't even make it out of the minefield; they'll die in agony where they are. Over half will be women and children. And those that survive will be physically, mentally, socially, and economically crippled for life.

Narrator: The loss of a limb is just the beginning of a landmine victim's problems. A victim will typically have to undergo as many as six to eight operations. He or she might have to have a prosthesis fitted and then learn to walk again.

Prosthetic techniques struggle to keep up with the gruesome effects of landmine technology and the cost of rehabilitation is hundreds the times the cost of the mine itself.

And yet deaths and maimings are only part of the legacy of landmines.

Ms. Williams: Think of a national territory with 10 million landmines in it. What does that mean to returning refugee populations when they come back into areas where they used to live which are now mined? How do they know where to resettle? Where do they plant their crops? Where do they graze their animals? Where do they build their huts? It obviously has to have a long term impact on the rebuilding of a society in a post-conflict setting.

Mr. Goose: There are more than 60 countries that have reported landmine incidents. There are probably about two dozen countries that have very serious landmine problems, where it's affecting the way that the country can operate.

Narrator: The State Department estimates there are more than 10 million landmines in Afghanistan, nine million in Angola, three million in Iraqi Kurdistan, and two million each in Somalia, Mozambique and the former Yugoslavia, to name just a few countries.

Ms. Williams: The only parts of the world today that are not infested with landmines are North America, Antarctica, New Zealand and Austrialia. Practically every other region of the world has a serious landmine problem. It has to be addressed.

Narrator: Cambodia has four to seven million mines on its territory. Most were laid between 1979 and 1991. According to the Pentagon, 600,000 US-produced antipersonnel mines were shipped to Cambodia between 1971 and 1975.

Landmine explosions since then have resulted in more than 30,000 amputees. Between 300 to 700 Cambodians still lose limbs each month. It is thought that for every mine victim who makes it to a hospital, another dies in the field. The Cambodian conflict may be the first war in history in which mines claimed more victims, both combatant and civilian, than any other weapon.

Since the end of the Gulf War, landmines laid by Iraq have killed more than 1700 Kuwaiti civilians. Eighty-three mine cleaners have died while clearing the Kuwaiti desert of mines.

It is not only recently laid mines that are a problem.

Mr. Goose: There are certainly still plenty of landmines out there from World War II. Some people would say that there are explosive devices that work like landmines that are still left from World War I. But there are still people who are being injured from landmines in Libya, and Poland, and France every year from World War II vintage mines.

Narrator: The tragic cost in life and limb is matched by the cost of defusing the danger. The UN estimates that the average cost for removing a landmine can range up to $1000. The average yearly per capita income in Cambodia is about $280. To completely demine Cambodia would require every one of Cambodia's 10 million people devoting every single penny earned to demining for the next three-and-a-half years. While this is clearly impossible, it highlights the fact that landmines cripple economic development long after the fighting stops.

The huge number of mines scattered around the world is testimony to the wide variety of producers and exporters. The Arms Project has identified more than 340 types of antipersonnel mines alone.

Mr. Goose: We've identified at least 56 nations that have produced landmines. Some of those have stopped producing now; maybe about a half-a-dozen or so have stopped producing. There are probably other nations

that we've not yet identified that do make landmines. About 36 countries are exporters or have been exporters.

Narrator: In recent years, China, Italy and the former Soviet Union have been the world's biggest exporters of landmines.

It is estimated that five to ten million landmines are produced annually. It is difficult to track where a landmine is manufactured. Some are the product of multiple manufacturers, often in different countries. And the most destructive, such as the US Claymore mine, are regularly copied and produced by other nations.

Senator Leahy: A landmine can be very inexpensive or very sophisticated.

Narrator: Senator Patrick Leahy is the senior senator from Vermont and the originator, along with Representative Lane Evans of Illinois in the House, of a landmine moratorium, banning the export of US antipersonnel landmines. Originally enacted in 1992, the moratorium was recently extended for another three years.

Senator Leahy: Whether inexpensive or sophisticated, they can tear your limbs off or kill you. Even the simplest ones can maim a person for life. And I'm talking about landmines that only cost three or four dollars to make and to deploy.

Col. Richard Johnson (USA, Ret.): I am convinced though that a ban on antipersonnel mines is not a way to solve the problem.

Narrator: Before his recent retirement, Colonel Richard Johnson was project manager for Mines, CounterMine and Demolitions at Picatinny Arsenal in New Jersey, where landmines for the US military are developed.

Col. Johnson: If manufactured antipersonnel mines are banned, an insurgent who wants to still do that same job will find the assets to manufacture his own. He'll either do it from dud-fired ordinance or make his own. It's not that hard to do.

Narrator: Many other countries, however, now support Senator Leahy's view. Since the United States decided to stop exporting landmines in 1992, others have done the same.

Senator Leahy: The Netherlands banned it. France, Greece, South Africa. Cambodia said that they—announced that they will not use them. Others are going to follow suit.

Narrator: Landmine opponents point to the weapon's inability to discriminate between combatants and civilians.

Ms. Williams: What makes the landmine different from the rifle, for example, is the soldier. The soldier can point the rifle, he shoots the rifle; when the battle's over, he takes it home. That is not the case with the landmine. He puts it in the ground, he walks away; the landmine is there, it remains there for literally decades.

Col. Johnson: First of all, I don't think mines are indiscriminate if used responsibly and controlled responsibly.

Senator Leahy: Time and time again, I asked them of the two sides, or three sides that might have been fighting in your country, who put the landmine there that tore off your leg, or killed your children, or killed your spouse. And time and time again, the answer's the same: "I don't know. All I know is my life has changed forever as a result of it."

Mr. Goose: We believe that landmines have been used indiscriminately by most people who have, in fact, deployed landmines over the course of the past several decades. But we further believe that landmines are inherently indiscriminate because of their time-delay function. And we think that because of that, they should already be considered as illegal and inhumane weapons of war under customary international humanitarian law.

Col. Burrus Carnahan (USAF, Ret.): The same criticism can be made of virtually any weapon. Any weapon can be used in an indiscriminate manner.

Narrator: Burrus Carnahan is a retired Air Force lieutenant colonel. He was a United States delegate to an international working group which drafted a Landmine Protocol to regulate their use. The protocol prohibits direct use of mines against civilians. It also calls for recording and publishing minefield locations.

Col. Carnahan: Certainly the protocol on landmines that was drafted in '79 and '80 has not been as successful as we had hoped.

Narrator: Unfortunately, the United States is in the embarrassing position of having signed, but not yet ratified the 1980 UN Convention and accompanying protocols. To this day, both languish in "ratification limbo."

Another problem with the protocol is that it did not really take into account the changes in the way landmines are being used.

Col. Johnson: You can use mines to interdict or interrupt his resupply forces coming forward. But essentially what you're trying to do with mines is at a minimum expense to yourself, in terms of commitment of people—what can be referred to as "economy of force." You're trying to mould the battlefield, shape the terrain, make the enemy do something you want him to do, so you can fight on your terms at least cost to yourself.

Ms. Williams: When one thinks of landmines, one generally has heroic visions of World War II. When I talk to people today about landmines, that is what they think of. They think of barrier defense. They think of huge fields of antitank mines blocking the invasion forces of the evil enemy, correct? Unfortunately, since World War II, mines have not been used that way.

Mr. Goose: What we have seen increasingly over the past several decades is that landmines have changed from being primarily a defensive, limited theater weapon to a weapon that is used offensively in a strategic sense, where it's used to create refugee flows, or to empty vast stretches of territory, or to deny a population its food supply. These offensive uses that are directed primarily against civilians are, of course, outlawed under the laws of war.

Narrator: Landmine technology has also been changing. Landmines have come a long way from the relatively large plate-shaped devices that were buried by hand. Today, many mines are so-called plastic mines, making detection extraordinarily difficult.

Col. Carnahan: The minimum metal content mines are—I think most experts recognize now, are going to create even more humanitarian problems. These mines have such a small metal content that it is very, very difficult to detect them with any type of mine-clearing—mine-detecting technology.

Narrator: Mines are also becoming increasingly difficult to disarm.

Ms. Williams: They have now been fitted with anti-handling devices, which are little micro chips, and they can detect even a five degree tilt in the mine. And if you tilt it that much, it'll blow up in your face.

Narrator: Even more deadly is the way in which massive numbers of landmines can be delivered in extremely short periods of time.

Ms. Williams: You have airborne systems that can scatter thousands of mines within a minute. There's an Italian system that can scatter upwards to 2000 mines in a minute. How can you possibly map where those mines have gone, so that in the post-conflict situation, you can go and find those mines and remove them, so the civilian population can go back and use the soil.

Mr. Goose: You can't accurately mark and record a scatterable minefield. You may have some general notion of the perimeters of the minefield, but there's no way you can accurately indicate where mines are or even really what the borders of the minefield are.

Narrator: Some, however, think technology is the solution rather than the problem. In their view, smart mines are better than no mines.

Col. Johnson: The scatterable mines used by the United States I think can best be categorized as a responsible use of explosive ordinance. They are all—the ones produced today are all electronic refused. They all have a reserve cell or a battery inside them which is activated when the mine is dispensed. The mine has a time set to self-destroy or self-destruct anywhere from four hours to 15 days after the mine has been employed. If during that time, the power in the reserve cell reaches a lower limit, the mine will also self-destruct.

Narrator: There is, however, disagreement about the reliability of such mines. But even with the very low failure rate, humanitarian issues arise.

Senator Leahy: Let's say those were the only ones, and let's say they work perfectly, or as perfectly as most such things would work, and so you scatter 2000 of them and 90 percent work. Do you want to take a chance where those other 200 are that didn't work? Because they're going to kill you, or they're going to tear your legs off, or your arms off, or blind you.

Narrator: The advances in mine-making technology have far outstripped those of mine clearance. Contrary to the systems used by the military to clear a path through a minefield, the ability to disarm all the mines in a field is distinctly low-tech.

Ms. Williams: I spent several weeks in Cambodia in November with the demining teams of CMAC, Cambodian Mine Action Center. They're literally on their hands and knees with something that looks like a large, fat knitting needle, a prod, and they literally prod the ground centimeter by centimeter.

Now can you imagine—Even take a state the size of Massachusetts, which is relatively small. Can you imagine having to start at one end of Massachusetts and prodding the ground of Massachusetts centimeter by centimeter to find 10 million landmines? Figure it out. How long's it going to take?

Multiply that by Cambodia, Afghanistan, Yugoslavia, Mozambique, Somalia, Rwanda, Angola, Nicaragua, El Salvador, Peru, Colombia. You don't have to be a rocket scientist to figure out it's going to take a long time to clean up the mess.

Narrator: Because of the horrific consequences of a mistake, if deminers are not absolutely sure that an area is completely clear, they must treat it as a live area and demine it again. The United Nations standard for successful mine clearance is 99.9 percent.

Jody Williams believes that part of the problem is that military forces do not take the long term view.

Ms. Williams: When they talk about the landmine, they talk about it only in the context of the engagement, of the battle. They do not feel any responsibility toward cleanup after the battle. They think they have the right to go in and do whatever is necessary

to get the job done, and then walk away and leave it for the civilians to deal with.

Narrator: But landmines are not just a problem for civilians.

Senator Leahy: More and more, I've talked with those who've been in combat who tell me they wish there were no such things. General Gray, the former commandant of the US Marine Corps, a combat veteran, said he's seen more Americans killed by American landmines than the American landmines being used to destroy any enemy.

Narrator: The UN estimates that 105 million mines, or more, may be deployed in 62 nations. That's one mine in the ground for every 50 people on earth. Disarming them all would cost from $200 to $300 billion.

In some respects, the position of those supporting the use of landmines is analogous to the position of the National Rifle Association on guns. In other words, mines don't kill people, people kill people.

Col. Carahan: If landmines are used responsibly, if they are laid on an area of land that is itself a military objective, if there are military forces around that know where those mines are and can warn civilians away, if the location of that minefield is marked so that they can be cleared later after the conflict is over, then I don't think the use of landmines violates any existing rule of war.

Narrator: While even those who support banning landmines acknowledge they have a military benefit, they question the long term cost.

Mr. Goose: You have to balance off the military utility versus the humanitarian disaster that landmines are causing around the world. And it's our strong belief that, in fact, the humanitarian and economic and social consequences of the use of landmines far outweigh the military utility.

The only way to really come to grips with the landmines disaster on a global scale is to have a comprehensive ban: No production, no possession, no stockpiling, no use and no transfer.

Narrator: Following his call to ban mine exports, Senator Leahy recently announced a new piece of legislation calling for a one-year moratorium on the procurement and production of anti-personnel landmines by the United States. The legislation also urges the president to encourage other major producers of anti-personnel landmines to adopt similar moratoriums.

The landmine issue raises a compelling question: Should short term considerations of military expedience override long term humanitarian and economic costs?

One thing is certain: As long as landmines are seen as an acceptable weapon of war, the world will continue to pay the consequences—an arm, a leg, and a life at a time.

Red Cross Worker: These improvised buggies and trolleys the children behind me have are made out of mines, parts of a VS-2.2 Italian mine. We have also the integral parts of the V-69. The mines are collected from the minefield by the children. Are then taken apart, having done the dangerous bit retrieving the mines from the minefield. They're then dismantled and used as components for the go-carts or buggies.

[End of broadcast.]

Mr. LEAHY. Mr. President, I yield back the remainder of whatever time I have to the Senator from Iowa.

The PRESIDING OFFICER. The Senator yields back 30 seconds to the Sentor from Iowa.

Mr. REID. Mr. President, before my friend from Vermont leaves the floor, I would like to extend my appreciation for his statement and his advocacy to bring to the attention of the world, and the United States, the problem of landmines. Senators SIMON, FEINGOLD, and I were in Angola this past few months. It is a beautiful country, one of the most potentially viable countries in Africa, with 10 million people—20 million landmines.

We went to a prosthetic center and saw men, women, and children with their legs blown off. They have trouble farming anymore in Angola because of the landmines. And who gets hurt the most trying to farm in Angola? Women and children. The men are out in the civil war.

So I join with my colleague. I join in spirit in the statement he gave today and extend my appreciation for the great work done on this issue.

Mr. LEAHY. Mr. President, if my colleague will yield one moment, I thank the Senator from Nevada. I should note for the RECORD the Senator from Nevada and the manager of the bill, the Senator from Iowa [Mr. HARKIN] have been original cosponsors of our attempts to ban these landmines. They have both been in the forefront of that. I thank them very much.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Mr. President, I ask unanimous consent that all time remaining on the Brown amendment and on the McCain amendment be yielded back, at which time then the Senator from Nevada be recognized on his own time to speak until the time for the vote set at 1:15.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection. It is so ordered.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Chair now recognizes the Senator from Nevada [Mr. REID].

Mr. REID. Mr. President, if I could ask through the Chair to my friend from Iowa, would it be possible to extend the vote for 5 minutes? The reason for that is I have two amendments I have on the list, proposed list. I think we can get rid of both of those with that extra 5 minutes.

Mr. HARKIN. Mr. President, I ask unanimous consent the vote on the McCain amendment previously scheduled for 1:15 now occur at 1:20; the remainder of the unanimous-consent request remain.

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

Mr. REID. Mr. President, a few months ago in my office here in Washington I met with a young girl by the name of Hydeia. She is a beautiful, bright-eyed young girl, 6 years old. During the course of the time I met with her she sat next to me and she read to me and she recited some of the poems that she had written. She also sang a song for me that she had written for me and my staff. It was very touching, this nice little girl singing and reciting poetry to me.

But it was very sad because her poetry was based around her life experiences, and all of her life experiences centered around the disease that she had. She was HIV infected. Her songs and poetry spoke of the fear and discrimination that this little girl felt and experienced with AIDS, as well as her triumph over this fatal disease to this point in her life.

Hydeia was in Washington to give a speech to a local high school. She was talking to the high school about the problem of AIDS. This young girl spoke for over 30 minutes to these high school students about HIV and AIDS. When she spoke, a physician was sitting behind her on the stage and remarked in admiration he had never seen someone speak so intelligently and thoroughly about the subject of AIDS, and remember, Mr. President, we are talking about a 6-year-old girl.

I bring to the attention of the Senate my friend Hydeia because this young Nevada resident, like many people across the country who suffer from AIDS—it is people like her who have caused me to focus my attention in our investment as a Federal Government in providing treatment and intervention services to our States and communities impacted by AIDS.

You see the people who suffer from AIDS are married women, they are single women, they are children of all ages, they are married men, they are single men, they are heterosexual, they are homosexual, and drug abusers. But they are all human beings with a story to tell.

These people who suffer from AIDS have husbands and wives and mothers and fathers and sisters and brothers and children.

(Mr. LIEBERMAN assumed the chair.)

Mr. REID. What I have found is a very serious situation regarding AIDS funding. The State of Nevada has consistently ranked among the top 10 States in the country for AIDS incidence per 100,000 people and leads rural States in HIV morbidity.

The Presiding Officer—until just a second ago—was from a very rural State. And on public radio this week they had a series on AIDS in rural America.

You see most people contract AIDS in urban centers, but many times they go home after they have contracted the disease. But the statistics all originate in the cities. So if someone gets AIDS

in a city, that is where they are always counted as being, even though they may be out in rural America where they need help.

So, rural AIDS incidence, even though it may not appear as high as in urban America—and it is not—it still is something that needs our attention. My State, even though we lead, we are in the top 10 States in the country for incidence per 100,000 people and we lead rural States in HIV morbidity, yet we receive little Federal funding. The city of Las Vegas does not qualify for title I funding under the Ryan White Care Act as it is currently written and has obtained no funds under title III(b), even though it ranks fifth in Public Health Region No. 9 for AIDS incidence.

Unfortunately, title I and other Federal programs look at absolute numbers of AIDS cases rather than incidence per 100,000 people. Although Las Vegas is not as populous as other regions, it is the fastest growing city in the Nation and the burden AIDS places on the health care system is greater than that of Phoenix, the whole of Riverside-San Bernadino, or Orange County in its entirety. Yet, these communities received Federal support under Ryan White and Las Vegas does not.

Clearly the formula as it is currently written is not fair, it is not equitable. States receiving both title I and title II funds receive almost $4,000 per AIDS case, while States like Nevada receive only title II funds and receive only about $1,100 per case.

Although the State of Nevada ranks in the top 10 it receives less money in the CARE Act than States with a lower incidence of AIDS. Nevada is not the only state affected by the current formula. In fact, there are 33 States which do not receive funding under title I. This is not fair.

The CARE Act is not the only program, however, that distributes AIDS funding unfairly. It was recently brought to my attention that Nevada was receiving significantly fewer Federal dollars from programs administered by the Centers For Disease Control than States with lesser rates of AIDS incidence. As these charts clearly indicate, despite the impact of AIDS in the State of Nevada it is receiving less money from CDC than States with fewer cases of AIDS.

Let us look, for example, at this chart. We have here the cumulative cases, and it is very, very high in Nevada. It is higher than any other case incidence, but look at the funding per case. Nevada, you can hardly see it on the chart. Nevada's is about a third of what Rhode Island gets. Look at Alaska per AIDS case, it almost goes out of the chart. And on through the rest of the States. It simply is not fair and that can be shown graphically.

The chart I just showed, 20 States with an incidence rate lower than Nevada received more prevention dollars. There are 12 States with lower incidence, lower total cumulative cases, and fewer 1993 cases than Nevada. All 12 of these States received larger 1994 prevention awards. These larger awards are very hard to understand. In fact I defy anyone to give any logic to why that is.

With this next chart it is easy to see. I will take just a few States. Let us take New Mexico as an example. It is almost the same size as Nevada, a little bit smaller. Incidence, 18.2; cumulative cases, a total of 862; but look at the funding they receive compared to Nevada. They receive twice as much money and have less than half the cases. Alaska—we have 46.5 incidence rate; Alaska has 11.7. They have a total of only 200 cases, yet they receive almost a third more money than the State of Nevada.

New Hampshire, a State smaller than the State of Nevada, has an incidence rate of 11; ours is 46½. Yet they have 420 total cases and receive more money than the State of Nevada, even though we have almost 1,800 cases. It simply is not fair.

Although the agency is working with the State of Nevada in an attempt to rectify this situation, I think it is important that I display in the RECORD what the AIDS impact is having on the State of Nevada and other States.

My constituents are seeing their tax dollars going to other States to provide AIDS care and not to their own community. Because of this situation, Mr. President, they are essentially double taxed since the county must pick up the tab for providing needed HIV and AIDS care, which inequitable Federal funding formulas have put out of reach.

I urge the Department of Health and Human Services and the Members of this body to begin to pay careful attention to how we have been distributing funds to address the significant impact AIDS is having on our communities. AIDS is a tragic disease and we should not be shortchanging AIDS patients in one State as opposed to another. There should be equitable distribution of moneys.

All Americans suffering from AIDS deserve receiving equitable access to medical care—sometimes Medicare—and intervention services and should not be faced with the possibility of not receiving care just because they happen to live in one of the States that is being funded unfairly.

I was prepared at this time to offer an amendment to rectify this inequity and provide more Federal money to the Ryan White Care Act. I have chosen not to do that because, as a member of the Appropriations Committee, and as a member of the Labor-HHS Subcommittee in particular, I understand the difficult job laid before Chairman HARKIN and Ranking Member SPECTER. I do not want to disrupt the delicate balance they have achieved in this legislation.

I will, however, signal the warning that I will revisit this issue. I am drafting legislation to correct the inequity in the current title I formula. I look forward to working with my colleagues in passing this legislation, or in working with the formulas, with the agencies, with the subcommittees, with the committees during the reauthorization of the Ryan White Act to make funding allocations to the State and our Nation's communities more equitable.

We cannot allow this funding disparity to continue, and I will work aggressively for equitable and significant change.

I have an obligation to Hydeia, this beautiful little girl who recited poetry and sang to me in my office.

ILLEGAL IMMIGRATION

Mr. REID. Mr. President, on another issue, as some of the Members will recognize, on the bills that have been coming through here, I have been concerned about the impact of people who are not lawfully within the country. I have offered amendments which have been accepted by the Senate on three separate occasions.

Mr. President, I am not going to offer an amendment to this bill. Instead, I rise to commend the managers of this bill for their inclusion of a provision that will help ensure that Government authorities do more. I am satisfied that the committee has done everything within its power to ensure that the funds and benefits provided do not go to those who are not lawfully within this country.

I believe that we ought to be doing more in terms of verification of lawful immigration status. As I indicated, I have offered amendments to other appropriations bills that would do just that. By imposing a fair, tough burden on those who distribute the benefits and assistance, we will provide better integrity to the system by protecting against misappropriation of funds.

We are beginning to do more in this area, and, in so doing, we are rewarding those who play by the rules and punishing those who do not play by the rules. I believe that one of the reasons we have a continuing problem with illegal immigration is because we have an entitlement system that offers incentives to enter the country unlawfully. Whether it is undermanned border security or lax enforcement of laws prohibiting the distribution of funds to illegal immigrants, there just seems to be too many incentives.

There are some incredibly generous programs provided in this bill, programs that will improve and benefit the lives of many. I support our Nation's social programs because I believe that Government can play an important role in improving the lives of Americans. However, if we want to continue those programs, we have to ensure that those who are the legitimate

intended beneficiaries receive what they are entitled to. Without greater verification, we will not achieve this. Indeed, without greater verification, we will continue to provide incentives to come to this country unlawfully. Ultimately, that may jeopardize the continued existence of these programs and this, I think, would be tragic.

So, Mr. President, I will continue to review legislation with an eye toward ensuring that more is done to verify the lawful immigration status of those who apply for benefits and assistance. I think this is only common sense, and I believe that those who elected us expect nothing less. This is a difficult and complicated issue, but we all must be willing to do more if we are going to resolve it in a fair and equitable manner.

I say to the managers of this bill, I appreciate the work they have done in this regard. This is an area in which we have to be very careful, because we are dealing with women who are pregnant, children who need all the support and maintenance they can get—and I have no desire to punish children. Many of the programs within this bill deal with the infirm and children generally.

I also say to the managers of this bill, in relation to the AIDS situation which I pointed out, I hope it is not going to be necessary next year that we have to offer an amendment, either at the subcommittee or committee level or certainly on the floor. I hope that the issue relating to fair funding for people who suffer from the AIDS virus can be resolved.

The PRESIDING OFFICER. Who seeks recognition?

The Republican leader.

Mr. DOLE. Mr. President, I understand there is a vote at 11:20?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOLE. I request 2 minutes.

The PRESIDING OFFICER. The Senator is recognized.

AMENDMENT NO. 2461

Mr. DOLE. Mr. President, I have been the target of a lot of attacks from the White House lately, but here is an issue on which President Clinton and I agree. We both support providing a responsible level of funding for the Corporation for Public Broadcasting.

When candidate Clinton was asked in a C-SPAN interview if the American taxpayer should spend more money on public television, his answer was, "Oh I support public television. I do not know that we have to spend more money on it now, we have a pretty vital network of public television." Consistent with that view, President Clinton asked the Corporation for Public Broadcasting to tighten its belt a bit by requesting a funding level of $292.6 million for fiscal year 1997.

We talk a lot about deficit reduction in the Senate, and here is an opportunity to back up a modest reduction proposed by the President.

Nevertheless, the Senate Appropriations Committee has given public broadcasting a hefty $18 million raise over the fiscal year 1996 level, and a $37.3 million increase over the level requested by President Clinton. At the same time, the Senate committee has underfunded the President's investments in programs such as job training, Head Start, Education Goals 2000, and the list goes on.

No doubt about it, scarce Federal dollars are hard to come by. A recent study by the 20th Century Fund found that of every dollar spent on public broadcasting, 75 cents goes to overhead. This has been my complaint over the past several years—75 cents for every dollar goes for overhead.

Public broadcasting is a complex institution, and while there is new leadership at CPB, at the public broadcasting system and at national public radio, there are a lot of issues that need to be examined, especially as we approach the next reauthorization for the Corporation for Public Broadcasting. These issues include the considerable duplication of services, objectivity and balance requirements, the distribution of production dollars, and the merchandise licensing fees some public broadcasting figures rake in while performing on taxpayer-subsidized airwaves. I look forward to hearing more about CPB's efforts to address these concerns.

Make no mistake about it, I support public broadcasting, and I have been a longtime supporter of local stations. I wish that the amendment can be configured differently so we do not cut back on local stations. I understand that could not be done. We want to fight to bring a fair share of available Federal dollars to public stations, of course, in my State and every other State in the country.

We have a dynamic system of public broadcasting in this country, and there are many quality programs on its airwaves. But, we also have a responsibility to the American taxpayer. While so many worthwhile Government initiatives face the budget axe, does public broadcasting deserve a big raise? The President does not think so. The Senate should agree with him.

VOTE ON AMENDMENT NO. 2461

The PRESIDING OFFICER. The hour of 1:20 having arrived, the question occurs on agreeing to amendment No. 2461, offered by the Senator from Arizona [Mr. MCCAIN], to the committee amendment on page 68, line 18 of the bill.

The Senator from Hawaii.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. BREAUX], the Senator from Arkansas [Mr. BUMPERS], the Senator from Alabama [Mr. HEFLIN], the Senator from Tennessee [Mr. MATHEWS], and the Senator from Arkansas [Mr. PRYOR], are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Vermont [Mr. JEFFORDS] is necessarily absent.

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

The result was announced—yeas 68, nays 26, as follows:

[Rollcall Vote No. 264 Leg.]

YEAS—68

Akaka	Feinstein	Moseley-Braun
Baucus	Ford	Moynihan
Bennett	Glenn	Murkowski
Biden	Gorton	Murray
Bingaman	Graham	Nunn
Bond	Gregg	Packwood
Boren	Harkin	Pell
Boxer	Hatch	Reid
Bryan	Hatfield	Riegle
Burns	Hollings	Robb
Byrd	Inouye	Rockefeller
Campbell	Johnston	Sarbanes
Chafee	Kennedy	Sasser
Coats	Kerrey	Shelby
Cochran	Kerry	Simon
Cohen	Kohl	Simpson
Conrad	Leahy	Smith
Daschle	Levin	Stevens
Dodd	Lieberman	Thurmond
Domenici	Lugar	Warner
Dorgan	Metzenbaum	Wellstone
Durenberger	Mikulski	Wofford
Exon	Mitchell	

NAYS—26

Bradley	Feingold	Mack
Brown	Gramm	McCain
Coverdell	Grassley	McConnell
Craig	Helms	Nickles
D'Amato	Hutchison	Pressler
Danforth	Kassebaum	Roth
DeConcini	Kempthorne	Specter
Dole	Lautenberg	Wallop
Faircloth	Lott	

NOT VOTING—6

Breaux	Heflin	Mathews
Bumpers	Jeffords	Pryor

So the motion to table the amendment (No. 2461) was agreed to.

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

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

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 2462

The PRESIDING OFFICER. Under the previous order, the question now occurs on amendment No. 2462 offered by the Senator from Colorado [Mr. BROWN] to the committee amendment on page 51 line 16.

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

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. BREAUX], the Senator from Arizona [Mr. BUMPERS], the Senator from Alabama [Mr. HEFLIN], the Senator from Tennessee [Mr. MATHEWS], and the Senator from Arizona [Mr. PRYOR] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Vermont [Mr. JEFFORDS] is necessarily absent.

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

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 265 Leg.]

YEAS—94

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

NOT VOTING—6

Breaux	Heflin	Mathews
Bumpers	Jeffords	Pryor

So the amendment (No. 2462) was agreed to.

COMMITTEE AMENDMENT ON PAGE 51, LINE 16

The PRESIDING OFFICER. The question now occurs on the underlining committee amendment on page 51, line 16.

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

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

EXCEPTED COMMITTEE AMENDMENT ON PAGE 51, LINE 16, THROUGH PAGE 52, LINE 17

Mr. HARKIN. Mr. President, what is the pending matter before the Senate?

The PRESIDING OFFICER. The committee amendment on page 51, line 16.

Is there further debate on the committee amendment?

If not, the question is on agreeing to the committee amendment.

The committee amendment on page 51, line 16, through page 52, line 17, was agreed to.

Mr. HARKIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 68, LINE 18, THROUGH PAGE 69, LINE 5

Mr. HARKIN. Mr. President, I ask that the other excepted committee amendments remain excepted, except for the excepted committee amendment on page 68, line 18, through page 69, line 5.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Without objection, the committee amendment beginning on page 68 is agreed to.

So the committee amendment on page 68, line 18, through page 69, line 5, was agreed to.

Mr. HARKIN. Do I understand, Mr. President, that the amendment on page 68, line 18, through page 69, line 5, has been agreed to?

The PRESIDING OFFICER. That is correct.

Mr. HARKIN. And the excepted amendment on page 51, line 16, through page 52, line 17, has also been agreed to, Mr. President?

The PRESIDING OFFICER. The Senator is correct. That amendment has been agreed to.

Mr. HARKIN. Mr. President, basically, we are at a point here where I know of no other amendments that are to be offered. We are waiting here for amendments. I hope, if any Senators have any amendments to the bill, that they will come over so that Senators can get out of here at a reasonable hour.

We have no other amendments pending right now. We are open for business. Otherwise, we are just going to be here later this afternoon, probably with some procedural votes. So I hope we can get some amendments out here.

Mr. INOUYE. Mr. President, if I may be so bold as to suggest to the leadership, if this matter can be set aside temporarily, the Defense Subcommittee would like to at least lay down our bill, and you can resume whenever you want to.

Mr. HARKIN. If I might respond to the Senator, I would like to consult with the leader in that regard. But I hope that we would at least see some finite end to this bill before we do that. Perhaps we could discuss that.

Mr. INOUYE. I thank the Senator.

Mr. HARKIN. 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. 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.

The Chair informs the Senator the Senate is now considering the amendment on page 63, line 5.

Mr. HELMS. I understand. I ask unanimous consent that it be in order for the amendment I am sending to the desk to be keyed to page 78, line 24.

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

The Senator is recognized.

AMENDMENT NO. 2463 TO EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 78, LINES 16 THROUGH 23

(Purpose: To protect the Nation's blood supply)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 2463.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . PROTECTION AGAINST THE HUMAN IMMUNODEFICIENCY VIRUS.

Chapter 51 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1118. Protection against the Human Immunodeficiency Virus

"(a) IN GENERAL.—Whoever, after testing positive for the Human Immunodeficiency Virus (HIV) and receiving actual notice of that fact, knowingly donates or sells, or knowingly attempts to donate or sell, blood, semen, tissues, organs, or other bodily fluids, except as determined necessary for medical research, shall be fined or imprisoned in accordance with subsection (c).

"(b) TRANSMISSION NOT REQUIRED.—Transmission of the Human Immunodeficiency Virus does not have to occur for a person to be convicted of a violation of this section.

"(c) PENALTY.—Any person convicted of violating the provisions of subsection (a) shall be subject to a fine of not less than $10,000 nor more than $20,000 and imprisoned for not less than 1 year nor more than 10 years, or both.".

Mr. HELMS. 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. Mr. President, let me pose a question that is far more than just an idle thought. Should anybody who is HIV positive and who knows it, be able to escape criminal prosecution if he or she donates their tainted blood, tissue, or other bodily fluids? It does not matter whether that blood is actually used or not. The issue is, should someone who knows that he or she is HIV positive and he or she donates blood or body tissue, be able to escape prosecution?

I hope and believe the Senate is going to say, overwhelmingly: No, sir. They should not be in a position to escape prosecution.

Today, 12 States have enacted laws holding such individuals criminally responsible. And with this amendment, the American people will see how many Senators and which Senators are willing to do, on a Federal level, what a dozen States have already done.

Specifically, this amendment will make it a felony for any individual, knowing that he or she is HIV positive, to donate blood or semen or tissues or organs or other bodily fluids, and anybody violating this provision will be subject to a fine of up to $20,000 or imprisonment for up to 10 years, or both.

I believe this amendment is just plain common sense. The 12 States that already have similar statutes are as follows: California, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Missouri, Ohio, South Carolina, and Virginia.

I am not going to take up the Senate's time with a lengthy discussion of this amendment. I think, as the lawyers say, it is res ipsa loquitur: The thing speaks for itself. But I doubt that any Senator can express the need for this amendment as eloquently as a fine citizen of North Carolina, Mr. Burt Brummet, who lives in Pinehurst. Mr. Brummet, with whom I talked at length one evening, is responsible for my offering this amendment.

Let me tell you about Mr. Brummet. Let me tell you why I want to title this amendment, "The Brummet Blood Supply Protection Act of 1994."

Mr. Brummet contracted the AIDS virus from a blood transfusion he received in 1991 during surgery to replace a heart valve. And that sort of hit home with me because I had a heart valve replaced a year later. I suspect Mr. Brummet's story will hit close to home with a lot of Senators, either Senators who had similar surgery or had surgery in their families.

I do know this, that millions of Americans who have received tainted blood transfusions, or have run the risk of it, will understand the need for this amendment.

But back to Mr. Brummet. He is a fine gentleman. He is retired there from another State. I forget where he moved from, but Pinehurst is a retirement community and the fine folks there are gentle and decent, and most of them are getting up in years, like the Senator from North Carolina.

Anyway, Mr. Brummet contacted me in December—December 6, I think the date was. He talked to me on the telephone about a letter he had sent me explaining exactly what happened to him. He said:

Dear Senator HELMS, approximately 3 years ago during heart surgery I was transfused HIV infected blood at the Moore Regional Hospital, in Pinehurst, NC.

That is Moore County Regional Hospital. Continuing in his letter, he said:

As is frequently the case, the hospital and the doctors have kept this a secret, even though we have urged them to go public with this information.

For many reasons, I am convinced that there is much bad blood in the Red Cross blood bank system. The American public is not aware of this danger, and most doctors seem hesitant to discuss this prior to surgery.

He continues:

Because I believe there are measures that can be taken to improve the availability of clean blood, I feel it is my Christian duty to do what I can to prevent this from happening to others * * *

In May, 1991, I entered Moore Regional Hospital, Pinehurst, N.C., for heart surgery. The details of this are not important to the message I wish to convey other than to say that the aortic heart valve was replaced. The surgery appeared to be successful and the recovery was slow but perhaps normal for this type of surgery.

Slightly more than one year after this surgery, our family doctor, Dr. Donald Wallace, called us to say that the American Red Cross had advised the hospital that I had been transfused with HIV infected blood.

The letter continues:

Because my wife, Ellen, had been exposed by me during that past year, it was his opinion [meaning Dr. Wallace] that we should both be tested for the AIDs virus. Our blood tests showed that I was positive and Ellen was negative. We were advised by our doctor that we should keep this a secret from our friends and the community.

After digesting this tragic news for a couple weeks, we decided it was our Christian duty to go public with this in the hope that we might be able to do something to prevent this from happening to someone else.

Although we have gone public with my HIV condition for several months, the doctors and the hospital personnel continue to keep this a big secret event to the point of denial, still claiming that the blood is safe.

The American Red Cross obviously wants this to remain a secret because the blood bank business is the most profitable enterprise they have had for a long time. The hospital and the doctors want it to remain a secret for fear it might affect the availability of blood.

In my opinion, there is only one reason that so little is being done to assure that clean blood is available for transfusion. Only a relatively few people are infected as I have been. Our country's actions respond to public opinion. Not enough people are in my group to bring sufficient pressure to initiate action.

As I'm sure you understand, when a person is infected by whatever means, promiscuous sex, homosexual activities, dirty needles, etc., there is a period of a few months, or in some cases years, before sufficient anti-bodies are generated to result in a positive test for the virus. As a result, there is a period * * * during which an infected donor can infect others even though that person tests negative for the virus. Understanding this fact, it is obvious that there is blood in the blood blanks that will infect persons having transfusions. The American Red Cross has admitted that is what happened to me.

Mr. Brummet continues:

How many people are infected by AIDs virus from blood transfusions is unknown. I'm excluding the hemophiliacs. The American Red Cross says the number is very small. In fact they have gone so far as to say publicly that no one has been infected by transfusion from their blood bank in recent years.

Others have said that as many as one thousand people are infected each year by transfusion from infected blood. From the studies I have done, the number may be greater than one thousand, because there are many people infected who are not yet aware of it, and many cases are never reported. The effect is not obvious for some time. With the number of infected people being suppressed by doctors and by the blood banks, it is impossible to get an accurate reading on this * * *

And then he concludes:

This whole subject is generally swept under the rug and the majority go along with very little concern about the hazards of blood transfusions. I wish to do something about this and I believe you will help me. In some manner I wish to be a spokesman for the people infected by the AIDs virus because of transfused blood, if that is what it takes * * * Very truly yours, Bert Brummet.

The point, Mr. President, is this, and this is perfectly obvious: Mr. Brummet is a citizen who did nothing wrong. He did nothing to cause the HIV infection in his body. Just the same, he believes, and I think justifiably, that his life is now ruined because some irresponsible individual donated AIDS-tainted blood. I admire him for his efforts to ensure that others are not also unsuspectingly infected.

Of course, I do not suggest, nor imply, that the pending amendment will stop all donations of AIDS-tainted blood and tissue. Of course, this amendment can do no such thing, but it is a step in the right direction.

As I have stated, there are 12 States which already have taken the step of making it a crime to knowingly donate AIDS-tainted blood or tissue. Moreover, 27 States have made it a crime for someone to intentionally transmit HIV to another individual. I listed the 27 States earlier:

Alabama, Arkansas, California, Colorado, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nevada, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Utah, Virginia, and Washington.

Despite these commendable efforts by States to protect their citizens from those who intentionally transmit the AIDS virus, their ability to do so is limited inasmuch as donated blood travels in interstate commerce. The only way to protect innocent transfusion recipients in these—and other States—is by enacting a Federal statute applicable to every individual who knowingly donates AIDS-tainted blood in this country no matter where he or she donates blood.

The States need a Federal statute to support their efforts. Donated blood travels in interstate commerce. Tainted blood donated in New York City, as matters now stand, can easily find its way transfused into a patient in North Carolina. If carjacking is a Federal crime, and Congress has voted to make it so, Congress should do the same for those irresponsible, mean-spirited people who knowingly donate infected blood or other bodily fluids.

Mr. President, I reiterate that the proposal contained in this amendment is merely a good step in the right direction. It will not entirely eliminate the

donation of AIDS-tainted blood. But if this amendment prevents even one innocent American from living through the kind of torment which has been imposed on Mr. Brummet and his family, then Congress will have taken a giant step in the right direction—certainly for those who otherwise will run the risk of having AIDS-tainted blood pumped into their veins.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. HARKIN. 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. 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, I would be willing to delay this vote until next week, if the manager of the bill wishes to do so.

Mr. HARKIN. We are trying to get 1 minute.

Mr. HELMS. I am just thinking about the Senators who have schedules. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question occurs on agreeing to amendment No. 2463. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from California [Mrs. BOXER], the Senator from Louisiana [Mr. BREAUX], the Senator from Arkansas [Mr. BUMPERS], the Senator from Alabama [Mr. HEFLIN], the Senator from Tennessee [Mr. MATHEWS], and the Senator from Arkansas [Mr. PRYOR] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from New Hampshire [Mr. GREGG], the Senator from Utah [Mr. HATCH], and the Senator from Vermont [Mr. JEFFORDS] are necessarily absent.

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

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

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 266 Leg.]

YEAS—91

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

NOT VOTING—9

Boxer	Gregg	Jeffords
Breaux	Hatch	Mathews
Bumpers	Heflin	Pryor

So the amendment (No. 2463) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, last night, Dee Dee Myers at the White House challenged the Republican leader and me to show the administration where the 17 taxes were in the Mitchell health care plan. So I immediately went home and got a copy of the plan that was available. What I wanted to do, very briefly, is to show the administration, in yet another gesture of bipartisanship, where these 17 taxes are. And what I have here, now, is the bill in the form it was available last night. So what I am going to do is to go through this very thick bill and give the people at the White House a way to find these 17 taxes.

The bill that was available for me to use in response to the White House had unnumbered pages. Normally, that means that you have thrown something together real quickly, or maybe you are trying to hide something, or maybe numbers do not go that high; I will let people judge what the case may be. But here is a simple way, I think, of finding the 17 taxes.

First of all you need to get a scale like this one. So you get the scale and you put the bill on the scale like this, and you will find that the bill weighs almost exactly 14 pounds.

To find the taxes, what you do is you take off the first 11.1 pounds. After you take off the first 11.1 pounds, if your scales are right, you should be on subtitle (a), entitled "financial provisions." The next 2.9 pounds of the bill contains 16 of the taxes. Then to find the 17th tax—I have tried to find a simple way to do that—put the entire bill back on the scale. Next, take off 2.1 pounds from the top, and that gets you to a section that is titled "distribution," which is where you will find the 17th tax.

I do not have the time now, and I do not want to disrupt debate on the pending bill to go through all of the taxes. But let me just go through three taxes, I submit, that nobody understands.

The first tax is a 1.75 percent tax that every American will pay on their health insurance premiums. The second tax is a 25-percent tax that you will pay on your health insurance premiums if your premiums go up by more than 2 percent above the general rate of inflation in a year.

So imagine this: You get your bill for your insurance next year, and your premiums have gone up by more than 2 percent above inflation, as premiums did for 75 percent of Americans who had health insurance last year. You are already unhappy because your premiums went up by more than 2 percent above the general price index. And so the Government sends a bill saying that because your insurance premiums went up, you now have to pay a 25-percent tax on the increase.

Finally, there is a provision in this bill that says that at an effective date in the future, if you have insurance that costs more than the Clinton administration says that insurance ought to cost—for their so-called standard benefit package—then you are going to be taxed on the amount of those insurance premiums above the amount that the President claims you should be paying. And you are going to be taxed at your effective tax rate.

My point in all this is twofold. No. 1, if you have a good scale like this one, you can take the bill that was available yesterday at the time the White House asked Senator DOLE and me to find the 17 taxes, and if you remember these prescriptions—with the bill on the scale, take off the first 11.1 pounds to find 16 of the 17 taxes; put the entire bill back together on the scale, take off 2.1 pounds, and you find the 17th tax. It is interesting—and I will conclude on this point—that there are three pounds of taxes in the Mitchell bill. There are 0.2 pounds of insurance reform and portability and permanence reform, and there are 10.8 pounds dead weight Government.

I submit that if we took out the 3 pounds of taxes, took out the 10.8 pounds of dead weight Government, that would leave us 0.2 pounds where we are reforming insurance, making it portable and permanent, and making it easier to get and keep. We could then

supplement that with about one-third of a pound to reform medical liability. Then, we could sit down and see what we could do to help people get health insurance, and we could adopt a good bill.

I yield the floor.

Mr. MITCHELL. I wonder if the Senator will permit me to borrow his scale?

Mr. GRAMM. I will.

Mr. GRAMM. Mr. President, would the majority leader like the bill as well?

Mr. MITCHELL. No thanks.

Mr. President, I thank the Senator for permitting me to borrow his scale. I now place it on my desk. I ask everyone to look at it. And there is the Republican bill.

Mr. GRAMM. That is not true.

Mr. COATS. That is not true.

Mr. MITCHELL. Of course, it registers zero on the weight scale because there is no bill. It registers zero in its provisions because there are no provisions.

I introduced a bill 1 day after I announced that I had one. Our Republican colleagues announced in June that they had a bill, and we still have not seen it.

I do not think anyone here should be surprised about that, but I say to my colleagues, and I invite any of my colleagues who wish to come over during this day while we are in session to inspect the Republican bill. You have to look hard. Perhaps from this angle you might see something. No. Not from here either.

It is the stealth bill. We spent a lot of money developing a stealth aircraft that no one could see, no one could feel, no one could weigh, no one could track on radar. I think our Republican colleagues have finally succeeded in getting it done. No one can see this bill. It has no weight. It cannot be observed. It cannot even be tracked on radar.

I thank my colleague.

Mr. President, early this morning I asked, on the Senate floor, if it would be possible for the Senate to engage in this serious debate in a serious manner. The Senator from Texas yesterday used the word "Gestapo" to refer to my bill.

Mr. GRAMM. If the Senator will yield, if he will go back and read that newspaper story, he will see that that was not my quote. What I said was printed in the second half of the paragraph.

Mr. MITCHELL. I see.

Mr. GRAMM. I do not doubt the person who used that quote had a reason for using it.

But what I said is that the majority leader's health care plan would, in all probability, bankrupt the country and destroy the greatest health care system in history, which was a strong statement. But the other statement was not my statement.

Mr. MITCHELL. Does the Senator disavow the statement by his colleague that my bill would create a Gestapo police in the United States?

Mr. GRAMM. I certainly would not use that word, but the bill would have health care police telling us that we had to buy the majority leader's benefits plan, not the one we chose.

So I can see where people with flowery imaginations and effective vocabularies might conjure up all kinds of images. But lacking both the vocabulary and imagination, I did not conjure up any such images.

Mr. MITCHELL. Mr. President, I might say that response is as substantive as the Republican bill that is on this scale here.

If I could just briefly—I do not think any of this kind of discussion, gimmicks with scales and pejorative words like "Gestapo" and attacks on others serves any useful purpose and surely does not enhance the stature of the Senate.

I asked for this scale only because I thought the Senator from Texas was trivializing a serious issue.

I renew the appeal I made this morning. This is a very serious matter. It affects every American family. There is ample room for principled disagreement. There is ample room for substantive, reasoned debate.

There is no need for gimmicks. There is no need for pejorative words like "Gestapo," and others, on either side.

We are elected to serve all of the people. I hope that in the next few weeks we can concentrate on the fact that we represent the American people, not on which party we belong to, not on which State we represent, and certainly not to continue to lower ourselves with this kind of gimmick. We can disagree on this bill without this kind of disagreeable action.

I thank my colleagues, and I yield the floor.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. GRAMM. Mr. President, will the distinguished Republican leader yield 1 minute?

Mr. DOLE. I am happy to yield.

Mr. GRAMM. Mr. President, I appreciate the good words of the majority leader.

The point I wanted to make was that last night the Republican leader and I were asked to show where these 17 taxes were. The problem is, with what was available last night, it was difficult for me to say where these 17 taxes were because the bill had no page numbers.

So, I asked my staff to try to dig out the taxes so that we could respond to what was a very serious and a very legitimate question that was posed by the White House.

In trying to identify where the taxes were, they came up with a scale, which at that point was the effective way to find the taxes.

What is the point of all of this? The point of all of this is that we need a serious debate. We need a lengthy debate. We need to go through the bill in detail to see that we all know what is there.

But when you get underneath it all, there are 17 taxes here. People need to know what they are so they can decide whether they are trivial, whether they are important, and whether they are burdensome, whether or not what they get from this bill is worth what is they will have to pay. That is a legitimate issue and an issue that must be debated so that we understand it.

I believe in the old biblical admonition: Ye shall know the truth and the truth will make you free.

I believe if we fully understand this bill, we will decide to reject it. And since that is what I believe is in the public interest, I look forward to debating health care legislation when we have the new bill with page numbers, which I understand is now available. At that point, I will not need my scale. I was delighted to lend my scale to the majority leader, but I have reminded him that I have written—and we have copies of—two bills. We have had four other Republicans write health care bills. The Republican leader has written a health care bill which is in line behind the majority leader's bill to be drafted in legislative language. It is not as if there is no alternative.

What is not offered as an alternative is a Government-run system, because we do not want it and the American people do not want it.

Mr. MITCHELL. Mr. President, if I could respond, I wish to point out 18 Republican Senators signed their names on a bill introduced last November, all of whom have repudiated the bill now. To say they have introduced the bill, I think, does not mean anything in that context.

So, we are going to have this debate next week. I have been trying to get the health care bill up. It is our colleagues who have asked to delay bringing up the bill. So I do not want any implication left by the Senator that somehow we have been causing this delay. We are going to get to it next Tuesday, if our colleagues do not object, and there will be ample time for everyone to debate it then, and I hope we will do so in a serious and responsible way.

The PRESIDING OFFICER. the Senator from Kansas has the floor.

Mr. DOLE. Mr. President, let me just set the record straight. I guess I can quote the Governor of New York this morning, who said no bill was better than the Mitchell bill. That is after weighing, I guess, Governor Cuomo trying to satisfy himself today on our side.

I think the facts are that at least at this time we are not in the majority and our bills are drafted last. I would not want to leave the impression that

is the only reason our bill is not drafted. We have been told that after they draft the majority leader's bill and after they draft modifications, then they will complete drafting our bill. That is the way it works. We understand that. We are the minority. The Democrats have the majority, and that is why our bill is not here.

And as the majority leader knows, all these things slip from time to time. We thought we would get his earlier. We got it later. That is no problem. But I think the facts are that we have had our material in the drafter's office, but there is only so much they can do.

So I want the RECORD to reflect the reason our bill is not here. And there may be a lot of flaws in our bill, too. I am not suggesting that. I said from the outset this is a very complicated issue, and there are big, big differences in all these bills. I know Members on the other side repudiated the Clinton bill after they cosponsored it. They jumped off the Clinton bill.

We all had changes of positions from certain facts without listening to the American people. The funny thing is when we listen to people who send us here sometime we change our mind. If we do not listen, we put on the narrow glasses right down the beltway and are going to stick with the ideas we had initially.

My view is we are going to have a lot of time for the American people to try to understand what may be in the majority leader's bill and what we call the American option plan and other plans, and I hope and I know that debate will start sometime next week and we are looking forward to it. I think it is going to be a good debate. It does not mean we are not going to have differences. And we are going to spell out those differences, and I hope that we can do that and reach the right conclusion.

But the American people should not be shut out of this process and the American people are not going to be shut out of this process. They have every right to know what is in the majority leader's bill, what may be in the bill I am sponsoring along with 39 of my colleagues, or any other bill that may be offered here as a substitute, or any amendment that may be offered.

This is affecting everybody in America. You cannot shut out the American public. I do not think that is anybody's intent. But when you get a 1,410-page bill—and when you get our bill, I suppose our bill is going to be several hundred pages—you have to wonder how do we have time, unless we are on the Finance Committee, to really understand what may be in that bill.

And I think that is all we are suggesting, let us give the American people a look. Let us let the American people look through our eyes and our reflection, at least, on what may be in a bill that may affect their lives or the lives of their families.

So I just say that we are prepared to do that. I hope we can do it in the spirit the majority leader suggested early this morning.

DEPARTMENT OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT

The Senate continued with the consideration of the bill.

PROPOSED AMENDMENT NO. 2464

Mr. DOLE. Mr. President, I really did not rise for that purpose.

I intend to offer an amendment on behalf of myself and Senator LIEBERMAN, and others. This amendment should come at no surprise. This amendment provides for the termination of the United States arms embargo on the Government of Bosnia and Herzegovina no later than November 15, 1994.

Mr. President, this amendment is intended to set a definitive ending date for the United States arms embargo on Bosnia and Herzegovina. The sponsors of this amendment understand that the United States and the so-called contact group have agreed to a phased approach which may lead to the multilateral lifting of the arms embargo. However, we have no guarantees when this will happen, or, more importantly, if it will happen. And we could be here next year, in the next Congress debating this issue once again—the only difference being it will be year No. 3 and tens of thousands of more Bosnians will have died.

The reality is that only by lifting this illegal and unjust arms embargo on the Bosnians can we hope to eventually have a just resolution of this conflict and avoid sending United States forces to implement a partition of Bosnia.

Today, we learned that the United Nations finally called for limited air strikes against Bosnian Serb military targets—in response to the Bosnian Serbs taking back heavy weapons from a U.N. protected facility in the Sarajevo exclusion zone—and that these strikes took place. While this action is welcome—especially from the perspective of slowing the downward slide of United States and NATO credibility—I am skeptical that this action alone will pressure the Bosnian Serbs into a settlement.

In my view the U.S. Congress can make a critical difference—in letting the Bosnian Serbs know that there is a real deadline—that there is something more definite than continuing meetings of the contact group.

I am aware that House and Senate conferees on the Defense authorize bill are negotiating on language regarding the lifting of the arms embargo. The administration sent its representatives up, including the United States Envoy Ambassador Charles Redman, to persuade the conferees against taking definite action to terminate this illegal and unjust embargo on Bosnia, arguing that a diplomatic process was underway.

With all due respect to the efforts of Ambassador Redman and the others who have participated in the seemingly endless rounds of diplomatic negotiation, I hope that the conferees will put more weight on the administration's track record in influencing the allies, and on the events in Bosnia right now—rather than, once again, placing their hopes in a diplomatic process that is not backed by anything more than promises of action some time in the undefined future.

We need to take real action—to take action beyond issuing statements and communiques. By adopting a provision to definitively end the United States arms embargo on Bosnia—even if it is several months away; I said November 15—we can truly change the dynamic of the process and put some real pressure on the Bosnian Serbs. We can also give the administration some real leverage in its attempt to get the allies to forsake their failed policies.

Mr. President, I know that my friend from Connecticut, Senator LIEBERMAN wanted to speak on this. What I would suggest is that I send the amendment to the desk and ask to have it printed. I may not offer it on this bill, I say to my friend from Iowa. If there is some chance that we may get to the DOD authorization bill on Monday, then I would wait and offer the amendment on that. I think it more properly belongs on that appropriations bill.

I ask unanimous consent that the amendment be printed in the RECORD. I am offering the amendment for myself, Senator LIBERMAN, Senator MCCAIN, Senator MOYNIHAN, and Senator DECONCINI.

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

AMENDMENT NO. 2464

At the appropriate place, add the following:

SEC. . TERMINATION OF ARMS EMBARGO.

(1) TERMINATION.—The President shall terminate the United States arms embargo on the Government of Bosnia and Herzegovina no later than November 15, 1994 so that Government may exercise its right of self-defense under Article 51 of the United Nations Charter.

(2) DEFINITION.—As used in this section, the term 'United States arms embargo of the Government of Bosnia and Herzegovina' means the application to the Government of Bosnia and Herzegovina of—

(A) the policy adopted July 10, 1991, and published in the Federal Register of July 19, 1991 (58 F.R. 33322) under the heading 'Suspension of Munitions Export Licenses to Yugoslavia'; and

(B) any similar policy being applied by the United States Government as of the date of receipt of the request described in paragraph (1) pursuant to request described in paragraph (1) pursuant to which approval is denied for transfers of defense articles and defense services to the former Yugoslavia.

(3) RULE OF CONSTRUCTION.—Nothing in this section shall be interpreted as authorization for deployment of United States forces in the territory of Bosnia and Herzegovina for any purpose, including training, support, or delivery of military equipment.

Mr. MITCHELL. Mr. President, we are trying to make progress on this bill. As I previously indicated to the distinguished Republican leader, if we can get a list that will give us a finite time for finishing, we will do so.

But I want to make clear to colleagues who are considering their schedules, if we cannot get such a list, then we will have to remain in session today and there will then be further votes today, including procedural votes, to move this measure forward.

We want to try to make progress on the bill. We are working on trying to get a list now, I understand.

I want to make clear, before any Senators leave, that we will proceed and have votes unless we can make some determination as to when the bill will be completed and what amendments will be remaining on it.

This is to answer several questions which Senators have asked me on the subject.

Mr. DOLE. Will the majority leader yield?

Mr. MITCHELL. Yes.

Mr. DOLE. As I understand it, we have just now cleared the list we have been talking about back and forth with the Senator from Iowa and the Senator from Pennsylvania. We think we now have a list that we can provide to both managers. I think it is in accordance with what we discussed this morning.

Mr. MITCHELL. I thank my colleague.

Why do we not review that and then, as soon as possible, I will make an announcement with respect to the rest of the schedule.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I would like to comment briefly on what the majority leader has said—if I might have the attention of the majority leader—on the health issue.

Mr. MITCHELL. I have to review the list that was given us so I can make an announcement with respect to our schedule. I ask the Senator if he would not mind withholding for a minute until I get that done.

Mr. SPECTER. I will gladly withhold until I can get the attention of the majority leader on the issue of health reform legislation.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Mr. President, I join the distinguished Republican leader and the Senator from Connecticut in the amendment that they have sent to the desk. Where it appears really does not make much difference to this Senator.

It is encouraging, I think, the early report that there have been limited air strikes by NATO against some Bosnia Serbian positions today. I think that is significant.

All of the details are not available yet of what provoked that, except reports that the Bosnian Serbian militia or military took some foreign military equipment—I believe a tank—and as retaliation, NATO responded.

I am pleased to see NATO and the allies demonstrate some courage, some determination, some leadership, some desire or some demonstration to stand behind what they have said they have been going to do for about 10 months now.

I think it is necessary for us to move unilaterally, if there is no other way, to let the Bosnian people protect themselves and arm and participate in a genocidal civil war that is going on and has been going on for almost 3 years now.

We have seen time and time again the failure of the Serbs and the Bosnian Serbs to respond to any kind of threat or potential threat from the allies.

I understand our President's problem; that he wants to deal in the international area with a multilateral effort toward the Serbs, both the Bosnian Serbs and the Serbs, perhaps, and he wants to maintain the multinational effort. But the reality here is that the multinational effort is a failure. It has not brought about peace. It has not stopped the genocide, the murder, and the rape. It has not curtailed the violence.

What it has done is it has captured and put into a box the Moslems, the Bosnian Moslem people. They cannot even defend themselves with the least bit of dignity of an attempt to demonstrate that they are fighting for their sovereign country.

This peace accord that has been offered is no great shape. After all, the Serbian efforts will end up with 50 percent of the country. And the reason they have not gone along with it is because they now have 71 percent of the country.

So this is no great victory for the Bosnians. It is a huge defeat for the Bosnians and a huge defeat for the world.

But it is the last effort that has been presented to the parties involved there. And now for the Serbian Bosnians to refuse to participate, it is time that we lift that embargo and do it unilaterally, if necessary.

I am glad to join the distinguished Republican leader.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, this is the fourth or fifth time that a bipartisan group of Members of the Chamber have joined together.

Mr. GRASSLEY addressed the Chair.

Mr. LIEBERMAN. Mr. President, I yield at this time for a brief statement from the Senator from Iowa, retaining my right to the floor.

The PRESIDING OFFICER. Without objection, the Senator from Iowa is recognized, with the Senator from Connecticut retaining his right to the floor.

GRASSLEY-HARKIN AMENDMENT REGARDING PERSONAL PROTECTION FOR CABINET AND SUBCABINET OFFICIALS

Mr. GRASSLEY. Mr. President, I just wanted to say a few brief words regarding an amendment that my good friend Senator HARKIN and I have drafted regarding personal protection for cabinet and subcabinet officials. It is my understanding that the amendment will be part of the committee's amendments.

The amendment does two things: First, it asks the General Accounting Office to review the need for personal protection for cabinet and subcabinet officials.

There are certainly cabinet officials who need personal protection. However, I am concerned that for some it may just be an expensive perk. These personal security details cost the American taxpayer up to $500,000 per year for each individual who receives protection. GAO will help Congress determine whether this is money well spent.

The second part of the amendment ensures that the Office of the Inspector General at HHS does not have to foot the bill for the personal protection of the Secretary at HHS. I am concerned that the limited resources of the Inspector General should not be further reduced due to the additional responsibility of providing security protection for the Secretary.

I am pleased that Senator HARKIN has joined me in offering this amendment, and thank him for his support.

I yield the floor.

Mr. LIEBERMAN. Mr. President, retaining my right to the floor, I yield to the Senator from Illinois.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Illinois.

Mr. SIMON. Mr. President, in the past, I voted against the Dole-Lieberman-DeConcini amendment. I voted against it because I believed we ought to be acting with other nations on this and should not be unilaterally pulling back on this arms embargo.

But, frankly, the last time I had a very difficult time making a decision. Warren Christopher called me and assured me that since the Russians were involved, we were very close to working out a peace agreement. I agreed I would, one more time, vote with the administration on this.

But, frankly, now with the rejection by the Bosnian Serbs of that peace

agreement and the shooting down of the U.N. helicopter, I think our choice is clear. I think we have to send a strong message to the Bosnian Serbs that they had better get their house in order and sit down and agree to the peace agreement.

I will be voting for the Dole-Lieberman amendment.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend and colleague from Illinois for that strong statement of principle. I am sure it will echo not only throughout our Government here in Washington, but I hope throughout the councils of governments in the Balkans.

This is the fourth or fifth time that a group of us, working on a bipartisan basis, has brought an amendment onto the floor in one form or another to direct our Government to unilaterally lift the arms embargo against the Bosnian Government—a duly constituted Government, a member of the United Nations—imposed in 1991 actually against the former Yugoslavia, as an attempt to keep the United States from being part of, and the world from being part of the pouring of weapons into that region with the hope we could diminish the conflict there.

Obviously, those hopes were never realized. Perhaps they were naive. I know they were well intended. In any case, they were not successful.

Nonetheless, we have continued to impose an embargo, which is to say a prohibition against supplying arms to the Bosnian Moslems, while it is very clear that the Bosnian Serbs, through supplies from Serbia and with their own capacity—a historic capacity to build arms—have had the weapons they have needed.

We have now had several votes on this issue. One was 50 to 49 against lifting the arms embargo unilaterally. The last one was a 50-50 tie—it failed on a tied vote—while another amendment, which was a sense-of-the-Senate resolution, passed 52 to 48.

So now we come again at a particularly pressing and important moment because, as has been said by the Senator from Illinois, the Senate Republican leader, and my colleague and friend from Arizona, Mr. DECONCINI, the peace plan agreed to by the contact group which we are part of and to which we were deferring was accepted by the Bosnian Moslems even though it yields a substantial part of their territory taken by force by the Bosnian Serbs. But they have accepted it.

The Bosnian Serbs have rejected it, essentially thumbing their noses once again at the world community, finding excuses—the latest being a referendum they would hold at the end of the month of August. But the message is clear, and particularly clear when combined with their reviving—poor choice of word, really, to use, revive—but beginning again the siege of Sarajevo, attacks, ethnic cleansing in villages, the whole series of acts of aggression by the Bosnian Serbs; showing again, as has been clear throughout, that the only way the Bosnian Serbs will respond and play by the rules of civilized international relations is at the point of a gun in response to the actual use of force or the threat of force.

That is why we are back with this amendment. That is why I so greatly appreciate the support of the Senator from Illinois. It gives me confidence this may pass on this occasion.

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

Mr. LIEBERMAN. I will, of course.

The PRESIDING OFFICER (Mr. SIMON). The Senator yields for a question.

Mr. WARNER. Mr. President, it appears to me the Senator, in fairness to our colleagues, should indicate that he and I, Senator GRAMM, Senator NUNN, Senator LEVIN, and Senator KEMPTHORNE, are representing the Senate conferees in a House-Senate conference on the DOD authorization bill. We made considerable progress here in the last several days in our efforts to reach a compromise between the two Chambers, and to have an expression, hopefully, to be accepted by the Congress as a whole and pass to a policy.

The distinguished Republican leader, in his remarks, indicated that Ambassador Redman had been down several times. Indeed, he has, together with representatives of the Department of Defense. And we are making progress.

It seems to me, in fairness, the Senator from Connecticut should make reference to that; and that the President is going to be forthcoming, I am hopeful today, in a letter to the leadership of the Congress, expressing his commitment to take certain steps with respect to approaching the United Nations on a multinational lifting of the embargo, if such steps as the diplomats are now taking with the contact group prove not to be fruitful.

So I think in fairness to the Senate, we should be informed that there is a good deal going on, on a parallel track to the amendment being offered now by the distinguished Republican leader and others.

I must say the sentiment in the Chamber is moving towards that espoused by the distinguished Republican leader. But the bottom line is we must be very careful in such legislative action as we may take not to indicate that the United States is moving in and taking over responsibility for this conflict.

Time and time again, I say to my good friend from Connecticut, we have received communications from Great Britain and France and other nations regarding their desire to continue to pursue the diplomatic process, and certainly to allow sufficient time to reach a plan, if necessary, for the extraction of the UNPROFOR forces, which are imperiled in terms of their own personal individual safety, along with organizations from many other nations there trying to help in this tragic situation.

So this is a very important step that the Congress must contemplate with regard to the Republican leader's amendment, as well as the recommendations I anticipate will be forthcoming from the group on which the Senator and I are working on the Armed Forces conference.

So I ask the Senator, is it not fair that we should mention that here?

Mr. LIEBERMAN. The Senator from Virginia is quite correct. That was the next point I was going to make in my remarks, to explain what is not only happening, but why the Senate Republican leader and others are offering this amendment.

On the defense authorization bill, the House of Representatives passed an amendment directing that the arms embargo against Bosnia be lifted. It passed by 66 votes. In this Chamber a similar amendment failed, and on a 52-48 vote, a sense-of-the-Senate amendment, cosponsored by the chairman of the Senate Armed Services Committee and the Senator from Virginia was adopted urging steps be taken multilaterally and, if not, perhaps consulting as to unilateral steps.

Mr. President, it appears clear to me, and I believe others who are involved in the House-Senate conference on the Department of Defense authorization bill that progress is being made. And yet, it is highly unlikely that the conferees will agree on a section of this amendment that would deal with the ultimate unilateral lifting of the arms embargo.

In fact, as the Senator from Virginia has said, and I am encouraged to join him in reporting, there are some forward steps that are part of this amendment, authored substantially by the Senator from Georgia, the chairman of the Senate Armed Services Committee, which would urge the administration to go to the United Nations to seek multilateral support which would offer some other interim steps, short of lifting the arms embargo, but which would move us toward providing some assistance to the Bosnian Moslems who have been the victims of this aggression and, as a result of the embargo, have had one arm tied behind their backs.

The last step which we had hoped for from the Armed Services conference appears to be out of reach of consensus, and that is, if all other steps fail, then in the final analysis, there ought to be a unilateral lifting of the arms embargo by the United States.

Why? In the first instance, the embargo is not just a policy or something that is written on a piece of paper. It

has real effect. There are at this moment military personnel of the United States in the waters off the former Yugoslavia that are enforcing the arms embargo. Our arms, our hands, our fingerprints are on the enforcement of that embargo. In that sense, we are not, unfortunately, neutral in this conflict. Though the embargo was originally adopted as an act of presumed neutrality, it is affecting only one side in this war, and that is the Bosnian Moslem side.

The second point is this, Mr. President. It appears from what we hear from the former Yugoslavia, beginning with a statement by Secretary General Boutros-Ghali, that the U.N. forces in Bosnia, the UNPROFOR forces may, indeed, be seriously considering leaving the ground. In fact, the Secretary General has raised the question about whether the U.N. forces can handle the next stage and should there not be a joint military force put together by the member nations of the contact group.

What troubles a lot of us here, and in part it has motivated the interim steps that are going to be part of, I hope, the Armed Services conference committee, is that we run the risk of the U.N. forces withdrawing and the arms embargo against Bosnian Moslems will still be in effect inviting the Bosnian Serbs to move aggressively and quickly against their opponents, who will still not have adequate arms to defend themselves. Essentially, the Bosnian Moslems will be left without arms in a very vulnerable situation.

Those are the two reasons, combined with the fact that the history of this conflict shows that the only time the Bosnian Serbs have acted with a hint of responsibility has been when they feared they would suffer genuine consequences at the point of a gun.

So this amendment is actually meant to complement and be the final step in the process that I believe and hope will be set in motion by the Armed Services Committee conference report.

Incidentally, responding to the concern of the Senator from Virginia about our allies and assuring that they have time to leave, this amendment intentionally states that the embargo should not be lifted until November 15, 1994, which leaves a good 90 days, which was the outer limit, as I have heard in testimony from representatives of our allies in Britain and France, of what they needed for them to leave and for others to leave.

For all these reasons, I am pleased to join with the Senate Republican leader and my other colleagues—I see my friend from Delaware who has been a leader, a tremendous leader, in this effort—to finally seize the moment, send a message. And in the war that I fear is coming to the Balkans, that we not inadvertently put ourselves on the side of the aggressors by continuing to tie the hands of the victims, the Bosnian Moslems, behind their backs because they do not have the arms with which to satisfy the fundamental, moral right they have to defend themselves, their country, and their families.

I thank the Chair, and I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, the Senator from Connecticut is right. This has been going on a long time. It will be 2 years ago next month that this Chamber passed an amendment, it became law—urging then President Bush to lift the ill-advised embargo that his administration had signed us on to, and to point out and give him the authority to transfer up to $50 million in arms to the Bosnian Government.

Since that day, I have heard repeatedly on this floor at various intervals everything from "air strikes do not work, they are all bad, it is a civil war, they are all doing it, the United States should not offend its allies, the allies are about to move, air strikes are about to take place"—and it went on, and on, ad nauseam.

Now 200,000 Bosnian civilian dead later, we are told, "let it go on and on and on" by the diplomats who have shown no courage whatsoever in terms of committing to principle that they will somehow find a way in the next weeks or months.

Mr. President, I hope nobody any longer argues who the aggressor is here. I hope we have stopped that malarkey. I hope the clear showing, undisputed showing, which I pointed out over 2 years ago on this floor, that the Serbs in Bosnia were running concentration camps, extermination camps, rape camps, and death camps, is no longer disputed. I challenge anyone in the U.S. Senate or the U.S. Congress to debate me on that subject. Give me one shred of evidence that genocide is not a policy, that it is merely a dream of the Bosnian Serbs. In fact, it is a reality.

I refer to yesterday—a presumptuous thing to do—to a speech I made in the RECORD outlining in great detail the proof of the existence of these extermination camps that are no different, other than in volume, than camps that existed in Central Europe in the early forties.

I hope nobody any longer is going to wonder whether or not the Bosnian Serbs want peace. The contact group, having entered into what I consider to be a 1994 version of Munich, carved up the Nation of Bosnia and Herzegovina and said, "Here, Serbia, Serbians, take 49 percent." In principle, that is outrageous, just to have done that, like we did to Czechoslovakia in the thirties.

But even with that, the Serbs in Bosnia said, "No dice," and voted unanimously. Now enters Milosevic, that great leader, patriotic leader, the butcher of Belgrade who now says he is angry with the Bosnian Serbs and he is going to, as evidence of his desire for peace, tell them since they did not accept the agreement, he is out.

Well, let me remind my colleagues. He said that a year ago. He agreed a year ago that he would allow U.N. observers to be at the head of the bridges crossing the Drina River from Serbia into Bosnia. So we all said, "Oh, no"—not all of us, LIEBERMAN, DECONCINI, BIDEN, the Republican leader, and others said we did not believe it. But everybody else said, "Oh, no. Reason is on the horizon."

As soon as everything settled down, he said, "No. Did I really say I would let observers be here? I didn't really mean that." And the whole world stood by and went, "Oh, well, I guess it is not a big deal. He doesn't have to do it."

And now we are told, I am told by administration officials and others, "Lay off. We're almost there. Look at what Milosevic has done." I have never on the floor of the Senate said anything like this about anyone at all. Milosevic is a liar. Milosevic's record is replete with lies. He has done nothing but lie. I will be delighted, and I pray for the body and soul of innocent people in Bosnia, that I can come back on the floor a month from now and say, "I apologize this time to Milosevic. He did not lie." It will be the happiest recantation I have ever engaged in, and like most mortals I have had to recant.

But he is a liar. There is nothing, nothing in his public actions of the last 2 years that would lead any reasonable man or woman anywhere in the world to conclude that he knows how to tell the truth. But we are now told, "Milosevic says this time he means it."

We just spent a year passing a bill that many on this floor helped me work on, the Violence Against Women Act. We heard repeated testimony from women who were beaten, but they would say, "This time it won't happen again." That is what Milosevic reminds me of this time. I have a friend who happens to be my administrative assistant, Ted Kaufman, a man of great wisdom, in my view. He says, "The ability of human beings to rationalize defies reason." We are defying reason because we are continuing to rationalize now that Milosevic has seen the Lord.

The second point that I would make—and I see others ready to speak so I will stop within the next 3 minutes—the second point I would make is to compliment my friends on the resolution, and to hope that subparagraph 3 means what I think it means. It reads:

> Rule of construction. Nothing in this section shall be interpreted as authorization for deployment of United States forces in the territory of Bosnia and Herzegovina for any purpose including training, support, or delivery of military equipment.

I am told by the authors—to be more precise, the staff of the authors—that

that does not preclude the participation of United States aircraft in NATO air strikes, because my friend from Connecticut is correct. We are going to go through an interim period here where the Bosnian Serbs are going to go for broke with the blessing of Serbia, and if it is done at a time before the arms embargo is lifted, but without United States-aided NATO air cover, we will see carnage beyond what we now have.

The last point, and I will cease and desist, this is not Vietnam. I came here at the end of the Vietnam war as a 30-year-old United States Senator. I had heard for 6 years as a young man in college and law school about the Vietnamization program. That was the program whereby my generation was told if we just stick in with 500,000 troops long enough the Vietnamese will begin to fight their own battles.

They never were able to do that. Make no mistake about it. I have been to Bosnia twice. I have met with all of the leaders that I am aware of, including the Bosnian Government's military forces as well. These folks are willing and able to fight. They outnumber the Serbs about 3 or 5 to 1 in terms of the army, depending on what number you pick. But they are the equivalent of fighting a smaller force with heavy artillery against a larger force with Remington rifles. They have no equipment. Give them the equipment and they will take care of themselves without a single solitary U.S. soldier needed. Let them retrieve their country. Let them defend themselves. Let us get on with it.

I compliment Senator DOLE and Senator LIEBERMAN and others. This, if anything, is an incredible compromise which I am prepared to support beyond what any of us want here. We are giving these folks until November 15. I love Secretary Christopher. There is no bigger ally of the President of the United States on this floor than me, save possibly the majority leader. But they have been wrong on this issue. It is time they move on this issue. We give them every possibility.

When I asked Mr. Izetbegovic, the President of Bosnia, and Mr. Silajdzic, the Prime Minister, a year ago and again asked them a couple months ago when Senator DOLE and I were in Sarajevo, "What do you want? If the embargo is lifted and that causes UNPROFOR to leave, what do you want?" They said, "Send UNPROFOR home." I have another way of saying it. If UNPROFOR cannot be part of the solution, they are part of the problem. Now they are part of the problem. They should go home. Our European friends would no longer be able to continue to hide behind them as a rationale for lifting the embargo. Lift the embargo. Engage in air strikes. Let the Bosnian Moslems fight for their survival.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

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

I have a question I would like to pose for clarification purposes to some of the introducers of the resolution. Senator LIEBERMAN was on the floor a moment ago. And he is here now.

Will the Senator answer this question for me, a question or two. As the Senator from Connecticut knows, the Senator from Nebraska did not support, for reasons that I stated clearly on this floor, the previous motions that have been advanced principally by the Senator from Connecticut and the Senator from Kansas. As I understand the amendment that Senators are going to offer at this juncture, it is significantly different from the preceding amendments that were offered by Senator LIEBERMAN and Senator DOLE because I believe, and do I believe correctly, that previously the amendments or motions or sense of the Senate alluded to or directed or suggested an immediate unilateral lifting of the embargo?

As I read the motion, it is significantly different since it is not immediate; it says no later than November 15. Is that not a significant difference from what you offered previously?

Mr. LIEBERMAN. Mr. President, responding to my friend from Nebraska, the Senator from Nebraska is absolutely right. The previous amendments on this subject either called for or directed the immediate or almost immediate lifting of the embargo, say, 30 days forward.

This version, this amendment today, puts it off until November 15. It does so for two reasons. One is that the allies involved in the U.N. forces, who appear to be heading toward exiting from Bosnia, pursuant to statements that have been made by the Secretary General of the United Nations, have said that they and all others there as part of the UNPROFOR forces could be out within 90 days. So the sponsors of the amendment wanted not to impede that process. This is a result of conversations with European allies and also with the representatives of the administration who have stressed this point.

Second, the Senator from Nebraska is a leading member of the Senate Armed Services Committee and knows that the conference is going on with the DOD authorization bill. The conferees are working on a section on Bosnia. That section, in my opinion, will not end with the unilateral lifting of the embargo. It will have a series of steps toward assisting the Bosnian Moslems, but these steps will not end with the unilateral lifting of the embargo.

So the intent of this amendment is to be the final step if all other attempts to arrive at a multilateral agreement are unsuccessful. It is a way to say both to our allies and to those who are the aggressors there that the United States means business and this cannot go on in a twilight zone with a lot of uncertainty; that we want to, in the words of the Bible, sound a certain trumpet that on November 15, all else failing—and by that I mean the failure of the Bosnian Serbs to accept the peace plan as the Bosnian Moslems have, or the failure of the United Nations to multilaterally lift the embargo—then the United States would go ahead and do it.

Mr. EXON. I appreciate the explanation of what I thought was the basic thrust or change in position. Basically, this amendment is a recognition, I believe directly or indirectly, by intent or by happenstance, this amendment takes into consideration the concerns that this Senator and members of the Armed Services Committee—including this one who is working right now on the wording—have on the Bosnian problem that appeared in both the House authorization bill and the Senate authorization bill.

The concern that I and others have expressed on many occasions is that the Senator from Connecticut is saying—with the hope, I take it, that we will not lift this unilaterally, which has been the position of France and Great Britain. Many of our allies who are there with troops on the ground under the auspices of the United Nations have been steadfastly against unilateral action immediately because they felt that would put the troops that they have there in harm's way. And it was demonstrated that they are in harm's way with two more warlike actions by the Serbs that we all recognize cannot be tolerated.

Is it fair for me to assume that the concept of this new amendment is that the Senator from Connecticut and Senator DOLE and others sponsoring this hope and believe that the amendment offered in the new fashion will give us, the United Nations, our NATO allies, and others a chance to get the troops out, to get the forces out? Then we would have eliminated that problem that was reiterated to the members of the Armed Services Committee within the week by the Defense Minister from France: "Please don't take unilateral action."

What the Senator from Connecticut is really saying, if I understand this correctly, is that, all right, you are giving a significant amount of time for all of that to take place, but you are in essence saying, but if it does not take place—and we have been legitimately upset, as outlined by the Senator from Delaware, about all of the delays—that unless all of this works out notwithstanding anything else, we are giving sufficient notice and, on November 15, if all else fails, we take the unilateral action of lifting the embargo. Is that a fair summation of what this says?

Mr. LIEBERMAN. Mr. President, the Senator from Nebraska has stated it exactly as is the intention of the sponsors, that we want to see the embargo, the prohibition against selling arms, transferring arms to the Bosnian Moslems, lifted multilaterally if at all possible, but unilaterally if necessary. And the timing here is meant to respond to the concerns of our allies, who seem ever more inclined to withdraw from Bosnia, to have the time to do so.

I say to my friend from Nebraska that this amendment is also in response to concerns of the Armed Services Committee leadership that it would be impossible to include the unilateral lifting of the embargo in the conference report on the Department of Defense authorization bill and, in fact, that it could jeopardize the bill in some way. So, let us take the steps we are taking and go separately on the question of ultimately lifting the arms embargo.

I say, finally, that there was a very telling and significant statement today on the wires from the Foreign Secretary of the United Kingdom, who said, though he has opposed lifting the arms embargo, that he now feels it may be unavoidable to lift it.

So I think that, in response to the intransigence of the Bosnian Serbs, their refusal to accept the peace plan, the aggression by the Bosnian Serbs, our allies in Europe, our closest allies, are coming to the conclusion that lifting the arms embargo may, in fact, be unavoidable.

Mr. EXON. Mr. President, the Senator from Minnesota has asked if he could have 30 seconds to ask a question. Could I yield to him for that purpose without losing my right to the floor?

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Nebraska has that right.

Mr. WELLSTONE. I say to my colleague from Washington, I am not about to give a speech. I have to leave town. I just wanted to have one clarification.

I assumed that this course, if by some chance the Serbs were to accept the contact group proposal, then this resolution would no longer apply. Is that correct? It is probably an obvious question. I want to be clear about it.

Mr. LIEBERMAN. The Senator from Minnesota is correct. That is the intention of the sponsors. It builds on what we expect to be the report of the conference committee on the Department of Defense authorization bill.

Mr. WELLSTONE. I thank the Senator from Nebraska. I say to my good friend from Connecticut, as he well knows, this has been a very central issue to me. I have agonized over this for all sorts of different reasons.

I would very much like to be included as a cosponsor of this resolution.

I thank the Senator.

Mr. LIEBERMAN. I thank the Senator from Minnesota. He has approached this issue with thoughtfulness and real sincerity. I very much appreciate his support, and will be proud to add him as a cosponsor.

Mr. EXON. Mr. President, I simply would like to say to my colleague from the great State of Connecticut that, given the explanation that he has provided me with in this instance—and I think that has overcome reasons that I have previously stated on the floor in opposing the amendments by Senator LIEBERMAN and Senator DOLE and others—I think he has a good amendment that addresses my concerns and the reasons that I opposed it in the past.

Therefore, I ask at this time without objection that I be added as a cosponsor of the amendment. Is there objection?

Mr. DOLE. We are happy to have the Senator from Nebraska as a cosponsor.

Mr. EXON. Let me try and clarify one other thing here that I have questioned regarding No. 3:

> Rule of construction. Nothing in this section shall be interpreted as authorization for deployment of United States forces in the territory of Bosnia and Herzegovina for any purpose, including training, support, or delivery of military equipment.

Does that mean that if everything works between now and November 15, or if no later than November 15, on November 16, that the United States is sending a signal here, loud and clear, to the forces that are being devastated by Serbians, their aggression, their refusal to enter into a peace agreement that I thought was fair and reasonable under the circumstances—and the deadline was last Saturday and they failed—does that section (3) indicate that the United States of America is sending a signal to the forces that we are trying to be helpful to, namely, the Bosnian Moslems, that we are not going to assist them, that they will have to get arms and equipment from other sources if the embargo is lifted? What is the reason for that part (3), and does it not send a signal, intentionally or otherwise, to the Bosnian Moslems that we are not going to help?

Mr. PELL. Mr. President, for the third time in 4 months, we are being asked to vote to lift the arms embargo against Bosnia unilaterally. On two previous occasions—in May and in July—the Senate voted on messages which would have required the President to lift the embargo unilaterally. I ask my colleagues: how much time should we spend once again debating and voting on this same issue?

As my colleagues are aware, the last time we considered this issue, we defeated an amendment to the Defense Department authorization bill that would have instructed the President to go it alone in lifting the embargo. That bill is currently in conference, and it is my understanding that compromise language is being worked out to reconcile the different House and Senate language related to the arms embargo. Those who feel strongly about the arms embargo and who wish to press another vote on this issue have the opportunity, in considering the Department of Defense conference report, to cast their vote based on the arms embargo language.

Accordingly, I do not see why we should move ahead with this vote today, particularly on a day when the international community has demonstrated its resolve to enforce the U.N. ultimatum against the Bosnian Serbs. Earlier today, we learned that NATO planes struck Bosnian Serb targets near Sarajevo. Press reports indicate that the airstrikes occurred in response to blatant Bosnian Serb defiance of the U.N.-imposed exclusion zone around Sarajevo. On a day of demonstrated cohesion among our NATO allies, why on earth would we want to pass legislation instructing our President to go it alone in Bosnia?

Today's action follows last weekend's meeting of the foreign ministers of the contact group countries in which the ministers agreed on a series of steps to take in response to the continued Bosnian Serb rejection of their July 6 settlement plan. While I must say that I remain quite skeptical of his sincerity, I do nonetheless, welcome Serbian President Slobodan Milosevic's apparent attempts to distance himself from the Bosnian Serbs. If Milosevic does follow through on his promises to break off relations with his cohorts in Bosnia, it is in no small measure due to the unified efforts of the contact group. Milosevic's pressure on the Bosnian Serbs, if genuine, could in turn, help pressure the Bosnian Serbs to accept the contact group plan.

The points for and against lifting the arms embargo unilaterally have been made on previous occasions. I would simply say at this juncture, urging unilateral action would be a reckless step that would undermine the very actions that NATO took today and that the contact group continues to take. I would urge my colleagues to oppose the amendment.

Mr. BIDEN. Mr. President, I will oppose the amendment offered by the Senator from Pennsylvania.

At the outset, let me state that I completely agree with the general principle asserted by my friend from Pennsylvania—that in the absence of an affirmative congressional vote, the President does not now possess the power to authorize the use of force in Haiti.

On this point, the U.S. Constitution is as clear as it is plain. Article one, section eight, grants to Congress the power to "Declare war [and] grant letters of marque and reprisal." Article two, section two provides that the President shall be the "Commander-in-

Chief of the Army and Navy of the United States."

To be sure, the Commander in Chief power ensures that the President has the sole power to direct American military forces in combat. But that power has effect only after the proper authorization has been provided by Congress. Until that authority is granted, the President has no inherent power to send forces to war—except in certain situations, such as to repel sudden attacks or to protect the safety and security of Americans abroad.

On this point, the words of Alexander Hamilton, a strong defender of presidential power, are instructive. Writing in Federalist No. 69, Hamilton emphasized that the President's power as Commander in Chief would be "much inferior" to that of the British King, amounting to "nothing more than the supreme command and direction of the military and naval forces."

Moreover, the U.N. Security Council resolution authorizing the use of all necessary means to facilitate the return of the legitimate government in Haiti does not provide the President any legal authority under the Constitution—as the Senate stated in a unanimous vote on Wednesday.

The amendment proposed by the Senator from Pennsylvania is axiomatic—it states that the President does not have the authority to use force in Haiti unless it is authorized by Congress in advance. That goes without saying—because it is precisely what the war power clause of the Constitution states.

But there is a danger in stating that proposition by means of this amendment. The danger is this: By using a statute to prevent the President from using force in Haiti, the Senate would be implying that the President does have the authority to use force elsewhere in the world. Taken to its logical conclusion, the Specter amendment issues a blanket invitation to the President to use force anywhere, at anytime—unless Congress makes a statement to the contrary.

I believe the Constitution already makes such a statement. The President has no inherent authority to use force, except in certain limited circumstances, unless Congress provides it.

Mr. President, based on a similar vote that this body conducted on June 29, I expect that the Specter amendment will not be accepted. If that does occur, I urge the President and his advisers not to misinterpret the vote. It does not mean that Congress has given him a blank check to use force in Haiti. I believe strongly that the President has no such authority—and that he must come to Congress to seek it.

Mr. LIEBERMAN. Mr. President, I see the manager of the bill standing, and I will speak briefly. Responding to the Senator from Nebraska, the intention of the section (3) of this amendment is to make clear that what is being directed here is a lifting of the embargo. It would depend on later action as to whether the United States itself would transfer arms, but the intention of section (3) is to make clear that in no event are personnel of the United States military to become involved on the ground in Bosnia. This is not a war that the United States intends to, or should, fight.

The fact is that the Bosnian Moslems themselves, in appealing to us to lift the embargo and send them arms, have said we do not want your soldiers. They want the arms with which to defend themselves. Section (3) is meant to make this clear.

If, pursuant to other legislation or by act of the President as Commander in Chief, we decided to transfer arms to the Bosnians and train them, that would be done away from the battlefields—perhaps in Croatia, which is now aligned with Bosnia. We are talking about weapons, and we are specifically saying we are not talking about American soldiers fighting in the Balkans. It is not our fight in that sense. This section would prohibit the disposition and movement of American personnel to that battleground.

Mr. EXON. I Thank the Senator for that explanation. I will address that a little further, if I might.

It seems to me that we should be very careful. What I like about that part (3) is that it emphasizes, once again, what this Senator has always maintained—that under no circumstances should we be involved on the ground with troops in Bosnia, save some kind of a universal breakout of peace that we could be there for humanitarian assistance under United Nation's auspices. But I have always been against any kind of ground activity or involvement by the United States. So that is why I have been somewhat protective of the British, French, and others, who do have people in harm's way there.

I have often said to people who want to rush in there: Supposing we had troops under the auspices of the United Nations in Bosnia today and the Brits and French had none there, and the Brits and French were saying, "Lift the embargo" and we would be saying, "What are you talking about? Lifting the embargo would further expand the dangers to our people in harm's way." I guess, therefore, I have come to the realization that this is a reasonable proposal. That is why I am going on it.

In closing, let me say one other thing. I think this is a pretty historic time in history. The Senator from Delaware—and I do not know whether he was old enough to remember it or not—referenced Neville Chamberlain coming back after his historic meeting with Adolf Hitler, and he said that he had arranged peace in our time by the sellout of Czechoslovakia. I was a very young lad at that time, but I remember that very vividly. History has taught us that, if anything else, that was the forerunner to the certainty of World War II, which was a tragedy for mankind under any measurement.

I simply say that I think this is a time when the United Nations, the United States of America, our allies, including our new understandings with the former Soviet Union, and other peoples, had better recognize that unless some punishment is dealt, and dealt rather decisively, not with ground troops but with sustained bombings of Bosnian Serb positions, not just on the battlefield, but if we are going to pull out of there with lifting the embargo, then I suspect that we should be prepared to maybe try to teach the Bosnian Serbs a lesson with air power and air bombardment, not just on the front line, but on their military installations, their rail centers, their communication centers, their military depots, to try to do what we can, at some risk to our airmen, to destroy the war machine that I am very fearful will cut a bloody path—more bloody than in the past—against the Bosnian Moslems, unless we are prepared to take action.

If that happens and if, because of our action, or lack thereof, the world will see the United Nations, the NATO alliance, and everyone standing by while an evil nation like the Bosnian Serbs grab off and kill and destroy further, I think it might send a very unfortunate signal to the people of the world in other spots in the world today—for pointed reasons I will not mention—but I think are known to all, that the United Nations, the NATO allies, and the United States is not a paper tiger, and we can do anything we want and we can get by with it, as evidenced by their failure in Bosnia. I think we are doing historic things here, and I hope that everyone realizes and recognizes that just by unilaterally lifting the embargo, we have not washed our hands of the situation, and say look we won and go home.

With that, I am pleased to be a cosponsor of the amendment, and I thank the Senator from Connecticut and the Senator from Kansas, and others, for crafting this which I think, given the circumstances that we face now, is a good amendment.

The PRESIDING OFFICER. The manager of the bill is recognized.

Mr. HARKIN. Mr. President, I have a colloquy I am going to enter into with the very patient Senator from Idaho, who has been waiting a long time, after which I will propound a unanimous-consent request dealing with the amendments as remain on the Labor-HHS bill.

So, Mr. President, I will now at least enter the colloquy with my colleague from Idaho.

LABOR DEPARTMENT REGULATIONS

Mr. HARKIN. Mr. President, during committee consideration of this legislation an issue came to my attention regarding a Department of Labor safety regulation—Hazardous Occupation Order No. 12. It was adopted in 1954 and prohibits 16- and 17-year-olds from loading or operating balers—the machines used to compress and bundle waste paper or cardboard destined for recycling.

It has been suggested that the safety of certain balers has increased greatly because safety design standards have been developed since HO 12 was adopted 40 years ago. It has been suggested that HO 12 should be modified to allow teenagers to load balers that meet American National Standards Institute Safety standards. It has also been suggested that these new balers cannot be operated during the loading process. But there has never been a review of baler safety along with an analysis of accident data to see if the regulation can be updated to reflect the design improvements.

The safety of young workers is very important to all of us and their welfare should not be compromised. But ongoing enforcement of HO 12 has led to very heavy levels of fines in the grocery industry, to the point of where they say they are reluctant to hire teenagers. This concerns me. We all know how job opportunities for young Americans are badly needed. I want to get to the bottom of this issue to see whether modern balers still pose risks.

The Department does have underway an advance notice of proposed rulemaking covering all the hazardous occupation orders. The report accompanying our bill contains the committee's request that the Department let us know within 90 days whether or not it intends to move ahead with a formal review of HO 12. We look forward to that report. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I wish to commend Chairman HARKIN for the inclusion of the committee report language on Hazardous Occupation Order No. 12. This is an important issue for me because I have been hearing about this issue from grocery store owners from my State of Idaho for several years.

A thorough review and revision of this regulation is long overdue. However, I am concerned that we are likely to see more fines being assessed against employers who earnestly are doing everything possible to provide a safe working environment. This is going on right now in Georgia, Tennessee, and elsewhere, and I am concerned about the unfairness of questionable enforcement continuing during the entire regulatory review process.

If we are serious about trying to encourage job opportunities for young people in the supermarket and other industries, I suggest that DOL should not impose fines, with respect to minor employees who are loading paper and cardboard into balers or compactors which meet current safety standards.

Under the most current industry safety standards issued by the American National Standards Institute, modern balers and compactors work just like the microwave ovens or trash compactor in the kitchen of the typical American home. If the door is open, and items are being loaded or removed, a lockout-interlock system prevents the machine from operating. You can not turn it on unless the door is closed.

Obviously, workplace safety is of the utmost importance. But safety is not promoted by imposing fines in circumstances where there is no risk of injury.

It is true that DOL has solicited public input about possible changes to the entire, broad range of child labor regulations. This, however, is no guarantee that DOL will focus specifically on HO 12.

Back in 1992, I contacted both DOL and the White House and had received assurances from the previous administration that HO 12 would be reviewed and revised. Nothing happened. I do not want history to repeat itself.

I was prepared to come to the floor today and offer an amendment barring DOL from using appropriated funds to impose fines under the limited circumstances we have been discussing, until DOL has completed rulemaking to revise HO 12.

However, the language in the committee's report is a step in the right direction. Both the House and Senate committee reports on this bill include time-certain expectations for action by DOL in addressing this issue and appear to promise aggressive followup. This seems reasonable and fair, and I look forward to working with the chairman as this matter progresses.

HEALTH CARE

Mr. CRAIG. Mr. President, very briefly on another matter in a colloquy moment or two ago by the majority leader and the Republican leader about health care, there was a mention that the Senator from Texas had used the term "Gestapo tactics." He did not. And he spoke to that issue.

In a press interview yesterday afternoon, I questioned with great concern a terminology and a proposal inside the Clinton-Mitchell health care bill that spoke to fraud squads. I said if these were not properly regulated clearly Gestapo-like tactics that had been used by other Federal agencies over time to break into private property and to demand the opening of books for certain purposes that once appeared to be legitimate could occur.

I did use that term and I meant it out of real concerns as we discuss these tactics and these bills and these very critical pieces of legislation that we are extremely cautious we do not give Federal agencies priority and responsibility in enforcement well beyond what they should have. That is where that term may have appeared in certain press releases.

I thank the chairman for yielding.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The manager of the bill is recognized.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. HARKIN. I yield.

Mr. DOLE. I wonder if following the unanimous-consent request the Senator from Washington may be recognized on another matter for 5 minutes.

Mr. HARKIN. It is my intention after asking unanimous consent for this to ask that the Senate proceed in this morning business.

Mr. SPECTER. Mr. President, I had intended to make a brief comment about the health care issue. I understand my colleague from Washington has a plane to catch. I will defer to him. In fact, if he has a plane to catch let him speak now.

Mr. HARKIN. Let me complete this. It will not take 3 minutes.

Mr. GORTON. I am happy to wait.

Mr. DOLE. Could I say further I wanted to add Senator HATCH as a cosponsor of the Dole-Lieberman amendment? I say to colleagues we were prepared to vote today. We were informed there would be no more votes after 4 o'clock. We are prepared to take this up. If the DOD bill is coming up it may be offered on that bill rather than Labor-HHS.

The PRESIDING OFFICER. The manager of the bill.

UNANIMOUS-CONSENT AGREEMENT

Mr. HARKIN. Mr. President, I ask unanimous consent that the following amendments be the only floor amendments remaining in order to H.R. 4606, the Labor, HHS appropriations bill; that they may be offered in the first or second degree, if offered to an excepted committee amendment; that other second-degree amendments be in order provided they are relevant to the first degree to which offered; provided further that upon disposition of the amendments, any remaining excepted committee amendments be agreed to, the bill be read a third time and the Senate then vote on passage of the bill; that upon disposition of H.R. 4606, the Senate insist upon its amendments, request a conference with the House on the disagreeing votes of the two

Houses, and that the Chair be authorized to appoint conferees, with the above occurring without intervening action or debate; that all floor amendments must be offered by 12 noon on Monday, August 8; that 10 minutes prior to that time Senator SPECTER be recognized to offer amendments to Republican Senators who are on the list and have not had a chance to offer; and that 5 minutes prior to that time Senator HARKIN be recognized to offer amendments of Democratic Senators who have not had a chance to offer.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa?

Mr. SPECTER. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask unanimous consent that the list be amended by adding an amendment by Senator BOND.

Mr. HARKIN. No objection.

Mr. SPECTER. Mr. President, I had started to engage the majority leader in a discussion when he said he had to check the list and would be back. The unanimous-consent request is being propounded by the chairman. So I will not make my comments now in light of the fact that the Senator from Washington and the Senator from Texas are to catch planes, but I will seek recognition at the conclusion of their statements to make the comments that I had intended to make in the presence of the majority leader.

The PRESIDING OFFICER. Is there any objection to the unanimous-consent request?

Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I send a list to the desk.

The list is as follows:

LABOR/HHS REPUBLICAN AMENDMENTS

Nickles—Relevant.
Hatch—Vitamins.
Bond—Relevent.
Coats—(1) relevant, (2) relevant, (3) relevant.
Gregg—Labor, Education, relevant.
Grassley—refugees, HHS IG.
Jeffords—(1) relevant, (2) relevant, (3) relevant.
Gorton—relevant.
Specter—(1) relevant, (2) relevant, (3) relevant.
Kassebaum—(1) relevant, (2) relevant, (3) relevant.
Domenici—character counts.
Stevens—(1) relevant.
Hatfield—relevant, waivers.
Kempthorne—(1) relevant, (2) relevant.
Cohen—relevant.
Gramm—(1) relevant, (2) relevant.
Wallop—relevant.
Packwood—waivers.
Helms—(1) relevant, (2) relevant.
Dole—Bosnia.
Dole or designee—(1) relevant, (2) relevant.
Warner—PBS.
Bond—relevant.

DEMOCRATIC AMENDMENTS TO H.R. 4606

Bumpers—relevant.
Byrd—(1) relevant, (2) relevant.
Dodd—relevant.
Glenn—HHS IG.
Harkin—(1) relevant, (2) relevant, (3) relevant, (4) relevant, (5) managers package.
Kennedy—refugee.
Kohl—relevant.
Metzenbaum—(1) relevant, (2) relevant, (3) pensions.
Mitchell—(1) relevant, (2) relevant, (3) Bosnia.
Graham—immigrant education.
Nunn—(1) floods, (2) floods.
Pell/Nunn—relevant.
Riegle—relevant.
Wellstone—(1) relevant, (2) relevant.

FISCAL YEAR 1994 LABOR/HHS/EDUCATION BILL

Mr. HATFIELD. Mr. President, I join the chairman and ranking member of the subcommittee in supporting H.R. 4606, the Labor, HHS, and Education appropriations bill for fiscal year 1995 that is before the Senate today. I want to take this opportunity to thank Senators HARKIN and SPECTER, as well as the other members of the subcommittee, for once again bringing before the Senate such a well-balanced bill under very tight budget constraints.

H.R. 4606 contains $252.8 billion, including $69.9 billion for discretionary programs, and encompasses a wide range of services which will benefit the people of this Nation through improving job opportunities, enhancing educational excellence, advancing medical research, and expanding health services. It is no easy task to reconcile the competing human service needs facing the chairman and ranking member, but they have done an admirable job. Let me take this opportunity to highlight some of the critical program recommendations of the bill.

DISLOCATED WORKERS

Dislocated workers in Oregon and the Pacific Northwest will benefit from a needed increase in Federal assistance for job retraining. The bill recommends $1.3 billion for title III of the Job Training Partnership Act to assist States and localities in providing retraining assistance to dislocated workers. This is an increase of nearly $178 million over last year. These funds are essential for the Pacific Northwest, which has so many communities facing an uncertain economic future due to changes in Federal environmental policies.

On May 31, 1994, I chaired a special hearing of the Appropriations Committee in Portland, OR. The hearing examined issues surrounding the dislocated worker retraining programs and the administration's proposed Reemployment Act. Every witness reiterated the message that greater flexibility in the Economic Dislocation and Worker Adjustment Act [EDWAA] is needed in order for States and communities to deliver efficient and effective readjustment services under the act. Greater flexibility in the provision of needs-based payments was particularly emphasized.

Clearly, issues of flexibility will be addressed during consideration of the proposed Reemployment Act later this year, or during the next session of Congress. However, as an interim step, the committee included language in the bill at my request which amends provisions in EDWAA to make it easier for States to provide needs-based payments to workers involved in long-term training programs. These changes are effective during fiscal year 1995 only. Coupled with the funding increase, the language in the bill will help promote the expansion of services for dislocated timber workers throughout the Northwest.

BIOMEDICAL RESEARCH

The bill before us today contains $11.3 billion to support the National Institutes of Health. The funds will support research into the causes, treatment, and cures of the vast array of diseases and illnesses, many of which are only beginning to be understood. These funds are the best medicine for fighting the fiscal and medical diseases which plague our health care system.

H.R. 4606 includes increases of at least 3 percent for all the NIH institutes and centers to enable medical research in all the disease areas to move forward. As the Congress moves toward enactment of comprehensive health care reform legislation, I believe it is essential that an aggressive medical research program be maintained as a central mechanism for controlling the costs of health care. A cure is the ultimate in cost control, and the NIH is the Federal entity which supports research.

ALZHEIMER'S DISEASE

For several years now, I have urged the Senate to embark on a national program to rid this country of the scourge of Alzheimer's disease, a disease that affects 4 million Americans and costs $90 billion annually. I have set an annual goal of $500 million, the amount scientists say is needed for a full scale attack on this dread disease. Funding for research on Alzheimer's disease has nearly doubled since 1990, rising from $146.1 million in 1990 to $302 million in 1994. I am pleased to report that this investment is beginning to pay off. Earlier this year, startling developments were announced regarding a potential genetic link to Alzheimer's disease. If confirmed in subsequent studies, this opens up enormous opportunities for advancing understanding and treatment of this disease.

RARE DISEASE RESEARCH

Mr. President, cancer, diabetes, AIDS, and heart disease are well known to most Americans as threats to a healthy society. But what about terms such as Marfan's syndrome, epidermolysis bullosa, Fanconi anemia, and ectrodactly-ectodermal dysplasia-clefting syndrome [EEC]. These are rare diseases, unknown to the vast majority of us, unless we suffer from them

or know someone who suffers from them. A rare, or orphan, disease affects fewer than 200,000 Americans. Rare diseases are equally as devastating as the more common disorders. But there is a greater lack of hope for those who suffer from the 5,000 different rare diseases because little or no research is being undertaken into their causes, treatments, and cures.

With the establishment of the Office of Rare Disease Research at the NIH, a small step has been taken to begin to develop a strategy and coordinated research effort to tackle the enormous task of rare disease research. H.R. 4606 builds upon this step by appropriating $1 million over the level requested in the budget for the NIH Office. These funds will enable the Office to move ahead with implementation of the clinical data base, to support scientific workshops and symposia to stimulate rare disease research, and to support the planning and operational activities of the Office. I believe much more needs to be done, and therefore I have introduced legislation, S. 1203, to establish a Center for Rare Disease Research at the National Institutes of Health. But, the additional funding in this bill will help further the goal of expanding and better coordinating research on rare disorders until my legislation can be enacted.

RURAL HEALTH

Rural health care systems face a number of unique barriers in their struggle to provide quality health care to their communities. Geographic isolation, a shortage of care providers, and an unusually large number of elderly and uninsured patients, are particular problems of rural communities.

On two occasions over the past 18 months I have examined the problems of rural health care when I chaired special hearings of the Appropriations Committee in Oregon on rural health care. The hearings examined the existing Federal public health programs serving rural residents and explored how our national investment in health care reform might most effectively meet the needs of rural America. Nearly all of the testimony received stressed the importance to rural communities of Community and Migrant Health Centers, Rural Health Outreach Grants, the National Health Service Corps, and Area Health Education Centers Program. The bill before the Senate today recognizes the importance of these programs and recommends $207 million for fiscal year 1995.

AIDS

Mr. President, few could argue with the fact that AIDS, a disease that was virtually unheard of a dozen years ago, continues to plague our society. The bill includes $2.58 billion to continue the strong commitment to research, prevention, and treatment programs to fight this dread disease. Included is an increase of $54.3 million for the AIDS services programs authorized by the Ryan White CARE Act, including a $31 million increase for title I. These funds are particularly important to Oregon, since it is expected that Portland will become eligible in fiscal year 1995 for funding under title I of the act.

WOMEN AND CHILDREN

One of the most important aspects of the bill before the Senate is the extent to which it enhances our investment in programs serving women, children, and families. Included in the bill is $3.5 billion, an increase of $220 million for Head Start. This is another step towards expanding the program in order to provide Head Start to all eligible children.

To build upon recent improvements in our Nation's immunization record, the bill includes $888.4 million for the National Immunization Program of the Centers for Disease Control and Prevention. These funds will be used, not only to purchase the necessary vaccines, but to improve local vaccine delivery infrastructures and to implement essential immunization outreach and tracking programs in communities throughout the country.

Also, the bill continues to build upon the committee's commitment to augment funding for domestic violence programs. Just 3 years ago, funding for the Family Violence Program totaled $10.7 million. H.R. 4606 includes $32.6 million for the Family Violence Program, an increase of $5 million over fiscal year 1994. In addition, additional funding is provided to the Centers for Disease Control and Prevention to continue the development of a national program to prevent violence against women and children.

These are just a few examples of the programs in the bill which serve women and children. Other programs, such as, the Maternal and Child Health Block Grant, the Child Care Block Grant, and Women's Health Study at the NIH, continue under the committee's recommendation.

HUMAN SERVICES

The bill also includes additional funds for services to some of the most vulnerable members of our society. A total of $393.5 million is recommended for the Community Services Block Grant Program, an increase of $8 million over last year. These funds will assist over 900 community action agencies in providing a wide array of services to foster low-income individuals in becoming self-sufficient, and to alleviate the very causes of their poverty in their communities.

Funding is also maintained for the domestic refugee resettlement programs of the Department. These programs provide critical resources to States, voluntary agencies, and mutual assistance associations to help refugees become self-supporting productive members of society. Refugees face substantial language and cultural barriers when they resettle in this country. The delivery of subsistence, medical, and employment services within the first 12 months of arrival is essential for effective resettlement.

EDUCATION

Mr. President, our hopes for maintaining a leadership role in the global market and our requirements for economic growth hinge upon our education system. It is not enough to simply provide tax incentives for investments in plants and equipment. We must also be willing to invest in human minds as well. We must continue to provide our children with the educational opportunities and technologies to help them meet world class standards. H.R. 4606 includes a total of $27.1 million to help States, local education agencies, colleges, universities, and other education entities in educating our Nation's students. This is $878 million above the amount provided in fiscal year 1994.

URBAN GRANTS

Mr. President, many of the urban universities across the Nation contribute to the needs of the cities in which they are located. To help these universities in this effort, this bill contains $13 million, an increase of $2.3 million over the fiscal year 1994 level, for the Department of Education's Urban Grants Program. This program supports grants to urban universities to encourage community involvement in solving education, health, crime and economic development problems of their particular urban area.

In closing, Mr. President, I again want to thank the distinguished chairman and ranking member of the subcommittee, Mr. HARKIN and Mr. SPECTER, for their cooperation and support.

THE FISCAL YEAR 1995 LABOR, HEALTH, AND EDUCATION APPROPRIATIONS BILL, H.R. 4606

Mr. SASSER. Mr. President, the Senate Budget Committee has examined H.R. 4606, the fiscal year 1994 Labor, Health and Human Services, Education, and Related Agencies appropriations bill and has found it to be under its 602(b) budget authority allocation by $2 million and that it meets its outlay allocation exactly.

Mr. President, I have a table prepared by the Budget Committee which shows the official scoring of H.R. 4606, the Labor, Health and Human Services, Education, and related agencies appropriations bill and I ask unanimous consent that it be inserted in the RECORD at the appropriate point.

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

SENATE BUDGET COMMITTEE SCORING OF H.R. 4606, FISCAL YEAR 1995 LABOR, HHS, AND EDUCATION APPROPRIATIONS—SENATE-REPORTED BILL

[In millions of dollars]

Bill summary	Budget authority	Outlays
Discretionary totals:		
New spending in bill	68,206	28,117

SENATE BUDGET COMMITTEE SCORING OF H.R. 4606, FISCAL YEAR 1995 LABOR, HHS, AND EDUCATION APPROPRIATIONS—SENATE-REPORTED BILL—Continued

[In millions of dollars]

Bill summary	Budget authority	Outlays
Outlays from prior years appropriations		39,953
Permanent/advance appropriations	1,771	1,769
Supplementals	0	−20
Subtotal, discretionary spending	69,976	69,819
Mandatory totals	196,154	195,904
Bill total	266,130	265,723
Senate 602(b) allocation	266,132	265,723
Difference	−2	0
Discretionary totals above (+) or below (−):		
President's request	−1682	−501
House-passed bill	312	1
Senate-reported bill		
Senate-passed bill		
Defense	0	0
International Affairs	12	11
Domestic Discretionary	69,965	69,808

Mr. COCHRAN. Mr. President, I would like to commend the distinguished Chairman of the subcommittee, Mr. HARKIN, and the distinguished ranking member of the subcommittee, Mr. SPECTER, for their leadership in producing the Labor-Health and Human Services-Education and related agencies appropriations bill for fiscal year 1995. It reflects a fair and balanced allocation of funds made through difficult decisions among many meritorious programs.

As a member of this subcommittee, I am well aware of the difficulties in choosing among the programs that fall under its jurisdiction. Programs administered by the Departments of Labor, Health and Human Services and Education do much to strengthen the economic competitiveness of our Nation and contribute to the enrichment of our society.

I am pleased to note that this bill increases funding for Department of Education programs to $27.4 billion, a 3.5 percent increase over last year. Significant increases are provided for those educational programs with the greatest impact on children and adults who need extra assistance in order to help them reach their full potential, teacher training programs designed to enhance teacher ability to offer the best instruction, and innovative technology programs to improve student learning opportunities.

In particular, the Committee has included $50 million for Educational Technology, the new technology program authorized as part A of title III of the Improving America's Schools Act of 1994, S. 1513.

This new program includes most of the provisions of the Technology for Education Act, S. 1040. I was pleased to join as an original sponsor of this legislation with Senators BINGAMAN and KENNEDY earlier this year. This educational technology program is intended to promote equal access for all elementary and secondary students to the educational opportunities made available through advances in technology.

At least 50 percent of the educational technology funds provided are to be used to assist State and local programs in purchasing technology resources for those schools showing the greatest need, obtaining technical assistance, and supporting professional development. The remaining funds will strengthen the Federal leadership role in promoting the integration of technology into the kindergarten through 12th grade classrooms and coordinating educational technology with the emerging national information infrastructure.

The committee has also provided $3.2 million for a program that has greatly enriched learning opportunities for our Nation's students. The national writing project provides teachers of every discipline, from kindergarten through college, with an opportunity to participate in summer and in-school writing clinics to help improve the teaching of writing in our Nation's schools and to emphasize the importance of writing in a student's ability to think and learn. In 45 States, Federal funds are used to support the national writing project's 160 sites which are affiliated with institutions of higher education.

For every Federal dollar invested in the writing project, five additional dollars are leveraged from State, university, school district, and other sources. Last year, 105,029 teachers participated in the program at a cost to the Federal government of $18.34 per teacher. Over 7 million students of all ethnic and linguistic backgrounds were challenged to write more effectively through their classroom teachers' expanded teaching and writing skills. In a single year, 18 percent of the Nation's K–12 public school students benefited from this Federal investment, which amounts to 34 cents per student.

Other educational priorities of this bill include:

The Chapter 1 Program funded at $7.2 billion, over $300 million more than last year.

The sum of $10 million for the Ready to Learn Television as Teacher Act to support the development of quality preschool education television programs and written materials for use by parents and day care providers.

The sum of $33 million for the Star Schools program to give more students in rural areas the opportunity to participate in courses that would be not be available without distance learning technology—a $7 million increase over last year's level. Through 6 years of increased funding for Star Schools, children in some of the most remote and disadvantaged schools in Mississippi, and all over the country, have had an opportunity to study such subjects as Japanese and advanced physics taught by some the Nation's best teachers.

The sum of $3 million for the telecommunications demonstration project, "Mathline," authorized in title II, part E of the Improving America's School Act to improve the teaching of mathematics by making available teacher training in the use of a new curriculum-based telecommunications infrastructure.

Other education programs that are particularly important to my State include Library Literacy programs; the Even Start, Family Literacy Program; Foreign Language Assistance; Tech Prep Education and College Campus-Based Student Financial Aid programs.

In the area of Health and Human Services, the Committee has provided additional funding for the State Offices of Health to continue its outreach efforts to health providers living in rural areas. The State Offices of Rural Health's activities include: examining rural health care delivery and recommending improvement in quality and cost effectiveness; assisting in the recruitment and retention of health professionals; providing technical assistance to attract more Federal, State, and foundation funding for rural health; and coordinating rural health interests across the State. These offices serve a vital role in recruiting health-care professionals and coordinating the delivery of health services in rural communities, and I am pleased that our committee provided $5 million for the State Offices of Rural Health program in fiscal year 1995.

I also appreciate the efforts of the committee in directing the National Center for Research Resources to increase its funding for the IDEA Program over the 1994 level.

I am encouraged by increases in funding for cardiovascular diseases, including stroke, and diabetes.

I am pleased the committee has been able to propose funding for the Corporation for Public Broadcasting of $330 million. This will enable Federal support to continue at current services levels to America's public television stations and radio stations. Federal contributions account for only 14 percent of the funding for public television and they continue to do a good job at raising private and corporate support. I am supportive of the increased educational focus the Corporation for Public Broadcasting has demonstrated recently in the programming it supports, particularly in the area of preschool education.

This bill represents a commitment to education and the future of our Nation's young people. It has been carefully and thoughtfully written to make the best use of Federal resources in a time of tight budgetary constraints. Many important and worthy education and health programs are expanded by this legislation and others that have outlived their usefulness have been eliminated.

I urge other Senators to join me in support of this legislation.

FISCAL YEAR LABOR/HHS/EDUCATION APPROPRIATIONS BILL

Mr. SPECTER. Mr. President, I join the distinguished Senator from Iowa, the chairman of the subcommittee, in supporting the Labor-HHS and Education bill that is before the Senate today. Due to the budget constraints that the subcommittee faced, it was not possible to provide all of the increases that we would have liked, but the recommendations will go a long way in addressing the health, education, and employment needs of this country. I want to take this opportunity to thank the distinguished Senator from Iowa and commend him for his hard work and his willingness to accommodate the many requests received from Democratic and Republican Senators.

The funding in this bill addresses a wide array of programs—from the educational needs of children from preschool through college to training and retraining this Nation's work force, immunizing our children, confronting the problem of teen pregnancy, AIDS, and the causes and cures of disease. Collectively, the programs in this bill will address many of the present needs of this Nation's people and an investment in our future.

The bill before us today is the largest appropriation bill to come before the Senate with a total of more than $252.9 billion, including $69.9 billion in discretionary spending.

I would like to highlight some of the areas that are of particular importance to me.

LIHEAP

The Low Income Home Energy Assistance Program is of vital importance to the people of the Commonwealth of Pennsylvania. Funding for this program supports grants to States to deliver critical assistance to low-income households to help meet the high cost of heating and cooling their homes. This bill maintains $1.385 billion for the 1994–95 winter. In addition, the bill contains $1.475 billion in advance funding for the 1995–96 winter program. Finally, $600 million is provided for the emergency contingency fund to be released in the event the President submits a budget request declaring all, or a portion of these funds as an emergency.

The recommendations in the bill maintain the Committee's commitment to the LIHEAP program. Under the level proposed in the President's budget, as many as 250,000 households would have lost assistance. Most of the residents of these households are elderly, disabled and/or poor. For example, 82 percent of LIHEAP households in Pennsylvania have incomes less than $10,000 annually and 34 percent have elderly residents. In Philadelphia alone, 71,000 families have incomes of $5,000 a year or less and spend 40 percent of their incomes on energy costs.

FAMILY VIOLENCE

I recently visited shelters for battered women in Harrisburg and Pittsburgh. One woman told me that she had just 9 days to find affordable housing for her and her 2-year-old son, or she would have had to return to her abusive spouse. The O.J. Simpson case has brought the incidence of domestic violence into the public eye. But unfortunately, family violence is not a rare occurrence. Last year alone, an estimated 4 million women were beaten by their husbands or partners. Battering is the single largest cause of injury to women in the United States, and medical costs associated with those injuries are estimated to be $3.5 billion annually. To prevent the incidence of family violence and provide immediate shelter to victims and their families, the bill includes $32.6 million, an increase of $5.2 million over the fiscal year 1994 amount. To complement the recently launched public education campaign, $1 million has been included to expand community education and outreach activities by providing education and training sessions for community leaders and law enforcement personnel. The bill also provides $750,000 for a national conference on violence, including domestic violence, to explore promising and proven effective prevention interventions.

TEENAGE PREGNANCY

When one talks of the social ills in America today, the high number of births to teens is always at the top of the list. Each year in this country, over one million teenagers become pregnant, and more than 80 percent of these pregnancies are unintended. The costs associated with teen births is staggering. Estimates of the cost of AFDC, Medicaid, and Food Stamps to support families begun by teens, totals over $25 billion annually. Because teen moms are less likely to eat nutritiously or to get prenatal care, and are more likely to smoke and drink than other mothers, they are also more likely to give birth to low-birthweight children. It is a human tragedy for a child to be born weighing 16 ounces with attendant problems which last a lifetime. I first saw a 1-pound baby in 1984, and I was astounded to learn that Pittsburgh, PA, at that time, had the highest infant mortality rate of African-American babies of any city in the United States. It was an amazing thing for me to see a 1-pound baby—about as big as my hand.

Beyond the human tragedy of low-birthweight there are financial consequences. In 1990, the hospital-related costs for caring for low-birthweight newborns totaled more than $2 billion, or an average of $21,000 per infant. And in infants of extremely low-birth weight, hospital costs often exceed $150,000.

To begin to address the issues of teen pregnancy prevention and the consequences of low-birthweight children, the bill includes $221.5 million for programs involved in pregnancy prevention, an increase of $23 million over the 1994 appropriation. These funds will support teen pregnancy prevention education, counseling, and services for young men and women. Included is $13.4 million for comprehensive school health education programs to arm students with the knowledge and skills to make informed decisions about health habits and behaviors. Also included is $6 million for the Centers for Disease Control and Prevention for a new teen pregnancy prevention demonstration program. The program will provide grants to localities for the development of community partnership coalitions for the prevention of teen pregnancies.

BIOMEDICAL RESEARCH

The bill before us contains $11.3 billion for the National Institutes of Health, an increase of $395.7 million above the fiscal year 1994 appropriation. The funds recommended will continue the tremendous progress made in the development of treatments and cures for diseases that afflict so many Americans. The increase provided will enable scientists to pursue the most promising avenues of research into diseases such as diabetes, heart and circulatory disorders, Alzheimer's, cancer, Parkinson's, and other neurological illnesses. Funds will also continue the great advances made toward the completion of a detailed map of the human genome. In addition, funds will support promising work in the field of gene therapy.

On May 9, 1994, I visited with researchers involved in gene therapy at the University of Pennsylvania. They reported to me on the substantial advances in the development of gene therapies for reducing cholesterol levels in persons with hypercholesterolemia, and for providing relief to persons suffering with cystic fibrosis. Bringing these breakthroughs to clinical application will yield wondrous results which will alleviate human suffering, prolong life, and produce savings in the medical costs required by these chronic diseases.

BREAST CANCER

Breast Cancer—words that every woman hopes that she will never hear from her physician. It is estimated that during the decade of the 1990's, more than 2 million women will have been diagnosed with the disease and that 460,000 women will have died of it. Although women diagnosed in the early stages of the disease have a 5-year survival rate of 93 percent, women who have been treated for breast cancer can never be assured that it will not recur. Scientific advances have raised hopes of prevention, but to date no proven methods have been found. Since 1989, when I became the ranking member of this subcommittee, breast

cancer research has risen from $80.4 million to an estimated $350 million included in this bill for fiscal year 1995.

The number of women who have ever had a mammogram increased to 74 percent in 1992, from 64 percent in 1990. However, the increase is not spread evenly across all groups of women. The major increase occurred among white women with incomes of over $25,000 per year. Efforts of the American Cancer Society, women's health groups, and even equipment manufacturers, to educate consumers, and of professional groups to educate physicians, are probably responsible for much of the screening increase. The bill also provides $100 million, an increase of $21.9 million over the previous year's funding, for breast and cervical cancer screening. The increase provided will expand the number of States with comprehensive programs to educate and screen women at risk for developing breast and cervical cancer. A combination of annual clinical breast examinations and mammography can reduce breast cancer mortality by more than 30 percent for women ages 50 to 74.

ALZHEIMER'S DISEASE

This bill also addresses one of the most devasting health problems confronting this country—Alzheimer's disease. We have invested approximately $311 million to support the most promising avenues of research on a disease that has already stricken over 4 million Americans, and threatens millions more in the years ahead.

AIDS

This bill contains $2.589 billion for research, education, prevention, and services to battle AIDS. This amount represents an increase of $107.7 million over the amount appropriated last year. Included in this amount is $356.5 million to provide grants to metropolitan areas hardest hit by this disease. A total of 34 cities were served with last year's funds and with the additional funds provided in fiscal year 1995, 3 to 7 new cities will be served.

For pediatric AIDS demonstration grants to support collaboration between institutions and community based providers of underserved children, youth, pregnant women, and their families, the bill provides $26 million, an increase of $4 million over the level provided in fiscal year 1994. Because of their unique vulnerability, infants suffering from AIDS require specially tailored approaches for treatment, prevention, and care. The funds provided will continue the existing pediatric and adolescent AIDS demonstration projects.

MENTAL HEALTH

Each year, more than 40 million adults in the United States, experience one or more mental disorders. In addition 8 million children are tormented with serious emotional disturbances. The direct and indirect costs of these illnesses have been estimated to cost over $148 billion each year. The bill contains $412.6 million to prevent and treat mental illness and minimize the disabilities associated with these illnesses. In addition, the bill provides $633.8 million for the National Institute of Mental Health to support research on the prevention and treatment of mental illness.

SUBSTANCE ABUSE PREVENTION AND TREATMENT

Substance abuse continues to be a national public health problem contributing to the incidence of violence, auto collisions and accidents on the job. Drug abuse also greatly increases the number of low-birth weight infants, the incidence of HIV-AIDS, and mortality rates. The societal costs associated with substance abuse is substantial, contributing to increased crime, health care costs, interdiction, and lost productivity of the Nation's work force. For prevention and treatment programs the bill includes $1.7 billion, an increase of $44 million over the fiscal year 1994 appropriation.

EDUCATION

To strengthen our educational system and expand higher education opportunities for young adults, the bill provides $27.4 billion.

Funding for programs to improve education for disadvantaged children is increased $321.7 million over the previous year's level, to a total of $7.2 billion. Included in this amount is $102.1 million for even start, a program which combines early childhood education, adult literacy, and parenting skills. Also included is $41 million for disadvantaged children attending private schools.

The bill provides $6 million in first-time funding for the charter school program. These public schools, formed by teachers, parents, and other members of the community, are exempt from many of the Federal, State, and local regulatory requirements. In exchange for enhanced flexibility charter schools will be required to develop specific plans to enable students to meet challenging State performance standards. Private management companies are operating in some States where charter school legislation has been enacted, giving these companies and local education agencies the opportunity to try new and innovative approaches to education reform.

To increase the education opportunities for college bound youth, the bill recommends $7.6 billion for student financial aid, including $6.2 billion for the Pell Grant Program. The maximum Pell grant is also increased $40 over the fiscal year 1994 amount to $2,340. The bill also restores the $210 million in cuts proposed by the President for campus-based aid programs.

There are approximately one million men and women incarcerated in prisons, jails, and juvenile facilities in this Nation. Seventy-five percent of those incarcerated do not have a high school diploma and most have few marketable skills or work history. It is my belief that criminal offenders, especially juvenile and first and second offenders, should be given the chance at rehabilitation and gainful employment. That chance can only come through education. To address the educational needs of prisoners, the bill includes $118.6 million. Within that amount $40 million is included for the neglected and delinquent program which provides educational opportunities for youth in juvenile and adult corrections facilities, $5.1 million to improve the literacy skills of prisoners, $38.7 million for substance abuse prevention and treatment for criminal justice populations, and $34.8 million from funds set aside within the adult and vocational education programs.

The bill also restores $44.5 million in funding for library programs that the administration proposed to decrease or eliminate. This brings the total amount available for library programs to $147.5 million, an increase of $1.2 million above the amount appropriated in fiscal year 1994.

In closing, Mr. President, I again want to thank Senator HARKIN and his staff and the other members of the subcommittee for their cooperation in a very tough budget year.

Mr. ROCKEFELLER. Mr. President, I want to commend the Senate Appropriations Committee for its efforts in this legislation to increase flexibility in existing worker retraining programs.

Changes in our economy result in dislocation and employment shifts, so workers often must retrain to keep pace. I am a cosponsor of the pending Reemployment Act, which is a comprehensive initiative to restructure our Federal retraining programs. But in the interim, I strongly support efforts to make the existing programs more flexible and responsive to the real needs of dislocated workers and their families.

This bill includes a small, but crucial provision to ensure that workers have at least 6 weeks after receiving a discretionary grant for training. This is a vital change because dislocated workers often cannot afford to enroll in retraining programs until they are confident that they will have Federal assistance and needs-related payments to help them pay rent and buy groceries while in retraining courses.

Current law for most retraining programs requires workers to enroll in training by their 13th week of unemployment benefits, regardless of when the dislocated workers secure federal retraining help or the timing of academic courses. Because of delays in approving grants, workers are sometimes notified of Federal assistance just days before the enrollment cutoff of the 13

weeks takes effect. In such cases, people may be shutout of the courses they want or not have time to find the right course to start them on a new career path. It is tragic when paperwork and regulations obstruct the true goals of our programs.

Modest changes proposed in the appropriations bill will ensure that workers have 6 weeks to enroll in courses once they know they qualify for Federal retraining assistance and can afford to go back to school. I offered a similar 6-week extension to the Federal training program established for workers dislocated by NAFTA, which was adopted by voice vote in the Senate Finance Committee and incorporated in the final legislation.

I am interested and involved in the technical details of worker retraining because of concerns raised by West Virginians who in these programs and struggling to cut through the paperwork and get the retraining they need to go back to work. People in my State want help getting a job, so I believe my job is to cut through Federal paperwork and regulatory rules that hinder effective use of Federal retraining programs. Provisions in this legislation are important clarifications to make our discretionary worker retraining grants more flexible and user friendly. This will really make a difference to dislocated workers and their families in West Virginia and across the country.

Mr. DOMENICI. Mr. President, I would first like to thank the subcommittee members for their work in identifying the priority funding needs under exceptionally tight budgetary conditions. It was impossible to accommodate all of the investment items sought by the President while still retaining many high priority items but the subcommittee has done extremely well in balancing competing priorities.

I would specifically like to thank the subcommittee chairman, Senator HARKIN, and ranking member, Senator SPECTER for their continued strong leadership on this important bill.

The Senate-reported Labor–HHS–Education bill provides $213.4 billion in budget authority and $176.5 billion in new outlays for the Departments of Labor, Health and Human Services, and Education and related agencies for fiscal year 1994. Of this amount, $68.2 billion in budget authority and $28.1 billion in new outlays is for discretionary spending. When adjustments are made for advance appropriations, prior year outlays, mandatories, and emergency contingency appropriations, the Senate-reported bill provides $266.1 billion in budget authority and $265.7 billion in outlays for fiscal year 1995.

The Senate-reported bill is below the subcommittee's section 602(b) allocation in budget authority by $1.6 million and at the subcommittee's section 602(b) allocation in outlays.

This bill has strong bipartisan support. It was reported from committee without dissent. I appreciate the subcommittee's responsiveness to Members' concerns and suggestions for funding priorities.

In particular, I appreciate the subcommittee's support of my request for funding Hispanic serving institutions. This program which provides special assistance to higher education institutions attempting to meet the needs of the Hispanic community. This is the first year this program has received funding and I thank the chairman for his support.

New Mexico has 13 schools that are classified as Hispanic serving institutions. Funds under this program could help these schools strengthen their educational programs, assist them in improving facilities and purchase educational materials.

I'd also like to thank the chairman for providing an almost $18 million increase for the work of NIMH. Included in the report is language that will direct additional funds above the House level to priority research under the "Decade of the Brain" initiative.

As a result of the efforts of this subcommittee, medical researchers, during this "Decade of the Brain" will make significant progress in understanding the brain, identifying the causes of serious mental illness, and developing effective treatments for these devastating illnesses.

This research is bearing fruit in our discussion of health care reform. There is a now a recognition that health care coverage for severe mental illness must be provided on an equitable basis with other physical illnesses.

Continuation of initiatives to assist the homeless are also critical, many of whom are victims of mental illness. I am pleased that the bill before us appropriates $29.5 million for PATH grants [Program to Aid the Transition from Homelessness], and $65.4 million for Health Care for the Homeless, an increase of $2.4 million above the 1994 level.

I would again like to thank the subcommittee chairman and ranking member, as well as the other members of this subcommittee, for addressing these important issues. I urge the adoption of the bill.

VACCINES FOR CHILDREN (VFC) PROGRAM

Mr. DASCHLE. Mr. President, as the Senate acts on the Labor–HHS–Education appropriations measure today, I want to call attention to a provision relating to the new Vaccines For Children [VFC] Program. As we all know, this program was enacted last year to make childhood immunizations available to Medicaid and uninsured children in private physicians' offices. The vaccines would be purchased by the Federal Government at the discounted price made available to the Centers for Disease Control [CDC]. By law, this program is to begin this October 1—only 2 months from now.

The administration has determined that it will use a new distribution system to get the free childhood vaccines to physicians' offices. This system will rely on the General Services Administration [GSA], its distribution facility and its contract with Federal Express. CDC has been working with GSA to get this new distribution system operational in time for the program to begin October 1, a highly ambitious undertaking. Real concerns have been raised that despite the administration's hard work and good intentions, the distribution system may not be ready on time. A recent report by the General Accounting Office confirms that significant obstacles may yet to be overcome in order for the VFC Program to be successful and timely.

Citing this GAO report, our colleagues on the Appropriations Committee have included language insisting that the administration certify the new distribution system is in good working order before any vaccines are shipped through it. I commend this well placed concern and the oversight of the committee. However, I am concerned that some aspects of the committee amendment may create new, additional obstacles to implementing the VFC program on time.

Specifically, the amendment requires the Secretary to certify not only that the new distribution is safe and effective, but that it is the absolute lowest cost option for distributing vaccines to children. The amendment further requires that this lowest-cost certification include evidence of bids solicited through a private sector competition. Unfortunately, the Federal Government's process of soliciting competitive bids, itself, takes months. This requirement, posed in this fashion, effectively guarantees that the VFC Program cannot open its doors to Medicaid and uninsured children on October 1. This raises grave concerns about how children will receive the immunizations to which they are entitled. We must not lose sight of this important priority.

Mr. President, once again, I appreciate the committee's efforts to safeguard a high quality, effective and efficient vaccine distribution system for the VFC Program. I strongly urge that we all take a much closer look at the most reasonable way to achieve this goal while doing everything possible to also ensure that the VFC Program is able to serve the Nation's children at the earliest possible date.

VACCINES FOR CHILDREN

Mrs. MURRAY. Mr. President, timely implementation of the Vaccines for Children [VFC] Program is essential. The program is a vital component of the President's childhood immunization initiative to eliminate all barriers to the appropriate immunization of children.

When Congress passed this program last year, we recognized that cost is a major barrier to the timely and appropriate immunization of our Nation's preschool children. I am delighted to see recent data show an improvement in the national immunization rate to 72 percent. However, we are still far from reaching our goal of immunizing 90 percent of our preschoolers on time. And, cost remains one of the major barriers to this goal.

In my home State of Washington, the universal system has been integral to the State's successful immunization strategy. Not only has this system made vaccines freely available to all children in their doctors' offices, but it also has enhanced the State's ability to develop a comprehensive immunization delivery system. Among other things, we will be able to develop more easily a statewide immunization registry to obtain up-to-date information about how well our children are protected from vaccine-preventable diseases.

States without universal purchase systems miss an opportunity to immunize children. In these States, families are referred to free public immunization clinics when they cannot afford the vaccines. This does not happen in Washington State. Consequently, the burden of public clinics in my home State is eased. They are able to serve more efficiently those children for whom the clinic is the usual source of health care. By providing physicians with federally purchased vaccines, the Vaccines for Children Program will allow States that do not have universal systems to similarly reduce the number of missed immunization opportunities and referrals of children to public clinics.

The interim report of the Government Accounting Office [GAO] regarding the VFC Program raised a number of valid concerns about the proposed Federal vaccine distribution center. However, it is my understanding that the U.S. Department of Health and Human Services [HHS] and the General Services Administration [GSA] are working with the Food and Drug Administration [FDA] to address these concerns and comply with relevant regulations to ensure vaccine safety. I also understand this can be done without delaying the start of this very important program. It is extremely important that obstacles not be placed in the way of the timely implementation of the Vaccines for Children Program.

VACCINES FOR CHILDREN

Mr. RIEGLE. Mr. President, I would like to briefly summarize the history of an important program designed to increase the immunization rates of our Nation's most vulnerable children.

Last year, after vigorous debate, the Congress enacted the Vaccines for Children [VFC] Program as part of President Clinton's childhood immunization initiative. Congress created the new program to remove existing barriers which prevent our most vulnerable populations, children up to 2 years of age, from receiving age-appropriate immunizations.

Barriers, while not always obvious, build on each other. Although 70 percent of uninsured children have private pediatricians, many of them are referred to public clinics due to costs. Public clinics, however, are overburdened, plagued by long lines and demands for acute care. National rates of immunization reflect these problems.

While our national goal is to reach a 90-percent immunization rate for the basic series of vaccines, 1993 national rates show coverage of only 72 percent by age 3. Although the rate increased dramatically from 55 percent in 1992, it was largely due to increased awareness from the measles resurgence between 1989 and 1991.

In an effort to increase immunization rates to 90 percent and provide children with affordable vaccines, the childhood immunization initiative created a new program—Vaccines for Children [VFC]. Under the Federal program, States can elect to receive pediatric vaccines purchased by the Centers for Disease Control [CDC] for federally eligible children. Currently eligible children include: Medicaid enrollees, the uninsured, American Indian or Alaska Natives, and the underinsured who receive immunizations at public health clinics. Program-registered public and private providers will receive pediatric vaccines from States at no charge.

CDC and the States will administer the VFC program, which will purchase and distribute vaccines to enrolled providers. The administration is currently planning to use the General Services Administration [GSA] to store and distribute vaccines while the CDC will negotiate prices with the manufacturers.

Unfortunately, the VFC program and its implementation is greatly misunderstood. Its opponents suggest that immunization rates have reached 90 percent, despite data which shows national immunization rates almost 20 percent lower. Relatively high immunization rates for specific antigens does not mean that children have received the appropriate combination of recommended vaccines. Also, immunization coverage in the United States is not spread evenly, resulting in large pockets of undervaccinated children and leaving over 25 percent of our children with inadequate protection.

Mr. President, a recent General Accounting Office [GAO] report regarding VFC implementation has added to program misconceptions. Although GAO identified certain areas which merit additional attention, including better preparation of the GSA warehouse for vaccine storage, they concluded that the Department of Health and Human Services [DHHS] will be able to safely and effectively implement the VFC program by the October deadline. At that time, participating providers will receive appropriate levels of vaccines, the distribution system will be functional, and many public and private providers will be enrolled. I would also like to note that the GAO evaluated the program's implementation despite the fact that the program has not yet been implemented.

Following the publication of the GAO report, the Senate Appropriations Committee accepted by voice vote an amendment regarding program implementation. The amendment would prohibit distribution of publicly purchased vaccine by the GSA until the Appropriations Committee certifies that the distribution system is adequately tested and licensed and the system is lower than the cost of private bids. Additional report language directs the DHHS to solicit private sector bids for storage and vaccine distribution.

Although I agree with several of the amendment's components, especially perfecting the distribution system, I have serious concerns with the overall restrictive nature of the amendment and specifically with its requirements regarding costs. In addition, I understand the amendment could raise constitutional problems and jurisdictional points of order. At this time, however, I will not subject the bill to a point of order. Instead, I have laid out my concerns and sincerely hope they are resolved throughout the remainder of the legislative process.

I thank the distinguished Chair and appreciate the opportunity to discuss this important program before the Senate.

AMENDMENT NO. 2460

Mr. CHAFEE. Mr. President, I plan to oppose the amendment offered by the senior Senator from Pennsylvania [Mr. SPECTOR], to restrict the President's authority to commit American troops abroad.

Under the proposed amendment, the President could send United States Armed Forces to Haiti only under the following limited circumstances: First, with prior congressional approval; second, if necessary to protect the lives of American citizens; or third, if it is in our national security interests and there is no time to seek congressional authorization.

Now, I personally disapprove of the President's handling of the situation in Haiti. In my view, we have no national security interest at stake there. The embargo has been a disaster. And it would be a grave mistake for the United States military to invade that nation.

But the question posed by the Specter amendment goes beyond the narrow issue of just sending troops to Haiti. Instead, the amendment seeks to limit the President's authority as Commander in Chief and would severely restrict the President's power to conduct

the Nation's foreign affairs. I think this is a dangerous amendment that would set a terrible precedent—in fact, I question whether it is based on sound constitutional footing.

Again, Mr. President, I think the Clinton administration has badly mishandled the situation in Haiti. Moreover, I would oppose any effort by the administration to send to troops to Haiti. But, I will oppose the Specter amendment because I believe it to be an unacceptable intrusion by the Congress upon the President's powers.

MORNING BUSINESS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Senate proceed to morning business, with Senators permitted to speak therein for up to 10 minutes each, and that the Senate return to the consideration of H.R. 4606 at 10 a.m. on Monday, August 8.

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

Mr. HARKIN. Mr. President, I am authorized by the majority leader to announce there will be no more votes today.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

TRUE CRIME PREVENTION

Mr. GORTON. Mr. President, to most Americans, including this Senator, crime prevention is a fairly simple concept. It means taking steps to avoid becoming a victim of a criminal act or to provide protection for citizens from potential criminals. That could include everything from leaving a porch light on, stopping the newspaper delivery when you are gone for extended periods of time, walking your block with your neighbors to deter drug dealers, teaching your children to avoid talking to strangers, or taking down license plate numbers of suspicious vehicles, just to name a few. These crime prevention measures are commonsense methods to deter criminal behavior.

I have pursued a balanced approach to fighting crime that includes a proper mixture of law enforcement and true crime prevention. For instance, the DARE Program involves law enforcement officers working with students on how to avoid drug dealers. The Triad Program is a grassroots-oriented program that coordinates crime prevention activities between seniors groups and law enforcement. Operation Weed and Seed is perhaps the best example of a coordinated and targeted crime prevention program that has had enormous success in one of Seattle's roughest neighborhoods. Safe Streets in Tacoma receives some minor Federal assistance, and is a model of community mobilization that has cleared streets of drug dealers and gang members by means of phone trees, yard signs, and block watches. Washington State leads the Nation in its community policing programs that has lowered crime rates in some areas simply by getting officers out of their squad cars and getting them closer to the community.

The basic element of success in each one of these crime prevention activities is the simple fact that they are intended to deter a specific criminal act against a law-abiding citizen. They have a proven track record of success and each has this Senator's full support. They work, not surprisingly, because law enforcement is either directly or indirectly related to each crime prevention program. That makes sense because no one wants to prevent crime more than those who have to enforce the law.

What does not make sense, Mr. President, is what this Congress and administration have done to the term "crime prevention." Rather than relating crime prevention activities to law enforcement or criminal behavior, they have included everything from swimming pools to bicycle paths as methods to stop a crime from occurring. They equate a candlelight walk through a rough neighborhood by concerned citizens to scare off drug dealers with grants to encourage arts and crafts classes.

The conference report on the crime bill dropped the single best example of true crime prevention: my amendment to notify communities of violent sexual predators. Law-abiding citizens have a right to know of the dangers around them so they can take the simple precautions such as getting an escort to walk them home or picking kids up after school. Instead, conferees were more concerned about the rights of convicted repeat sexual offenders. They just don't get it. This crime bill would not have helped Polly Klaas or Megan Kanka.

Perhaps the best distinction between the Democrats approach to spending on crime prevention and my own is Operation Weed and Seed. I would have taken a large chunk of the money earmarked for pork barrel social welfare programs that have never worked and would have greatly expanded this crime prevention program that has proven itself. Weed and seed combines tough law enforcement with coordinated and targeted social services, some of which are the very same programs funded under many of the so-called crime prevention programs. The important distinction, however, is that weed and seed has the law enforcement component that follows the seed money for a balanced mixture of law enforcement and prevention. The conference report, on the other hand, does not guarantee the law enforcement element. That is right, cities and high-crime areas have a much greater chance of receiving social spending money than the match-based law enforcement money. The result: seeding without weeding. That is not crime prevention.

Under the title of crime prevention, $7.4 billion in tax payer money includes such deterrence as $900 million for the youth employment and skills crime prevention which would provide grants for job training, apprenticeships, occupational skills, and job experience targeted at youth in high crime, high unemployment areas; $1.8 billion for the Local Partnership Act providing revenue sharing grants to localities for education, drug abuse treatment, and job training programs; $895 million for the model intensive grant program providing grants to fund up to 15 model programs in high crime areas for any reason justified as crime related including deterioration or lack of public facilities and public transportation.

Now, this Senator has no doubt that some activities undertaken by these programs may have some positive impact. I am fully aware of the need in many communities for additional assistance. But what this Senator will not accept is the myth, the scam, that this is crime prevention and therefore should be included in a crime bill.

In addition, of course, these programs are nothing new.

The Government Accounting Office recently found that there are presently 154 separate, overlapping Federal employment and training programs run by 14 separate executive departments and independent agencies. A total of 50 different offices are responsible for these programs, for which $25 billion was budgeted in fiscal year 1994. The conference report throws another $900 million at these programs.

GAO also found that 266 current prevention programs sponsored by seven Federal departments are serving delinquent and at-risk youth. According to the report, the Government has undertaken "a massive Federal effort on behalf of troubled youth" to the tune of $3.0 billion a year. It continues to state that, "Taken together, the scope and number of multiagency programs show that the Government is responsive to the needs of these young people."

Many of those who support this kind of crime legislation are believers in the what I call the bankshot theory of crime prevention. In their heart of hearts, they honestly believe that if you invest this money in communities for social welfare purposes, you will end up with drug addicts strung out on heroin who would otherwise be inclined to mug an 80-year-old grandmother of her Social Security check, instead, choosing to take a cool dip in the new community pool built by Federal funds. They believe that if you build that bike path, maybe, just maybe, that sex offender will spend the day getting fresh air and exercise rather than stalking his next victim at the school yard. They believe that if only

we could build a nicer park for that gang member to enjoy, he will not commit that drive-by shooting tonight that will take the life of an innocent bystander.

They argue that these things take time, perhaps as long as a generation, but that we must start now to change behavior later. Ultimately, they say, the shot will find the corner pocket.

The fundamental problem with this bankshot theory of crime prevention is that we need to stop violent crime today. America is in a crisis of enormous cultural and social consequences due to our inability to deal directly with the threat of criminal violence we face everyday. Crime is the most important issue to Americans and we think about how to avoid it every day. It is on everyone's mind.

Our purpose in 1994 should be to do everything we can to put violent criminals behind bars. Instead, the bankshot theorists of crime prevention have given us swimming pools and bike trails.

This is a crime bill fit for the carefree and easy-spending days of 1964, perhaps, but not the violent and deficit spending days of 1994.

It is a missed opportunity for which I hope, but doubt, the American people will forgive us. Before it is too late, Mr. President, let us reopen the so-called crime bill and make it work for America.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas, [Mrs. HUTCHISON].

Mrs. HUTCHISON. Thank you, Mr. President. I thank the Senator from Pennsylvania for allowing me to make my statement before we go into the rest of the debate.

LIFTING THE ARMS EMBARGO ON BOSNIA

Mrs. HUTCHISON. Mr. President, I want to talk about Senator DOLE's amendment that he will offer in the very near future, once again asking this Senate to lift the arms embargo on Bosnia.

Mr. President, what has happened today in that part of the world shows once again the necessity for this Senate and this Congress to act, to say firmly and swiftly the Bosnians should be able to defend themselves with both arms, not with one arm tied behind their back.

The Serbs have shown time after time after time that they are not serious about peace; they are not going to accept the proposal that is on the table. And yet, the Bosnians sit there half armed and unable to really fight for their country the way they ought to be able to and the way they can.

Mr. President, we have talked for months while the people of Bosnia have died. We have talked and we have talked and we have talked. This is an untenable situation.

Many people have said, "Are you prepared to send American troops into Bosnia?" And the answer is no. It is a very firm no. This is not a United States mission.

In fact, it is very important, I believe, that the United States clarify our policy as it regards Bosnia. It is time for us to speak and be heard and be sincere and be firm, and that is that there is not an American interest in Bosnia that would require our troops to get into this conflict.

There is, of course, an American interest in fairness. There is an American interest in the elections and democracy that they are trying to get started in that country. There is an American interest in friendship, trade, help for Bosnia. But we should not send American troops there.

So, what should we do? We should try to help them have peace, at the table, but we should not let them fight without being armed.

I will never forget meeting with Vice President Ganic, the duly elected Vice President of Bosnia when he said, "Please, lift this embargo." He pleaded with the Senate Armed Services Committee. He said, "We are dying anyway. Let us die fighting for our country."

Mr. President, the time has come for us to do that. So, when Senator DOLE does in fact put his amendment on the floor, and we will be able to vote on it once again, I hope this Senate will see from the actions of today by the Serbs that this is not ever going to change with one party to the conflict unarmed. I hope we will have swift action. I hope we will go to the United Nations. I hope we will get world support to let the Bosnians fight—armed—and let them fight for their country.

I appreciate the Senator from Pennsylvania, [Mr. SPECTER], I appreciate the Senator from Kansas, [Mr. DOLE], who has taken a leadership position in this effort.

I hope the President will listen to the Senate this time and work with us to take a firm position on our role in the world, our role in Bosnia. And I hope we will help these people be able to pick up arms. And I hope we will let them be able to say at least that the 250,000 people who have already died, did not die in vain.

I yield the floor.

ENSURING RUSSIAN TROOP WITHDRAWAL IN THE BALTICS

Mr. PRESSLER. Mr. President, I salute President Clinton's recent efforts concerning Russian troop withdrawal from the Baltic States of Latvia and Estonia. As my colleagues know, President Yeltsin is tying Russian troop withdrawal to the citizenship status of the Russian-speaking minorities of both republics. Questions of citizenship are quite legitimate. However, they should not be linked directly to the scheduled withdrawal of the Russian military. Instead, they should be treated as a separate issue, independent of the issue of Baltic sovereignty.

It is imperative that we hold the Russian Government to the withdrawal date of August 31, 1994. Any weakness on the part of the United States would send the message that the Russians can postpone their scheduled withdrawal.

I commend President Yeltsin and Estonian President Lennart Meri for their recent agreement to remove Russian troops from Estonia by the original date of August 31, 1994. This change in policy, after the surprising "nyet" before the G–7 summit, clearly demonstrates President Yeltsin's desire to maintain healthy ties with the West. I trust the Russian Government will follow through on this promise.

Recently, my colleague from Kentucky, Senator MCCONNELL, offered an amendment to H.R. 4426, the Foreign Operations Appropriations bill for fiscal year 1995. I commend Senator MCCONNELL for his leadership on this issue. The amendment easily passed with an overwhelming majority. It stated that if Russian troops do not return home by the proposed deadline, then the United States would withhold aid to Russia until sufficient progress is made. The amendment advanced the deadline for Russian troop withdrawal to August 31, 1994, from the previous date of December 31, 1994. If the Russian Government were to fail to remove the remaining 4,500 troops from Estonia and 2,500 troops from Latvia, then any further United States financial assistance to the Government of Russia would be prohibited. Russian troops must pull out of the Baltic nations by August 31, or face the consequences.

The sovereignty of two nations is at stake, as is our future as a world power. Failure to stand firm on our own resolutions would add to the concern throughout the world regarding U.S. integrity and resolve in foreign policy. We have let the Russian government clearly know the consequences of its behavior in keeping 7,000 Russian troops in Latvia and Estonia. The Russians understand they would lose millions of dollars in economic assistance from the United States.

I have visited the Baltics to examine their reform efforts and the effects of United States aid. While in Latvia 2 years ago, the Russians' reluctance to withdraw their troops disturbed me. Their excuses of 2 years ago finally eroded into the compromise of last week. It is very easy for us to look at this agreement and consider this problem solved, but this would be a grave mistake. To withdraw our pressure prematurely only encourages the Russians to renege on their agreement and postpone their withdrawal. We must hold

the Yeltsin Government to its promise of complete independence for the Baltic States.

Being firm with the Yeltsin Government is essential. We can aid the process by encouraging the implementation of citizenship laws in the Baltic nations that fairly treat the Russian minorities. Longtime residents should have the opportunity to become citizens of Latvia or Estonia if they declare their loyalty. We should remain firm in our resolve to end de facto Russian imperialism, while promoting the ideals of democracy for all who live in the Baltic nations.

CHICAGO HOUSING AUTHORITY

Mr. DOLE. Mr. President, I want to commend to my colleagues an article that recently appeared in the Heritage Foundation publication, Policy Review.

In the article, Vincent Lane, the chairman of the Chicago Housing Authority, explains how "capping crime" is the most important public-housing reform. He writes: "How can you build a community if people are afraid to go out and talk to their neighbors? People have to board up their windows because they're afraid of random gunfire. It's no good offering programs in the evenings if people are afraid to go out and take advantage of them. Safety is our first priority.

Mr. Lane is, apparently, a man of action. In an effort to tackle the crime problem head on, he instituted a policy of requiring visitors to CHA buildings to present photo ID's at the door. He has also implemented midnight curfews and a policy allowing emergency inspections of apartments for illegal weapons. As Mr. Lane explains: "We've held sweeps whenever conditions got so bad in a building that I determined there was a health and safety hazard."

These policies have had a positive impact. While still unacceptably high, the murder rate has declined by almost 50 percent.

Unfortunately, the American Civil Liberties Union has been lurking in the wings, challenging the identification policy and challenging the curfews. Although 18 of the 19 building presidents in the CHA and the overwhelming majority of CHA residents support the sweeps, the ACLU has been active on this front too. Apparently, when it comes to ensuring the safety of CHA residents, the ACLU knows better than the residents themselves.

Mr. President, I want to commend Mr. Lane for his efforts, and I urge my colleagues to take a few moments to read the Policy Review article.

Mr. President, I ask unanimous consent that the article be inserted in the RECORD immediately after my remarks.

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

PUBLIC HOUSING SWEEP STAKES—MY BATTLE WITH THE ACLU

(By Vincent Lane)

In the late 1980s, the Chicago Housing Authority (CHA) was the worst public housing authority in the country. Its crime rate was three times that of the city as a whole. It seemed as if public housing had a monopoly on nearly every example of inner-city rot: shootings, open-air drug deals, assault, poverty and fear. The first thing I did when I took over CHA was to hold town meetings with the residents, and define what the problems were. The major problem that I heard then—and still hear—was safety.

In the five-and-a-half years since I became CHA chairman, we have made real headway in a number of areas. Since 1991 serious crime of nearly all types has declined between 30 and 60 percent. Sexual assaults, homicides, and battery are all down by 44 percent. At our notoriously violent Cabrini-Green development, for example, there have been only two murders—over a love triangle—and no gang-related killings in the last 18 months. No longer do criminals set curfews; they don't control and keep people from coming and going; they don't sell drugs in the open, or shoot craps in the lobby.

Have we solved all the problems? No. Random shootings, assaults and thefts continue. Have we eliminated gangs? No, because many of the gang members are the children of our residents, and they live in the buildings. We've lowered the CHA's crime rate to only twice that of the city, but it costs $70 million a year. Not exactly a resounding success.

The most important thing we've accomplished, however, is to bring a sense to the residents that it doesn't have to be this way. we've brought a sense of possibility, of innovation to public housing—by not just reacting to problems, but finding long-term strategies that get at their root causes. That's something I've been trying to convey to Congress and to legislative groups, public housing residents, foundations, and the business community.

CAPPING CRIME

Reforming public housing requires simultaneous attacks on several fronts—on welfare, job training, and education. But all these efforts are doomed to failure unless you tackle head-on the crime issue.

When I joined the CHA, the gangs were in control. It was not just a management problems, it was a sociological problem. Gang members were firebombing apartments, setting curfews for the tenants, and refusing to allow janitors to clean buildings.

If you're not in control of property, it's impossible to institute management improvements. I went to the police and told them, "We've got to take these buildings back. We've got to control the access; we've got to issue photo ID cards; and we have to inspect the units and try to clean them up." We've now accomplished these tasks in over 200 buildings.

In 1991 there were 90 homicides throughout the CHA. In 1992, there were 66. In 1993, the number fell to 50. So we're making progress. Sometimes that's overlooked because homicide still is a major problem. But as I've always said, you have to take the first step if you ever hope to complete the journey.

Because of our anti-crime tactics we've tangled in court with the American Civil Liberties Union (ACLU) nearly from day one. And unfortunately for the residents of the developments, they've prevented us from doing several things. First, in an out-of-court settlement, the ACLU forced us to end our policy of positive verification. The policy has allowed us to require visitors to the buildings to show photo IDs. ACLU lawyers objected on the grounds that in non-public housing guests aren't required to prove their identities. The problem with that argument is that someone can come in and claim to be Yogi Bear, and as long as the tenant backs him up, we have no choice but to let him in. His identity is never on record, and very often he's a drug dealer.

We also set curfews when we first secured buildings, rather than allow the gangs to set them. At midnight, all visitors had to leave; any apartments with visitors who hadn't signed out were checked on. We found that many of the "visitors" had been living there for years, fathering children, without being on the lease. Again, in an out-of-court agreement, the ACLU prevented us from maintaining the curfews.

There has been an interesting byproduct of our policy, however. Although people say, "You can't have a traditional family in public housing," many of the men who were being flushed out of the building came to me and complained that they didn't have any place to go; they wanted to stay with their children and their common-law wives. I suggested that they get on the leases of the apartments, which would make them legitimate tenants. Many of them decided they wanted to get married, but couldn't afford blood tests or rings. So we had a fundraiser, and put together a mass wedding for 18 couples. All but three of the couples are still together.

The curfew, as viewed by the ACLU, was onerous. But that curfew, as a practical matter, forced a lot of men to come forward and make a choice. And it helped stabilize families.

HOUSECLEANING: THE SWEEPS

Another policy we think is essential to restoring order to the developments—and which has been partially blocked by the ACLU—are so-called "building sweeps." We call them emergency inspections, in which Chicago police and CHA security can raid and search apartments without warrants. We've held sweeps whenever conditions got so bad in a building that I determined there was a health and safety hazard.

Because we did not want people saying we were doing an illegal search, when we went into the apartments we did not look under mattresses and in drawers. This was our modus operandi: We sent in a team of people to identify physical deficiencies in each unit. They looked under beds or see if the tiles were loose; they looked in the closets to make sure there were no leaks; they looked on the windowsills to make sure the windows were closing property. Very often, during that process, they ran across drugs, contraband, weapons, and other illegal items.

We were especially concerned about the windows. In the summer of 1993, a number of children fell out of the windows. It was like an epidemic. Yes, it is the mothers' responsibility to keep their children safe; there is no city code here, or in most other cities, that requires child guards on windows. But kids were being injured and killed by these falls, so we reallocated, on an emergency basis, about $7 million to install child guards throughout the system.

One day I inquired how the installations were going at one of our developments, the Robert Taylor Homes. I was told the installers had to "pull out." One of the gang members told the superintendent on the job to "get his white ass out of there." They said

they didn't want the window guards in Robert Taylor. Then they sprayed the superintendent's car with automatic weapons fire.

When I asked the staff what they'd done about it, they said they'd wait a week or two, and then see if the workers could sneak back in. That was totally unacceptable to me. There's no way we could go back to the period when the gangs determined when legitimate workmen could come and go from these buildings.

I organized a search for weapons, on the premise that when gunmen are firing randomly at cars and out of windows—things that go on all the time in public housing—it's really no different from a bomb threat in an airport or in an office building. When there's a threat of a bomb and you don't know where it is, you look everywhere you can; you don't run and get a search warrant before you look for the bomb.

We carried out a weapons search and found a number of weapons, ranging from .45s to MAC-10s to high-powered rifles with scopes. The weapons we took out of the building could do a lot of damage on the street in the wrong hands.

This April, a federal judge sided with the ACLU in banning the search for weapons except in emergencies, calling them a violation of Fourth Amendment rights prohibiting unlawful search and seizure. The Clinton administration, however, through the Department of Housing and Urban Development (HUD) and the Department of Justice seems willing to allow the searches. Despite the fact that 18 of the 19 building presidents in the CHA support the sweeps—along with the overwhelming majority of residents—I know we haven't heard the last from the ACLU.

THE WELFARE LIE

To understand what's really going on in public housing, you must look at the broader public policy issues. We have set up two standards in America: One for poor minorities, and one for everybody else.

The welfare system and the government assistance system have said, "Assume that poor people can do nothing to help themselves." And so the standard that we set for them was either very low or no standard at all. After three or four generations, we have people who are totally dependent on the government for everything. We should have maintained high standards, and put programs and support systems in place that would help them achieve those high standards.

Anyone who wants to talk about welfare and why poor black women have babies and no fathers around should look at the early record of public assistance. Thirty years ago, public aid wouldn't support families when there was a father in the house. What father, if he cared anything about his children and their mother, would have them penalized because he was out of work?

An underground culture, a system of lying in order to survive, developed in poor communities. Even though the rules have changed, so that now you can be on welfare and have an unemployed male in the house, a culture has built up. It's hard to break the fear that somehow the system will punish the woman and the children if the father is there and unemployed.

Developing this culture was a mistake. Children grow up in an environment where they watch men sneak in after dark, and hide if someone knocks on the door. Soon, children think that's the way it's supposed to be. On a public television program a couple of years ago, they interviewed a young man whose girlfriend was having his baby. He had three or four other babies by three or four other women. He said, "Well, you know, I'm just supposed to bring the babies here, and the state's supposed to take care of them." And it's public policy that triggered that kind of behavior.

NO REASON TO WORK

Another problem is government-created rules that discourage work. Why would we want to prevent a mother on welfare from saving money if she wants to make a better life for her children? But when she saves $1,000, welfare slaps her on the wrist and says, "You shouldn't be sacrificing and saving for something positive. And we're going to cut your grant, or cut you off, or put you in jail." It's insanity.

Public housing's rent agreements reinforce this craziness. The Brooke Amendment, the first federal law controlling public housing rents, was passed some 25 years ago. Because federal resources for providing housing assistance were limited, Congress decided that only the very needy would be assisted. They set up a rent formula: now 30 percent of an individual's income would be charged for rent in public housing.

That may not sound like a bad idea, but it meant that if a family member got a job and started doing well, the family could be paying as much as $800 a month for an apartment that on the private market would be worth no more than $200 a month. It doesn't take long for people to decide that they might as well move someplace where the houses are worth that.

That's exactly what the families who could afford to have done. Unfortunately, the families that replaced them had single, young, female heads of households with children—all on welfare. And that change has ruined public housing. This is not racial issue. In the 1940s, 75 percent or more of the families in public housing worked, and only the balance were on assistance. Now, 90 percent of our families are single mothers on welfare. It's a disaster.

NO MORE ISOLATION

No one should be surprised by the conditions in public housing and inner-city communities, because our public policy did it to us. I believe that people largely are creatures of their environment, and when children only see adults waiting for their welfare checks, gangs, the drug culture, and children having children, they think it's normal. For a young girl in these communities, it's a rite of passage: Have a baby as soon as possible, get your green card, get your public housing unit, get your food stamps—and you're home free.

We have destroyed millions of people in this country with this kind of bad public policy. To undo the damage, we're going to have to break up these concentrations of welfare recipients who simply reinforce themselves with each generation. We know the problems that occur in these communities cannot be isolated and contained—as I think they once were.

The schools are terrible in the cities, and the work force is not being educated. It may take 50 to 100 years, but America is going to be substantially a brown and black country. We're not turning out people in our communities who can help us compete on a global basis. We've got serious problems. America is finally realizing that it's everybody's problem, not just a problem of our core cities and our most depressed neighborhoods—gangs are now moving into suburban communities and shopping malls.

LURING THE WORKING CLASS

We must bring working families back into the cities to create some economic diversity and vitality. One way to do this is to provide multiple housing options for poor people. Public housing gives its residents no choice in terms of location or type of housing. Not everyone wants to live in a high-rise; we should be able to provide options like single-family homes and two-flats. Why? Because when you've got something of value, you will hold onto it. Improve the housing, increase the standards, let people know they have to adopt sociable behavior and can't trash the places they're living in or they'll be evicted. I believe people will change their behavior.

As I noted before, this concentration of poor people, 90 percent of them on welfare, does not work. We need to distribute them throughout the Chicago metropolitan area. Of course, many people are opposed to creating socio-economically mixed communities. One obstacle is our elected officials. Many of them, whether black or white, want to retain the demographic profile of their constituency—a constituency that either won't vote or will vote the way they're told to vote. Elected officials, black and white, have told me, "Vince, it's OK for you to repair these places, but I don't want you moving people around, and moving them out of my district, and bringing in people of a higher income and educational level who may not think I'm doing the kind of job I ought to be doing."

MIXING THINGS UP

It makes more sense to encourage every new private development to include some very low-income families. Don't tell me it won't work, because we've tried it at Lake Parc Place, at 39th and Lake Park. We had 50 percent working people and 50 percent families on welfare. We fixed up the buildings so that any working family would want to live there. The units aren't lavish, but they're safe, clean, and decent. Lake Parc Place has become a rental bargain for working families.

The results at the complex are almost exactly what we'd hoped: after two-and-a-half years, we don't have any vandalism; we don't have any graffiti; crime is practically zero; and 20 percent of the families who started out on welfare now have members working at full-time jobs. Clearly, the mixed-family approach is worth pursuing.

Until we break down the perception that poor is synonymous with bad, we've got to have an incentive for working families to live shoulder to shoulder with poor families. It's a myth that families with children can't live in high-rises successfully. When you drive along North Lake Shore Drive in Chicago, all you see are high-rises. We all know that families are raised successfully in high-rises. The problem in public housing is the concentration of poor people living there, not the buildings themselves.

True, the mixed-family strategy requires both vision and tough-minded negotiating. We took the rehabilitation money that was available and fought with HUD to put in normal amenities: ceiling fans, mini-blinds, ceramic tile in the bath, hardwood cabinets, and frost-free refrigerators. Normally, HUD officials wouldn't allow that, because of their "modest design" standards for poor people. But you can't get working people to rent from you without those amenities.

HUD's standards are often self-defeating. HUD would not approve a $250 air conditioner for poor tenants. But crime goes up dramatically in the summer because it's so hot up in those little units. No one could stand to stay up there in the heat. When people come out, they're hot, they're irritated, and that's when they get into trouble. Summer is when our crime rate goes through the

ceiling. If we had air conditioning in the low-income units, where would people be? I suggest they would be in their apartments, in that air conditioning, and not outside, hot and angry, driving up the crime rate.

HOLISTIC SOLUTIONS

We need a holistic approach to our housing problems. It's not enough to build these units and integrate them into neighborhoods that are socio-economically mixed. You can't just take a family out of an old apartment, put them into a new apartment, and expect them to make it on their own. Some will, but there has to be a support system in place that will deal with a range of problems. Many residents are substance abusers; many have children who drop out of school; many are not able to go to work because they haven't learned a skill.

To pull together such a support system we are developing a structured program at local schools, wherever these units are, so that parents will participate with children in education. This will include a mentoring program, creating "residential academies" in CHA buildings.

We also do referrals for substance-abuse problems and mental health counseling, with built-in incentives. We train the participants to be successful in a specific job, help them to get that job, and then set up an escrow program over five to seven years, so that they can accumulate a down payment on a home.

Then what happens? They move where they want to move, and where they can afford to move, just like anybody else. Then their housing unit is freed up for another public housing-eligible family to take advantage of that opportunity.

Public housing units are a valuable commodity. I'm against selling units to their tenants, because as a practical matter, young people and older people are always going to need help with low-cost housing. We ought to get back to what public housing was originally intended to be: A short-term helping hand. During this transition, we should put supports and incentives in place to help people get to the point that most Americans achieve in their lifetimes: To be able to move wherever they want. If housing authorities decide to sell units to the tenants, there must be an immediate hard unit replacement available to maintain the public housing stock.

To teach this sort of self sufficiency, we have training programs for entrepreneurs. Two years ago we created the Resident Self-Employment program. Almost two dozen people have gone through the program and are now trying to capitalize their own businesses.

Rather than letting a contractor repair apartments, we started a "Step-Up" program in 1992. We hired 300 residents, at $14 an hour, to repair apartments. They have repaired 1,500 apartments so far, and many of those people now are moving into apprentice programs with construction trades. Some are going into the environmental area—asbestos abatement and removal, and lead-based paint abatement and removal. We've trained people in pest removal, landscaping, and other skills that we can use to perform meaningful work at the Authority.

We're also helping people who already have skills and who were, in some instances, already running little businesses out of their apartments—hairdressers and seamstresses, for example.They are receiving training in running those businesses. Both of these approaches let people work close to home.

We have set up interagency committees that meet regularly to target resources and prevent the duplication of services. We have used this concept with various departments in the city: with the Park District; with the Police Department on the sweeps; and with the city's lighting department. We have even obtained funding for an alternative school. Government money can be a wasteful trap unless you're working together in partnership.

BRING BACK THE HELPING HAND

When I look at the conditions in most of what passes for public housing today, it seems to me that well-intentioned people have really caused great pain and suffering over the years. Their entire approach to the poor and to public housing has helped destroy self-esteem and undermine families.

We need to get our society back to where we were 40 or 50 years ago. When people came to the cities then, they didn't have welfare systems to provide for them. What they had was a network of extended family. They could stay with relatives until they got jobs and could afford their own apartments—but the pressure was there: get a job, get on your own feet.

Today, the poor know the government will take care of them, so there's no incentive to put forth any effort. We've got to give people a helping hand, and not a handout. We've got to understand that everybody, no matter how poor, can do something to contribute to their independence—and to the well-being of this country.

Most of the public-housing residents out here—the decent ones, and 90 percent of them are decent—support these views. I don't know whether anybody would classify families who have been on welfare for three generations as "conservative," but they certainly recognize that the approaches of the past have not worked for them. We have to find approaches for the future that will enable them to join the American mainstream. It's not enough for government bureaucrats or ACLU lawyers to reject the sort of steps we've taken in Chicago's public housing developments.

How can you build a community if people are afraid to go out and talk to their neighbors? People have to board up their windows because they're afraid of random gunfire. It's no good offering programs in the evenings if people are afraid to go out and take advantage of them. Safety is our first priority. Because rebuilding neighborhoods requires people getting together to find solutions to their common problems, and that's not possible if you have to bolt the doors and windows and not let your neighbor come in to talk.

FIRST ANNIVERSARY OF THE 1993 ECONOMIC PLAN'S PASSAGE

Mr. LEAHY. Mr. President, I rise today to mark the first anniversary of the Omnibus Budget Reconciliation Act of 1993. A year ago, the Senate and House of Representatives passed President Clinton's economic plan by the slimmest of margins and without a single Republican vote. I am proud to say that I voted for last year's budget bill.

After a year, I think it is appropriate to see where our economy is today under this plan.

Today, economic growth is up. The economy is growing at a steady pace of 3.7 percent. Since President Clinton took office, the private sector has created 3.8 million jobs—1.5 million more jobs than were created in all 4 years of the previous administration. As a result, unemployment is at 6 percent—a 3½ year low. And today's growth rate equals 77,000 new jobs per day.

Today, the deficit is down. The budget deficit for 1994 is now projected to be $220 billion, $85 billion less than projected before passage of the 1993 economic plan. The Congressional Budget Office estimates that the 1995 deficit will decline to $167 billion, $135 billion less than projected before the President's plan was adopted. As a percentage of the Gross Domestic Product, the deficit will be cut in half—from 4.9 percent in 1992 to 2.4 percent in 1995. By 1998, the strict spending measures in 1993 budget law are estimated to trim the deficit by $691 billion.

And today business is booming. Last year, more new businesses were incorporated than any other year since World War II. Besides new business, old business are also doing well—business failures have declined to their lowest level since 1988. And investment in new plant and equipment has soared to 13 percent in the last year, the highest percentage in a decade.

What do all these numbers mean? They mean the 1993 economic plan is working and working well. I applaud the President's vision in proposing it, and Congress' courage in adopting it.

Mr. President, I ask for unanimous consent that the attached article from yesterday's Wall Street Journal by Albert R. Hunt entitled "Last Year's Budget Deal Was a Success" be printed in the RECORD after my remarks.

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

[From the Wall Street Journal, Aug. 4, 1994]

LAST YEAR'S BUDGET DEAL WAS A SUCCESS

(By Albert R. Hunt)

"Clearly, this is a job-killer in the shortrun. The impact on job creation is going to be devastating."

—Rep. Dick Armey (R., Texas), August. 2, 1993

"The tax increase will lead to a recession and will actually increase the deficit."

—Rep. Newt Gingrich (R., Ga.), Aug. 5, 1993

"I will make you this bet. I am willing to risk the mortgage on it * * * the deficit will be up; unemployment will be up; in my judgment, inflation will be up."

—Sen. Robert Packwood (R., Ore.), Aug. 6, 1993

It was exactly a year ago this week that the 1993 deficit reduction measure, with tax increases on wealthier Americans, cleared both houses of Congress by the narrowest of margins.

Fortunately, Bob Packwood has a reasonably small mortgage on his Washington condominium. All those dire Republican predictions have not materialized; unemployment is down, not up, the deficit is lower and inflation hasn't risen.

"I was wrong," Sen. Packwood acknowledges with rare candor. "It reminds me of a fraternity brother who used to write down all of our New Year's resolutions and then a year later had the audacity to read them."

Even the take-no-prisoners conservative Dick Armey displays a tinge of self-effacement when asked about his Chicken Little predictions of a year ago. "Clinton has got to be the luckiest president ever," says the Texas Republican, who then adds: "The one thing we didn't appreciate was the extent to which the economy would live off the relaxed policies of the Federal Reserve."

OK, let's take that latest Republican rationalization. This past Jan. 31, Fed Chairman Alan Greenspan said: "The actions taken last year to reduce the federal budget deficit have been instrumental in creating the basis for declining inflation expectations and easing pressures on longterm interest rates." In short, Mr. Armey, those "relaxed policies" were facilitated by the 1993 deficit reduction act that you said would be so disastrous.

Since the 1993 budget act was passed, the economy has grown at almost a 4% annual rate, not spectacular but not bad. This growth has been centered on the private sector. In June the economy added an impressive 379,000 jobs, causing some economists to modify their forecast of a second-half slowdown.

A year ago today, Sen. Phil Gramm (R., Texas), a self-proclaimed economic expert, confidently predicted not only that the deficit measure would be a near-term calamity, but that "the deficit four years from today will be higher than it is today, not lower." Here are the inconvenient facts, Sen. Gramm: The Congressional Budget Office now estimates the fiscal 1997 deficit at $192 billion, or more than $100 billion less than the so-called baseline projection of a year earlier.

If the Republicans were simply wrong on their economic predictions, they were disingenuous on taxes. The claim that this was a huge tax increase on most Americans is a fraud. Income taxes were boosted for only the most affluent taxpayers, about 1.4 million or little more than 1% of the tax-paying population. The top Federal rate was raised to 39.6%, still well below the 50% rate that existed in 1986, six years into the Reagan administration and below the top rate in almost every other major industrial nation.

The legislation also icluded a 4.3 cent a gallon hike in the gasoline tax. The CBO calculates that, even including indirect costs, that amounts to higher taxes of a grand annual total of $36 per driver. Gasoline prices remain about half of what they are in most other countries.

Moreover, the critics often conveniently forget that taxes were reduced for more than 15 million working poor families, who benefited from the expanding of the earned income tax credit. This was the most important antipoverty measure enacted in years, one supported by many Republicans as well as Democrats.

Overall, the gains in the economy and the brighter deficit outlook are due in part to a few extraordinary factors. The savings-and-loan mess has gone from net drain to net gain. And there are some unrealistic savings in the Clinton administration defense budget, according to the General Accounting Office.

Responsible economic experts on the right, like the Heritage Foundation's Dan Mitchell, argue that, while the Clinton performance outstrips his predecessor, the gains would have been far better with a more conservative pro-growth policy. Mr. Mitchell notes the current recovery lags behind most other recent recoveries.

Nevertheless, the CBO estimates that more than two-thirds of the deficit savings in the next several years can be directly attributed to the 1993 deficit measure. Whatever small drag there is from higher taxes on a few Americans has been more than offset by the gains in a lower deficit and consumer confidence, which is up 54% since last August, according to the Conference Board.

BEFORE AND AFTER THE 1993 DEFICIT REDUCTION BILL

Unemployment (June rate) (percent)	7.6	6.0
Consumer prices (12 mo. avg. ending in June) (percent)	3.0	2.5
Stock market (Aug. 1 DJ industrials)	3,539.47	3,798.17
Projected 1995 deficit (billions of dollars)	$284	$180

Source: Congressional Budget Office; government figures.

The Republicans, undercut by all the data, have a final refrain: just wait until the November elections. There's little doubt that the GOP will score major victories this November, probably exceeding the average gains of the opposition party in off-year elections. But polls, focus groups and conversations with politicians of both parties demonstrate that the Democratic weakness has nothing to do with the deficit and tax legislation of 1993. Last month's Wall Street Journal/NBC News poll showed that only 15% of the public thinks that legislation was bad for the country, although 62% think it didn't make any real difference.

In the not-too-distant future—probably after the next presidential election—the deficit issue will have to be joined again. The deficit starts ballooning again by the early part of the next century. Not unexpectedly, the two major elements of any plan will have to be entitlements and taxes.

The politics will look bad. It's never easy to raise anyone's taxes. And while there's a lot of clamor now for curbing entitlements, the reality will be a lot more difficult than the rhetoric. Americans strongly favor reducing entitlements but oppose cutting specific programs.

But when the politicians then are grappling with those difficult decisions, they would do well to remember the 1993 prophets of doom and how wrong they were.

MARKETING SEASON

Mr. FORD. Mr. President, ask any farmer what their happiest day is during the tobacco season and chances are they will quickly say it is the time when they take their crop to the market for sale.

It is a day that represents Christmas presents, tuition payments, mortgage payments, farm operating loan payments—and hopefully some profit—all tied into one. A farmer once told me there is nothing quite like the feeling of having all your tobacco bales on the truck and headed to the market, knowing that a year's worth of sweat and toil will soon pay off.

Like most facets of the tobacco life, the marketing season continues the traditions of family, work, and community. The tobacco warehouses become a hub of activity surrounded by festivals and parades marking this special time of the year.

I do not know how many of my colleagues have been to a tobacco warehouse to watch the sales, but they are unlike any other auction you have ever seen.

The burley tobacco warehouses will start accepting tobacco in October and the sales traditionally begin on the first Monday before Thanksgiving. After a short break at Christmas, the sales resume and usually conclude sometime in March.

The sale is a rather raucous occasion, with an auctioneer walking down row after row of USDA-graded tobacco bundles, singing out the auction call as buyers closely follow, purchasing for the manufacturers. And you can be sure that farmers are nearby taking special note of the bids their crop is receiving.

Whatever tobacco is not sold goes into what is known as the pool. These stocks become part of the Federal no-net-cost program, run through the tobacco-purchasing cooperatives, and are sold in following years.

Each of the buyers, whether through hand signals, head nods, or a wink can purchase a basket of tobacco if they have the highest bid. However, the farmer always retains the right to either accept the bids for his tobacco or try to sell it again at a later time during the market season.

These sales are conducted in 98 warehouses all over my State of Kentucky from Maysville to Bloomfield to Paducah to London.

Anyone will tell you that the tobacco leaf being sold at these markets is the best in the world. And I can guarantee you that a farmer in Springfield, KY feels as much pride when his produce is sold as an autoworker does when that new car comes rolling off the assembly line in Detroit, MI, or Louisville, KY.

But along with that pride runs a deep feeling that all has not been right with the tobacco market for the last few years—and more hard times may lay just around the corner.

My farmers have watched as a product that means over $1 billion in annual farm income to my State comes under daily attack from all sides.

They have watched as imported tobacco flooded into this country, driving down the amount of tobacco they were able to sell. In 1991, farmers in Kentucky were able to grow and sell 486 million pounds of tobacco. In 1993, that number was down to 405 million pounds. At the same time in 1991, approximately 136 million pounds of imported tobacco came into this country. It rose to over 198 million for the year of 1993.

And what does that mean to my farmers? Last year, it cost them as much as $140 million in sales. I know around here that does not always sound like a lot of money, but what industry in your State could take that kind of hit and still survive?

As part of a Louisville Courier Journal series about the effect of imports on our State's economy, a tobacco farmer from Harrison county told how he was forced to put off buying a new tractor and making repairs to barns and fences on his farm.

"I'm going to have to make due with what I've got * * *" he said. Another farmer interviewed said, "Usually about this time of year I'm getting excited about starting next year's crop, but that feeling isn't there this year."

Mr. President, those are real Americans with real concerns.

We tried to help them out by passing legislation to limit the amount of imported tobacco used in domestic cigarettes. If our law was not in place, some estimate Kentucky farmers would have lost $342 million in 1994 sales.

As many of my colleagues know, we are keeping up our efforts in this regard with the upcoming GATT treaty. Some have tried to undercut our work, but all we are trying to do is level the playing field and ensure our farmers have a fighting chance in the world trade market.

We are trying to address inequities in the world market. Is it fair when certain countries completely prohibit the importation of our tobacco while at the same time send tens of thousands of pounds into this country?

That is the choice we are facing.

Mr. President, over the past week I have taken to the Senate floor to speak from the heart about a product that is interwoven into my State's history, its people, and their livelihoods.

I hope that in some way I have helped educate some of my colleagues about tobacco and the situation we currently face. I also hope some of my colleagues now realize the repercussions my State will face if the many antitobacco efforts—both legislative and nonlegislative—are successful.

President Eisenhower once said, "Farming looks mighty easy when your plow is a pencil and you're a thousand miles from the corn field."

I believe this same sentiment also applies to the tobacco patch.

The tobacco farmers and their families are just like people you know—people who are trying to make a living the best way they can. I hope they receive the utmost consideration from my colleagues during this health care debate.

FACES OF THE HEALTH CARE CRISIS

Mr. RIEGLE. Mr. President, I rise once again in my effort to put a face on the health care crisis in our country. Today, I would like to share the story of the Steve and Kathy Krahner and their 7 year old daughter, Kari, of Highland, MI.

Kari was born prematurely in 1986 after a difficult pregnancy. Kathy had to spend the last 2 months of her pregnancy in the hospital with pre-eclampsia or high blood pressure, and accumulated a $20,000 medical bill. Fortunately, her hospital stay was paid for by the health insurance policy Steve received through his job at a local auto parts supplier.

Little Kari experienced repeated infections and medical problems as a toddler. Then one morning in October 1991, Kathy discovered Kari lying on blood soaked sheets with blood seeping from her left ear. Kari was rushed to the hospital, where she was diagnosed with Primary Immune Deficiency Disorder, a condition in which the body is unable to fight off germs and infections. Since then, Kari has had to receive intravenous gamma globulin treatments every 4 weeks to keep her immune system operating. The cost of the intravenous treatments was $2,500 a month, and again it was covered by Steve's workplace insurance.

Suddenly in April 1992, Steve was laid off from the job he had held since he was 17 years old, almost 25 years. On top of the stress of being laid off during Michigan's harsh recession, the Krahners were terrified over losing health insurance coverage for Kari's lifesaving treatments. Continuing the coverage on their own would have cost $421 a month, almost 50 percent of what Steve would collect through unemployment.

Fortunately, Kari's serious medical condition made her eligible for assistance through a State program for disabled children. The State of Michigan took over payments of the health insurance premiums from Steve's employer for 18 months and then converted the policy into Blue Cross/Blue Shield coverage for hospital services.

Because it is cheaper for the State to buy family insurance than to provide the care directly to Kari, Steve, and Kathy have coverage for hospital services along with their daughter. The State also pays for Kari's outpatient treatments and medications. But Steve and Kathy have no coverage at all for their outpatient care and prescription drug needs.

Kathy, 41, and Steve, 42, are relieved and grateful that their daughter's medical care is covered. But they themselves are not covered for the care they need.

Kathy has diabetes, asthma, and high blood pressure, and Steve suffers from high blood pressure as well. They both require constant medication and regular medical visits to monitor their conditions. These pre-existing conditions make it impossible to find affordable health coverage on their own. Between the two of them, they pay approximately $350 per month for medical expenses. This is over 40 percent of their monthly income.

Unable to find work in the Detroit area during the recession, Steve learned the tilting and stone masonry trade and has started his own stone masonry business. Although he has secured some free-lance contracts, Steve doesn't have a consistent flow of business. The Krahner's income is $11,000 a year, or $846 per month. Kathy was once a licensed paramedic, but a back injury she sustained from a work accident disqualifies her from working in the field. She now earns minimal income from sporadic babysitting jobs and work in a deli, but the demands of caring for Kari during her frequent illnesses mean that Kathy cannot commit to a full-time job. After paying their housing and medical expenses, the Krahners are left with $11 for food and other household necessities every month. Clearly, the family is forced to rely on family and friends. They are now at risk of losing their home.

Mr. President, Steve and Kathy are victims of economic hard times. They want to provide for their daughter and take care of their own health. Both of them have conditions that can be controlled with proper preventive care, but they cannot afford to pay for the medical treatment that would keep them healthy. Ironically, they only have coverage if their conditions worsen to the point that they must be hospitalized. All Americans should have access to affordable health care that provides the benefits they need. Mr. President, I will continue to work with my colleagues in the Senate to pass a health care reform plan that guarantees access to affordable health care for all Americans.

IS CONGRESS IRRESPONSIBLE; YOU BE THE JUDGE OF THAT

Mr. HELMS. Mr. President, as of the close of business on Thursday, August 4, the Federal debt stood at $4,643,454,831,491.69. This means that on a per capita basis, every man, woman, and child in America owes $17,810.74 as his or her share of that debt.

HEALTH REFORM

Mr. DURENBERGER. Mr. President, when the President of the United States waved his veto pen in the State of the Union Address last January, he stated very clearly:

> If the legislation you send me does not guarantee every American private health insurance that can never be taken away, I will take this pen, veto that legislation, and we'll come right back here and start over again.

Well, Mr. President, get ready to veto the Gephardt bill and the Mitchell bill. Neither of these bills meets your test. Much of what you have said since then fails the test—except one cogent answer you gave to a Governor in Boston last month at the NGA meeting.

Mr. President, all the rhetoric has been focusing on the guarantee.

In all the talk about promises, about universal coverage, about mandates, about triggers—hard, soft, and in between, I have not forgotten your insistence on private health insurance—for every American.

Mr. President, the bills presented by you, by Mr. MITCHELL and Mr. GEP-

HARDT don't guarantee private health plans to all Americans. I hope you promise to veto every one.

The only way to make good on your guarantee is to give everyone an opportunity to buy a private health plan. Are you a man of your word?

The only way to make good on your guarantee is to make that plan affordable to each person to whom the guarantee is made. Otherwise, it's an empty promise. Are you a man of your word?

The only way to get affordable prices is to reduce medical and insurance costs while maintaining and improving quality of care and expand access to services. Are you a man of your word?

The only way to improve quality and lower prices is through market competition.

So, as I began looking through the 1,400, or so pages, of the latest Democratic proposal, the Mitchell bill, I went on a hunt for the marketplace.

I've been through this drill before. I searched for market forces in the Clinton bill during a snowstorm last December. I found vestiges of market principles entangled in a web of Federal and State government regulation, mandates, civil and criminal penalties.

I searched in vain for real market forces in the Labor Committee product. Same result.

Now, here I go again. Same problem. The difference is that the regulatory structures, the mandates, the rules, the regulations, are more subtle. But then I'm getting experienced at this. The Mitchell bill is awash in hidden-cost shifts, and nimble ways of taking productivity incentives out of markets.

But all's not lost. There is a bill at the desk right now. The Finance Committee bill, the only truly bipartisan bill in the U.S. Senate. S. 2351. It capitalized on the wave of market forces now at work all over this country. If you want to find how to guarantee private health insurance and to encourage medical markets, I urge you to read that bill.

To make markets work, you need informed and active buyers negotiating in the marketplace the way growing numbers of self-insured employers are today. The market rules must encourage value-conscious buying. Firms must be motivated to comparison shop on the basis of price and quality. Buyers must not be insulated from the cost consequences of their decisions.

Like other partisan Democratic bills, the Mitchell bill is full of ways to prevent employers from being good buyers. Here are few examples.

Employers up to 500 employees are forced into community-rated purchasing pools. In most communities in America, that represents 80 percent of employers or more. These employers cannot negotiate. They must accept the community-rated prices.

What was designed to encourage group buying for small firms, with little leverage in the market, has been converted into a mechanism to centralize pricing. All these employers are also required to offer a purchasing cooperative—doesn't sound voluntary to me.

The bill requires all community-rated plans to participate in a risk-adjustment process with the experience rated plans. This is simply a sophisticated vehicle to transfer dollars from cost-effective health plans to less cost-effective ones, undermining competition. Forcing the wise shoppers to pay for the unwise shoppers.

Functioning markets require sellers actively competing for business. The Mitchell bill imposes lots of new Government in what was once a private market. A standard health benefit package is intended to be a tool to facilitate markets by allowing consumers to compare similar products on the basis of price and quality and to annually compare plans on the basis of service performance.

The Democratic bills, including the Mitchell bill, expand the National Benefit Commission into a big regulatory bureaucracy that has the power to substitute its judgment for the judgment of doctors and health plans. Government will tell us what is medically necessary; not the doctors.

I am afraid that the expansion of the FEHBP means that more people will buy their private health plans through the Federal Government. Why anyone in Minnesota would willingly want a Government buyer in Washington, DC, to select their local health plan choice is beyond me. Especially when they could own a piece of a private, local purchasing coop without any cost. That's what the Finance Committee bill allows Minnesotans to do.

The Mitchell bill does not have any incentives for purchasers to buy wisely. There is no limit on tax-sheltered health spending. The bigger the company, the richer the buyer, the more tax subsidy.

There is no means test on high-cost plans, a variant on the tax cap. Instead, we get a Government-imposed price-control mechanism with a penalty tax as an enforcement of the Government controls.

Where is the market? Its lost in regulation.

Remember, the President promised the American people private health plans. The Finance Committee bill extends that promise to the elderly. For nearly 30 years America's elderly have been forced, at age 65, to join the Federal Government's single-payer system we call Medicare.

The Finance Committee bill gives seniors a way out of this wasteful Canadian system back into America—private health insurance that can never be taken away. The Government will pay a share of that premium.

The Mitchell bill drops out all those provisions. Instead, it slashes payments to doctors and hospitals who serve the Medicare patients, using all the proceeds for a new drug benefit. The unbelievable fact is that America's largest organization of seniors [AARP] has encouraged this denial of choice—in order to be able to benefit from its sale of both unnecessary supplemental plans for the 87 percent who need to add to the benefits in the Government plan, and a new line of profits—the prescription drug business.

The result, fewer people will have a choice of a private plan. And the debilitating cost shift from the underfunded Government programs is made worse not better.

Working people are forced to pay more in three ways: First, higher payroll taxes for the nearly bankrupt Medicare trust fund; second, 24 billion dollars' worth of cost shifts from the underfunded public programs; third, community-rated employer pools which make young people pay three times as much as older people based on percent of income.

Of course, Mr. GEPHARDT's Ways and Means-inspired Medicare Part C takes the President even closer to his veto threat. It would move millions more people out of the private system into a Government-run single-payer system. The President has said that Medicare is a private system because you can see a private doctor. By that definition, so's Canada.

No, Mr. President. Medicare is a Federal Government program, funded right here in Congress with tax dollars. It has price-controlled payments to doctors and hospitals, and Government-determined access to items and services, with an 11 percent growth rate while the American system is growing at only at 6 percent including the costs shifted on it from Government's Medicare and Medicaid programs.

Mr. President, you promised private health insurance. I've seen private health insurance. Medicare Part C is not it.

Mr. MITCHELL, there are many in this body who will oppose your proposal because it has a triggered employer mandate.

Unfortunately, the media and the White House have focused on this issue. They've made a vote on the mandate trigger an article of faith.

The real problems go much deeper. They go to the heart of what the Republican task force members have been working toward for 4 years. They go to the heart of what the bipartisan mainstream group has been discussing for months. They go the heart of what is best for the people of America and for the best health care system in the world: the guarantee to every American of private health insurance that can never be taken away.

The Democratic bills simply do not meet the President's own test. In fact, they take us farther from his goal.

Here's the truth they won't tell you. When it comes to insurance that can never be taken away from you, they know that politicians can't be trusted not to take it away. Politicians won't pay for their promises and you'll lose. So, if they force employers to pay, then they can say they delivered on their promise. Someone else can pay. And politicians take the credit. But the dirty little secret is employers don't pay. People do. You do.

There is an answer to this deceit. It is close at hand. The Finance Committee bill, while not perfect, will get us there.

I cheered the President when he asked Congress to produce a bill that would guarantee private health insurance. If he wants to make good on that promise, he must look to the bipartisan middle in the Senate. We can deliver you a bill that can pass the Senate. More importantly, we can help you make good on your promise to the American people.

I don't have a veto pen. But, I do have a vote. And I hope to cash it in favor of a bill that will accomplish that test. I will not cast it in favor of a bill that does not.

REMEMBERING JOE CUMMINGS

Mr. D'AMATO. Mr. President, I rise today to pay tribute to a man who devoted his life to the education and character development of every student with whom he came in contact, a man who was the epitome of excellence as a educator, coach, and motivator. Mr. President, I am speaking of Joe Cummings, of Fairport, NY. Joe Cummings passed away this past year and in honor and memory of one of their most revered citizens, the Fairport Central School District, in conjunction with the Fairport-Perinton community, will be recognizing his many contributions by naming the Fairport High School football field in his honor on September 10, 1994.

Joe Cummings was born on October 27, 1911. He earned his bachelor of science degree from Cortland State College and his master of science from Columbia University. He made his mark as a gifted athlete when he represented the United States in gymnastics at the 1936 Olympic games in Berlin, Germany. From 1936 through 1973, Joe served as a teacher, coach, and went on to become the first athletic director of the Fairport Central School District. His work at the school was briefly interrupted during the time that he served in World War II as a lieutenant in the U.S. Navy. Joe Cummings was a unique individual whose lifetime focus was to improve his community by working with young people. From 1937 to 1953, Joe Cummings developed and served as the director of the Fairport-Perinton Youth Commission. He was the past president of the Fairport Rotary, and the founder of the Fairport-East Rochester "Little Brown Jug Game," which continued for a total of 49 seasons. In addition to these great achievements, Joe Cummings helped to establish the Monroe County High School hockey league in 1968 and worked to develop the local swimming program for the disabled.

Throughout the course of Joe Cummings' life, his numerous achievements and accomplishments have not gone unnoticed. In addition to the Fairport High School football field to be named in his honor, Joe Cummings has been presented with the Rochester Club Distinguished Service Award in 1950, the Touchdown Club of Rochester Football Award in 1961, the IAABO Board Coach Award in 1966, and the New York State Coaches' Association Special Honor Award in 1970. In addition to these great honors, Joe Cummings was inducted into both the Monroe County Athletics and the Cortland College Halls of Fame.

Joe Cummings' accomplishments were great, his approach was philanthropic, and he was a friend to all who knew him. We are grateful to Joe for his relentless dedication to the Fairport community. We will remember and he will be sorely missed.

Mr. President, I thank you.

IMPROVING AMERICA'S SCHOOLS ACT

The text of the bill (H.R. 6) to extend for 6 years the authorizations of appropriations for the programs under the Elementary and Secondary Education Act of 1965 and for other purposes, as passed by the Senate on August 2, 1994, is as follows:

Resolved, That the bill from the House of Representatives (H.R. 6) entitled "An Act to extend for five years the authorizations of appropriations for the programs under the Elementary and Secondary Education Act of 1965, and for certain other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

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

SEC. 2. ORGANIZATION OF THE ACT.

This Act is organized into the following titles:

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

TITLE II—AMENDMENTS TO THE GENERAL EDUCATION PROVISIONS ACT

TITLE III—AMENDMENTS TO OTHER ACTS

TITLE IV—MISCELLANEOUS

TITLE V—WORKERS TECHNOLOGY SKILL DEVELOPMENT

TITLE VI—MULTIETHNIC PLACEMENT

TITLE VII—ALBERT EINSTEIN DISTINGUISHED EDUCATOR FELLOWSHIP ACT

TITLE VIII—1994 INSTITUTIONS

SEC. 3. EFFECTIVE DATES; TRANSITION.

(a) EFFECTIVE DATES.—

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

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

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

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

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

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

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

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

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

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

"SECTION 1. SHORT TITLE.

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

"SEC. 2. TABLE OF CONTENTS.

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

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

"TITLE I—HELPING CHILDREN IN NEED MEET HIGH STANDARDS

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

"PART A—MAKING HIGH-POVERTY SCHOOLS WORK

"SUBPART 1—BASIC PROGRAM REQUIREMENTS

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

"SUBPART 2—ALLOCATIONS

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

"PART B—TRANSITION TO SUCCESS
"Sec. 1201. Transition to success.
"Sec. 1202. Coordination requirements.
"Sec. 1203. Definitions.
"PART C—EVEN START FAMILY LITERACY PROGRAMS
"Sec. 1301. Statement of purpose.
"Sec. 1302. Program authorized.
"Sec. 1303. State programs.
"Sec. 1304. Uses of funds.
"Sec. 1305. Program elements.
"Sec. 1306. Eligible participants.
"Sec. 1307. Applications.
"Sec. 1308. Award of subgrants.
"Sec. 1309. Evaluation.
"Sec. 1310. Construction.
"PART D—EDUCATION OF MIGRATORY CHILDREN
"Sec. 1401. Program purpose.
"Sec. 1402. Program authorized.
"Sec. 1403. State allocations.
"Sec. 1404. State applications; services.
"Sec. 1405. Secretarial approval; peer review.
"Sec. 1406. Comprehensive needs assessment and service-delivery plan; authorized activities.
"Sec. 1407. Bypass.
"Sec. 1408. Coordination of migrant education activities.
"PART E—EDUCATION FOR NEGLECTED AND DELINQUENT YOUTH
"Sec. 1501. Purpose; program authorized.
"Sec. 1502. Eligibility.
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"Sec. 1504. State reallocation of funds.
"Sec. 1505. State plan and State agency applications.
"Sec. 1506. Use of funds.
"Sec. 1507. Institution-wide projects.
"Sec. 1508. Three-year projects.
"Sec. 1509. Program evaluations.
"Sec. 1510. Transition services.
"Sec. 1511. Definitions.
"PART F—FEDERAL EVALUATIONS AND DEMONSTRATIONS
"Sec. 1601. Evaluations.
"Sec. 1602. Demonstrations of innovative practices.
"PART G—GENERAL PROVISIONS
"Sec. 1701. Federal regulations.
"Sec. 1702. State administration.
"Sec. 1703. Construction.
"Sec. 1704. Reservation of funds for territories.
"PART H—EDUCATIONAL OPPORTUNITY DEMONSTRATION PROGRAM
"Sec. 1801. Findings and purposes.
"Sec. 1802. Definitions.
"Sec. 1803. Program authorized.
"Sec. 1804. Applications.
"Sec. 1805. Selection of grantees.
"Sec. 1806. Study commissioned.
"Sec. 1807. Construction.
"TITLE II—IMPROVING TEACHING AND LEARNING
"PART A—DWIGHT D. EISENHOWER PROFESSIONAL DEVELOPMENT PROGRAM
"Sec. 2101. Findings.
"Sec. 2102. Purposes.
"Sec. 2103. Authorization of appropriations; allocation between subparts.
"SUBPART 1—FEDERAL ACTIVITIES
"Sec. 2111. Program authorized.
"Sec. 2112. Authorized activities.
"Sec. 2113. Eisenhower National Clearinghouse for Mathematics and Science Education.
"Sec. 2114. National Teacher Training Project.
"SUBPART 2—STATE AND LOCAL ACTIVITIES
"Sec. 2121. Program authorized.
"Sec. 2122. Allocation of funds.
"Sec. 2123. Within-State allocations.
"Sec. 2124. Priority for professional development in mathematics and science.
"Sec. 2125. State applications.
"Sec. 2126. State level activities.
"Sec. 2127. Local educational agency applications.
"Sec. 2128. Local cost-sharing.
"Sec. 2129. Local allocation of funds and allowable activities.
"Sec. 2130. Higher education activities.
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"SUBPART 3—PROFESSIONAL DEVELOPMENT DEMONSTRATION PROJECT
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"PART B—NATIONAL WRITING PROJECT
"Sec. 2201. Short title.
"Sec. 2202. Findings.
"Sec. 2203. National Writing Project.
"PART C—SUPPORT AND ASSISTANCE FOR ESEA PROGRAMS
"SUBPART 1—COMPREHENSIVE REGIONAL CENTERS
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"Sec. 2302. Purpose.
"Sec. 2303. Program authorized.
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"Sec. 2305. Comprehensive regional centers.
"Sec. 2306. Information collection and evaluation.
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"Sec. 2326. Evaluation.
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"PART D—TERRITORIAL TEACHER TRAINING PROGRAM
"Sec. 2401. Territorial teacher training program.
"PART E—TELECOMMUNICATIONS DEMONSTRATION PROJECT FOR MATHEMATICS
"Sec. 2501. Project authorized.
"Sec. 2502. Application required.
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"TITLE III—TECHNOLOGY FOR EDUCATION
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"PART A—TECHNOLOGY FOR EDUCATION FOR ALL STUDENTS
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"Sec. 3112. Statement of purpose.
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"SUBPART 1—NATIONAL PROGRAMS IN TECHNOLOGY FOR EDUCATION
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"Sec. 3122. Federal leadership.
"Sec. 3123. Regional technical support and professional development.
"Sec. 3124. Educational technology product development.
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"Sec. 3126. High performance computing and telecommunications networks for education.
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"Sec. 3303. Duties of Secretary.
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"PART F—BUDDY SYSTEM COMPUTER EDUCATION
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"Sec. 3602. Purpose.
"Sec. 3603. Grant authorization.
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"TITLE I—HELPING CHILDREN IN NEED MEET HIGH STANDARDS

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

"(a) STATEMENT OF POLICY.—

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

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

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

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

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

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

"(4) in order for all students to master challenging standards in core academic subjects as described in the third National Education Goal described in section 102(3) of the Goals 2000: Educate America Act, students and schools will need to maximize the time spent on teaching and learning the core academic subjects, and students who receive pullout instruction at the expense of core academic subject learning time can fall further behind in learning the core academic subjects.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"SEC. 1002. AUTHORIZATION OF APPROPRIATIONS.

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

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

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

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

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

"(f) FEDERAL ACTIVITIES.—

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

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

"PART A—MAKING HIGH-POVERTY SCHOOLS WORK

"Subpart 1—Basic Program Requirements

"SEC. 1111. STATE PLANS.

"(a) PLANS REQUIRED.—

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

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

"(b) STANDARDS AND ASSESSMENT PROVISIONS.—

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

"(i) the high-quality academic standards for all children that will be used by the State, its local educational agencies, and its schools in subjects, as determined by the State, to carry out this part, and for those subjects for which a

State does not have standards and students are served under this part, describe a process for ensuring that such students are taught the same knowledge and skills and held to the same expectations as all children;

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

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

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

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

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

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

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

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

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

"(3) ASSESSMENTS.—Each State plan shall include a description of the set of high-quality, yearly student assessments, including at least mathematics, and reading or language arts, in one grade in each school, that will be used as the primary means of determining the yearly performance of each local educational agency and school served under this part in enabling all children served under this part to meet the State's student performance standards. Such assessments shall—

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

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

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

"(D) provide for—

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

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

"(E) be used for the purposes for which they are valid and reliable and be consistent with relevant, nationally recognized professional and technical standards for such assessments, except that assessment measures that do not satisfy the requirements of this subparagraph may be included as one of the multiple measures, so long as a State includes in the State plan information regarding the State's efforts to validate such measures;

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

"(G) support effective curriculum and instruction;

"(H) provide individual student interpretive and descriptive reports, which may include scores and other information on the attainment of student performance standards;

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

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

"(K) particularly for assessments given in kindergarden, or grades one or two, be developmentally appropriate.

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

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

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

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

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

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

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

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

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

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

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

"(d) PEER REVIEW AND SECRETARIAL APPROVAL.—

"(1) IN GENERAL.—The Secretary shall—

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

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

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

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

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

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

"(e) DURATION OF THE PLAN.—

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

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

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

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

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

"SEC. 1112. LOCAL EDUCATIONAL AGENCY PLANS.

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

"(b) PLAN PROVISIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"(4) give priority to serving students in the earlier grades of schools that receive funds under this part;

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

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

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

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

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

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

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

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

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

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

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

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

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

"SEC. 1113. ELIGIBLE SCHOOL ATTENDANCE AREAS.

"(a) IN GENERAL.—

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

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

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

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

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

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

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

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

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

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

"(4) MEASURES.—The local educational agency shall use the same measure of low-income,

which such agency shall choose on the basis of the best available verifiable data and which may be a composite of several indicators, with respect to all school attendance areas in the local educational agency to—

"(A) identify eligible school attendance areas;

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

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

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

"(c) ALLOCATIONS.—

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

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

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

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

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

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

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

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

"(C) where appropriate, neglected and delinquent children in community day school programs.

"(d) INAPPLICABILITY.—

"(1) IN GENERAL.—Subsections (a) and (c) shall not apply—

"(A) to a local educational agency with a total enrollment of less than 1,000 children, except that such agency shall serve school attendance areas or schools in rank order according to grade span or school on the basis of the total number of children from low-income families in grade levels served in such area or school; or

"(B) to a school participating in a desegregation program where the number of economically disadvantaged children served by the school is equal to or greater than 100 or equal to or greater than 25 percent of such school's total student enrollment.

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

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

"(e) OPTIONAL ASSIGNMENT.—A local educational agency with a total enrollment of greater than 900,000 children may, to the extent feasible, use funds received under this part to serve children from low-income families who reside in school attendance areas having high concentrations of children from low-income families, who otherwise meet the eligibility requirements of this part, and who attend schools in noneligible attendance areas.

"SEC. 1114. SCHOOLWIDE PROGRAMS.

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

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

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

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

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

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

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

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

"(3) SPECIAL RULE.—(A) Except as provided in subsection (b), the Secretary may, through publication of a notice in the Federal Register, exempt schoolwide programs under section 1114 from statutory or regulatory provisions of any other noncompetitive, formula grant program administered by the Secretary, or any discretionary grant program administered by the Secretary (other than formula or discretionary grant programs under the Individuals with Disabilities Education Act), to support schoolwide programs, if the intent and purposes of such other programs are met. Such notice shall not be subject to the requirements in section 431 of the General Education Provisions Act or section 553 of title 5, United States Code.

"(B) A school that chooses to use funds from such other programs shall not be relieved of the requirements relating to health, safety, civil rights, gender equity, student and parental participation and involvement, services to private school children, maintenance of effort, comparability of services, uses of Federal funds to supplement, not supplant non-Federal funds, or the distribution of funds to State or local educational agencies that apply to the receipt of funds from such programs.

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

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

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

"(b) COMPONENTS OF A SCHOOLWIDE PROGRAM.—

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

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

"(B) Schoolwide reform strategies that—

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

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

"(iii) use effective instructional strategies that—

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

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

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

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

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

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

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

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

"(ff) after school and summer programs; and

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

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

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

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

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

"(II) have a secondary school diploma or its recognized equivalent, or earn such diploma or equivalent within 2 years of such employment,

except that a school may employ an instructional aide that does not meet the requirement of this subclause if such aide possesses proficiency in a language other than English that is needed to enhance the participation of children in programs under this part; and

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

"(D) In accordance with subsection (a)(4), ongoing professional development for teachers, pupil services personnel, parents, principals, and other staff to enable all children in the school to meet the State's student performance standards. Such activities shall be jointly developed by the principal, teachers, and other staff of each school.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"(C) The comprehensive plan shall be—

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

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

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

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

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

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

"SEC. 1115. TARGETED ASSISTANCE SCHOOLS.

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

"(b) ELIGIBLE CHILDREN.—

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

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

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

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

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

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

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

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

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

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

"(1) IN GENERAL.—To assist targeted assistance schools and local educational agencies to meet their responsibility to provide for all their students served under this part the opportunity to meet the State's student performance standards in subjects as determined by the State, each targeted assistance program under this section shall—

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

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

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

"(D) use effective instructional strategies that—

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

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

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

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

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

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

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

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

"(F) provide instruction by highly qualified staff;

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

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

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

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

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

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

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

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

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

"(d) SPECIAL RULES.—

"(1) COMPREHENSIVE SERVICES.—If health, nutrition, and other social services are not otherwise available to eligible children in a targeted assistance school and such school, if appropriate, has engaged in a comprehensive needs assessment and established a collaborative partnership with local service providers, and if

funds are not reasonably available from other public or private sources to provide services under this part, then funds provided under this part may be used as a last resort to provide such services, including—

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

"(B) compensation of a coordinator; and

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

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

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

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

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

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

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

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

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

"SEC. 1116. PARENTAL INVOLVEMENT.

"(a) LOCAL EDUCATIONAL AGENCY POLICY.—

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

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

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

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

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

"(E) ensure that participating schools—

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

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

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

"(I) designing strategies for school improvement; and

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

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

"(b) SCHOOL PARENTAL INVOLVEMENT POLICY.—

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

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

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

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

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

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

"(4) provide parents of participating children—

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

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

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

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

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

"(d) SHARED RESPONSIBILITIES FOR HIGH STUDENT PERFORMANCE.—As a component of the school-level parental involvement policy developed under subsection (b), each school served under this part shall jointly develop with parents for all children served under this part a school-parent compact that outlines how parents, the entire school staff, and students will share the responsibility for improved student achievement and the means by which the school and parents will build and develop a partnership to help children achieve the State's high standards. Such compact shall—

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

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

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

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

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

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

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

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

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

"(4) coordinate and integrate parent involvement programs and activities with Head Start, Even Start, home instruction programs for preschool youngsters and Parents as Teachers, and public preschool programs, to the extent feasible;

"(5) other activities, as appropriate and feasible, such as parent resource centers and providing opportunities for parents to learn about child development and child rearing issues beginning at the birth of a child, designed to help parents become full partners in the education of their children; and

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

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

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

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

"(a) GENERAL REQUIREMENT.—

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

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

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

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

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

"(b) CONSULTATION.—

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

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

"(B) what services will be offered;

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

"(D) how the services will be assessed.

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

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

"(c) PUBLIC CONTROL OF FUNDS.—

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

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

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

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

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

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

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

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

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

"(e) CAPITAL EXPENSES.—

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

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

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

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

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

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

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

"(B) insurance and maintenance costs;

"(C) transportation; and

"(D) other comparable goods and services.

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

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

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

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

"(3) publicize and disseminate to teachers and other staff, parents, students, and the community the results of the annual review under paragraph (1) of all schools served under this part in individual school performance profiles that include disaggregated results as required by section 1111(b)(3)(I); and

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

"(b) SCHOOL IMPROVEMENT.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"(I) withholding funds;

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

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

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

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

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

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

"(VIII) reconstituting the school staff; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"(I) the withholding of funds;

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

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

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

"(V) reconstitution of school district personnel;

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

"(VII) removal of particular schools from the jurisdiction of the local educational agency and establishment of alternative arrangements for the public governance and supervision of such schools, including contracts with private management companies;

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

"(IX) contracting out the management of troubled schools to private management firms.

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

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

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

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

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

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

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

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

"(1) SCHOOL SUPPORT TEAMS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"(3) DISTINGUISHED EDUCATORS.—

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

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

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

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

"(d) ALTERNATIVES.—

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

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

"SEC. 1120. FISCAL REQUIREMENTS.

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

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

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

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

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

"(c) COMPARABILITY OF SERVICES.—

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

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

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

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

"(i) a local educational agency-wide salary schedule;

"(ii) a policy to ensure equivalence among schools in teachers, administrators, and other staff; and

"(iii) a policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies.

"(B) Unpredictable changes in student enrollment or personnel assignments which occur after the beginning of a school year shall not be included as a factor in determining comparability of services.

"(C) A local educational agency need not include unpredictable changes in student enrollment or personnel assignments that occur after the beginning of a school year in determining comparability of services under this subsection.

"(3) PROCEDURES AND RECORDS.—Each local educational agency shall—

"(A) develop procedures for compliance with this subsection; and

"(B) maintain records that are updated biennially documenting such agency's compliance with this subsection.

"(4) INAPPLICABILITY.—This subsection shall not apply to a local educational agency that does not have more than one building for each grade span.

"(5) COMPLIANCE.—For the purpose of determining compliance with paragraph (1), a local educational agency may exclude State and local funds expended for—

"(A) bilingual education for children of limited-English proficiency; and

"(B) excessive costs of providing services to children with disabilities as determined by the local educational agency.

"Subpart 2—Allocations

"SEC. 1121. GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR.

"(a) RESERVATION OF FUNDS.—From the amount appropriated for payments to States for any fiscal year under section 1002(a), the Secretary shall reserve a total of 1 percent to provide assistance to—

"(1) the outlying areas on the basis of their respective need for such assistance according to such criteria as the Secretary determines will best carry out the purpose of this part; and

"(2) the Secretary of the Interior in the amount necessary to make payments pursuant to subsection (c).

"(b) ASSISTANCE TO THE OUTLYING AREAS.—

"(1) IN GENERAL.—From amounts made available under subsection (a)(1) in each fiscal year the Secretary shall make grants to local educational agencies in the outlying areas in accordance with recommendations from the Pacific Regional Educational Laboratory which shall conduct a competition for such grants.

"(2) ADMINISTRATIVE COSTS.—The Secretary shall provide 5 percent of amounts made available for grants under this paragraph in each fiscal year to the Pacific Regional Educational Laboratory to pay the administrative costs of such laboratory with respect to the activities under this subsection.

"(c) ALLOTMENT TO THE SECRETARY OF THE INTERIOR.—

"(1) IN GENERAL.—The amount allotted for payments to the Secretary of the Interior under subsection (a)(2) for any fiscal year shall be, as determined pursuant to criteria established by the Secretary, the amount necessary to meet the special educational needs of—

"(A) Indian children on reservations served by elementary and secondary schools for Indian children operated or supported by the Department of the Interior; and

"(B) out-of-State Indian children in elementary and secondary schools in local educational agencies under special contracts with the Department of the Interior.

"(2) PAYMENTS.—From the amount allotted for payments to the Secretary of the Interior under subsection (a)(2), the Secretary of the Interior shall make payments to local educational agencies, upon such terms as the Secretary determines will best carry out the purposes of this part, with respect to out-of-State Indian children described in paragraph (1). The amount of such payment may not exceed, for each such child, the greater of—

"(A) 40 percent of the average per pupil expenditure in the State in which the agency is located; or

"(B) 46 percent of such expenditure in the United States.

"SEC. 1122. ALLOCATIONS TO STATES.

"(a) ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS.—

"(1) IN GENERAL.—If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all local educational agencies in all States are eligible to receive under section 1123 for such year, the Secretary first shall ratably reduce the allocations to such local educational agencies for such year.

"(2) ADDITIONAL FUNDS.—If additional funds become available for making payments under

section 1123 for such fiscal year, allocations that were reduced under paragraph (1) shall be increased on the same basis as such allocations were reduced.

"(b) HOLD-HARMLESS AMOUNTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the total amount made available to each State under section 1123—

"(A) for fiscal year 1995, shall not be less than 100 percent of the total amount such State received under sections 1005 and 1006 (as such sections were in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994) for fiscal year 1994;

"(B) for fiscal year 1996, shall not be less than 90 percent of the total amount such State received under section 1123 for fiscal year 1995; and

"(C) for fiscal year 1997 and each succeeding fiscal year, shall not be less than 85 percent of the total amount such State received in the fiscal year preceding the fiscal year for which the determination is made.

"(2) RATABLE REDUCTIONS.—(A) If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all States are eligible to receive under paragraph (1) for such year, the Secretary shall ratably reduce such amounts for such year.

"(B) If additional funds become available for making payments under paragraph (1) for such fiscal year, amounts that were reduced under subparagraph (A) shall be increased on the same basis as such amounts reduced.

"(c) DEFINITION.—For the purpose of this section and section 1123, the term State means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 1123. GRANTS TO STATES.

"(a) AMOUNT OF GRANTS.—

"(1) IN GENERAL.—(A) In any case in which the Secretary determines that satisfactory data for local educational agencies are available to carry out determinations under paragraph (2), the grant which a State is eligible to receive under this subpart for a fiscal year shall be the aggregate amount of grants for all local educational agencies in that State, as determined under paragraph (2).

"(B) In any case in which the Secretary determines that satisfactory data for local educational agencies are not available to carry out determinations under paragraph (2), the grant which a State is eligible to receive for a fiscal year shall be the aggregate amounts of grants for all counties in that State, as determined under paragraph (2).

"(2) GRANTS FOR STATES.—(A)(i) The grant for a local educational agency shall be determined by multiplying the number of children determined under subsection (c)(2) by 40 percent of the amount determined under the next sentence, multiplying such product by the effort factor described in clause (ii) and multiplying such product by the equity factor described in clause (iii). The amount determined under this sentence shall be the average per pupil expenditure in the State except that (I) if the average per pupil expenditure in the State is less than 85 percent of the average per pupil expenditure in the United States, such amount shall be 85 percent of the average per pupil expenditure in the United States, or (II) if the average per pupil expenditure in the State is more than 115 percent of the average per pupil expenditure in the United States, such amount shall be 115 percent of the average per pupil expenditure in the United States.

"(ii)(I) Except as provided in subclause (II), the effort factor for a local educational agency shall be determined in accordance with the succeeding sentence, except that such factor shall not be less than .95 nor more than 1.05. The effort factor determined under this sentence shall be a fraction the numerator of which is the product of the average per pupil expenditure for kindergarten through 12th grade education in the State served by the local educational agency multiplied by the per capita income in the United States and the denominator of which is the product of the per capita income in such State multiplied by the average per pupil expenditure for kindergarten through 12th grade education in the United States.

"(II) The effort factor for the Commonwealth of Puerto Rico shall be equal to the lowest effort factor calculated under subclause (I) for any State.

"(iii)(I) Except as provided in subclause (II), the 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, add the products under the preceding sentence for each local educational agency in such State and divide such sum by the total student enrollment of such State, except that children from low-income families shall be multiplied by a factor of 1.4 to calculate such enrollment. Third, divide the quotient under the preceding sentence by the average per pupil expenditure in such State. 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.

"(B) For each fiscal year, the Secretary shall determine the percentage which the average per pupil expenditure in the Commonwealth of Puerto Rico is of the lowest average per pupil expenditure of any of the 50 States. The grant which the Commonwealth of Puerto Rico shall be eligible to receive under this subpart for a fiscal year shall be determined by multiplying the product of the effort factor for the Commonwealth of Puerto Rico under subparagraph (A)(ii)(II) for such year multiplied by the equity factor for the Commonwealth of Puerto Rico under subparagraph (A)(iii)(II)(aa) for such year by the amount arrived at by multiplying the number of children counted under subsection (c) for the Commonwealth of Puerto Rico by the product of—

"(i) the percentage determined under the preceding sentence for such year; and

"(ii) 34 percent of the average per pupil expenditure in the United States for such year.

"(b) MINIMUM NUMBER OF CHILDREN TO QUALIFY.—The children served by a local educational agency shall be counted for a fiscal year under this subpart only if such agency meets the following requirements with respect to the number of children counted under subsection (c)(1):

"(1) In any case (except as provided in paragraph (3)) in which the Secretary determines that satisfactory data for the purpose of this subsection as to the number of such children are available on a school district basis, the number of such children in the school district of such local educational agency shall be at least 10.

"(2) In any other case, except as provided in paragraph (3), the number of such children in the county which includes such local educational agency's school district shall be at least 10.

"(3) In any case in which a county includes a part of the school district of the local educational agency concerned and the Secretary has not determined that satisfactory data for the purpose of this subsection are available on a school district basis for all the local educational agencies or all the counties into which the school district of the local educational agency concerned extends, the eligibility requirement with respect to the number of such children for such local educational agency shall be determined in accordance with regulations prescribed by the Secretary for the purposes of this subsection.

"(c) DETERMINATION OF WEIGHTED NUMBER OF CHILDREN.—

"(1) CHILDREN TO BE COUNTED.—(A) The number of children to be counted for purposes of this section is the aggregate of—

"(i) the number of children aged 5 to 17, inclusive, in the school district of the local educational agency from families below the poverty level; and

"(ii) the number of children aged 5 to 17, inclusive, in the school district of such agency living in institutions for neglected or delinquent children (other than such institutions operated by the United States) but not counted pursuant to subpart 3 of part E for the purposes of a grant to a State agency, or being supported in foster homes with public funds.

"(B) For the purposes of this section, the Secretary shall determine the number of children counted under subparagraph (A) on the basis of the most recent satisfactory data available from the Department of Commerce for local educational agencies (or, if such data are not available for such agencies, for counties); and in determining the families which are below the poverty level, the Secretary shall utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census.

"(2) DETERMINATION OF NUMBER OF CHILDREN.—(A) The number of children to be determined for purposes of this paragraph shall be the number of children counted under paragraph (1) multiplied by the weighting factor for the local educational agency. The weighting factor shall be established on the basis of the percentage that the number of children counted under paragraph (1) represents of the total population aged 5 to 17, inclusive, in the local educational agency or the number of such children. Weighted pupil counts shall be calculated based upon both percentage and number and the larger of the two counts shall be used in calculating grants for each local educational agency. Except as provided in subparagraph (B), weighting

factors shall be assigned according to the following scale: if the percentage is greater than 0 but less than 12.20, the weighting factor shall be 1.00 for all children counted under paragraph (1); if the percentage is greater than 12.20 but less than 17.70, the weighting factor shall be 1.00 for a number of children counted under paragraph (1) equal to 12.20 percent of the total school age population and 1.10 for children counted under paragraph (1) in excess of 12.20 percent of the total school age population; if the percentage is greater than 17.70 percent but less than 22.80 percent, then the weighting factor shall be 1.00 for a number of children counted under paragraph (1) equal to 12.20 percent of the total school age population, 1.10 for a number of children counted under paragraph (1) equal to 5.50 percent of the total school age population, and 1.20 for children counted under paragraph (1) in excess of 17.70 percent of the total school age population; if the percentage is greater than 22.80 percent but less than 29.70 percent, then the weighting factor shall be 1.00 for a number of children counted under paragraph (1) equal to 12.20 percent of the total school age population, 1.10 for a number of children counted under paragraph (1) equal to 5.50 percent of the total school age population, 1.20 for a number of children counted under paragraph (1) equal to 5.10 percent of the total school age population, and 1.30 for children counted under paragraph (1) in excess of 22.80 percent of the total school age population; and if the percentage is greater than 29.70, then the weighting factor shall be 1.00 for a number of children counted under paragraph (1) equal to 12.20 percent of the total school age population, 1.10 for a number of children counted under paragraph (1) equal to 5.50 percent of the total school age population, 1.20 for a number of children counted under paragraph (1) equal to 5.10 percent of the total school age population, 1.30 for a number of children counted under paragraph (1) equal to 6.90 percent of the total school age population, and 1.40 for children counted under paragraph (1) in excess of 29.70 percent of the total school age population. Separately, if the number of children counted under paragraph (1) is greater than 0 but less than 1917, the weighting factor shall be 1.00 for all children counted under paragraph (1); if the number is greater than 1917 but less than 5,938, the weighting factor shall be 1.00 for a number of children counted under paragraph (1) equal to 1917, and 1.075 for children counted under paragraph (1) in excess of 1917; if the number is greater than 5,938 but less than 20,199, then the weighting factor shall be 1.00 for a number of children counted under paragraph (1) equal to 1917, 1.075 for a number of children counted under paragraph (1) equal to 4,021, and 1.150 for children counted under paragraph (1) in excess of 5,938; if the number is greater than 20,199 but less than 77,999 then the weighting factor shall be 1.00 for a number of children counted under paragraph (1) equal to 1917, 1.075 for a number of children counted under paragraph (1) equal to 4,021, 1.150 for a number of children counted under paragraph (1) equal to 14,261, and 1.225 for children counted under paragraph (1) in excess of 20,199; and if the number is greater than 77,999, then the weighting factor shall be 1.00 for a number of children counted under paragraph (1) equal to 1917, 1.075 for a number of children counted under paragraph (1) equal to 4,021, 1.150 for a number of children counted under paragraph (1) equal to 14,261, 1.225 for a number of children counted under paragraph (1) equal to 57,800 and 1.30 for children counted under paragraph (1) in excess of 77,999. For the Commonwealth of Puerto Rico, the weighting factor shall be not greater than 1.15.

"(B) If the Secretary determines that satisfactory data for local educational agencies are available to carry out determinations under section 1123(a)(2), then the Secretary shall substitute the percentages, numbers, and quintiles described in section 1124(b)(3) for the percentages, numbers, and quintiles described in subparagraph (A).

"(d) STATE MINIMUM.—

"(1) MINIMUM.—Notwithstanding subsections (a)(2)(A)(iv) and (e), for any fiscal year the aggregate amount allotted for all local educational agencies within a State may not be less than one-quarter of 1 percent of the total amount available for such fiscal year under this section.

"(2) SPECIAL RULE.—Notwithstanding subsections (a)(2)(A)(iv) and (e), a State shall not be allotted in any fiscal year less than 125 percent of the amount that the State would have received under this section in such fiscal year if the provisions of paragraph (1) were not applied.

"(e) SPECIAL RULE.—No State shall receive a grant under this section for fiscal year 1995 in an amount that exceeds 115 percent of the amount that would have been allocated to such State for such fiscal year under subpart 1 of part A of chapter 1 of title I (as such subpart was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994).

"SEC. 1124. WITHIN STATE ALLOCATIONS.

"(a) IN GENERAL.—

"(1) ELIGIBILITY.—No local educational agency shall be eligible for funds under this part unless the number of children counted under subsection (b)(1) for such agency is at least 10 and equal to 5 percent or greater of the number of all children served by such agency.

"(2) HOLD HARMLESS.—(A) Except as provided in subparagraph (B), each local educational agency shall receive an amount under this part for fiscal years 1995 and 1996 that is at least equal to 85 percent of the amount such agency received under this part (or for fiscal year 1994 only, such part's predecessor authority) in the preceding fiscal year, except that if such agency is not eligible for assistance under paragraph (1) such agency shall only receive the amount provided for under this paragraph for fiscal year 1995.

"(B)(i) If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all local educational agencies in all States are eligible to receive under subparagraph (A) for such year, the State educational agency shall ratably reduce the allocations to such local educational agencies for such year.

"(ii) If additional funds become available for making payments under subparagraph (A) for such fiscal year, allocations that were reduced under subparagraph (A) shall be increased on the same basis as such allocations were reduced.

"(3) STATE RESERVE.—(A) For each fiscal year each State may reserve not more than 2 percent of the funds such State receives to carry out this part to award grants to local educational agencies that—

"(i) are not eligible for assistance under paragraph (1); and

"(ii) serve a school attendance area for which the percentage of children counted under subsection (b)(1) that are enrolled in the schools in such area exceeds—

"(I) the percentage of such children in the State; or

"(II) 25 percent.

"(B) The total amount of funds awarded to each local educational agency receiving a grant under this paragraph when added to funds made available under paragraph (2) shall not exceed—

"(i) for fiscal year 1995, the amount such agency received under this part's predecessor authority in the preceding fiscal year; and

"(ii) for fiscal year 1996 and each succeeding fiscal year, the average amount received per child under this part in the State multiplied by the number of children counted under subsection (b)(1) in such agency's school attendance areas described in subparagraph (A)(ii).

"(C) Each State awarding grants under this paragraph shall distribute such grants to local educational agencies in rank order based on the percentage of children from low-income families in each local educational agency's school attendance area described in subparagraph (A)(ii).

"(D) Each local educational agency receiving a grant under this paragraph only shall use such grants funds to serve school attendance areas described in subparagraph (A)(ii).

"(E) In order to receive a grant under this paragraph a local educational agency shall provide an assurance to the State educational agency serving such local educational agency that such local educational agency has not modified the student assignment practices of such local educational agency so as to increase the percentage of children from low-income families in each school for which assistance is sought under this paragraph.

"(b) LOCAL EDUCATIONAL AGENCY ALLOCATIONS.—

"(1) CHILDREN TO BE COUNTED.—(A) The number of children counted for purposes of this section is the aggregate of—

"(i) the number of children aged 5 to 17, inclusive, in the school district of the local educational agency from families below the poverty level; and

"(ii) the number of children aged 5 to 17, inclusive, in the school district of such agency living in institutions for neglected or delinquent children (other than such institutions operated by the United States) but not counted pursuant to subpart 3 of part E for the purposes of a grant to a State agency, or being supported in foster homes with public funds.

"(B) In determining the number of children eligible to be counted under subparagraph (A), a State educational agency shall use for each local educational agency served by such State educational agency—

"(i) data from the Bureau of the Census regarding the number of children determined in accordance with section 1123(c)(1)(B);

"(ii) data based on the sum of—

"(I) the number of children from families receiving aid to families with dependent children under part A of title IV of the Social Security Act; and

"(II) the number of children with limited-English proficiency served by such agency divided by three; or

"(iii) data based on other poverty criteria, including combinations of the data described in clauses (i) and (ii) and combinations of the data described in either such clause and other data, that the State educational agency deems appropriate and the Secretary approves, adjusted to be equivalent in proportion to the number of children determined in accordance with section 1123(c)(1)(B) in the State, except that the State educational agency may submit to the Secretary for approval alternative data that more accurately target poverty.

"(2) ABSORPTION.—In determining the number of children to be counted under this paragraph for each local educational agency, the State educational agency shall subtract 1 percent of the total number of children aged 5 to 17, inclusive, served by such local educational agency from the number of children counted under paragraph (1) for such local educational agency.

"(3) WEIGHTED CHILDREN.—From funds made available under section 1123, each State educational agency shall allocate such funds to

local educational agencies in the State on the basis of the number of children counted under paragraph (2) for a local educational agency multiplied by the weighting factor for the local educational agency. The weighting factor shall be established on the basis of the percentage that the number of children counted under paragraph (2) represents of the total population aged 5 to 17, inclusive, in the local educational agency or the number of such children. Weighted pupil counts shall be calculated based upon both percentage and number and the larger of the two counts shall be used in calculating grants for each local educational agency. Weighting factors shall be assigned according to the following scale, except that a State educational agency may submit to the Secretary for approval State-specific quintiles for use in the following percentages or numbers for the State if the use of such quintiles more accurately targets poverty: if the percentage is greater than 0 but less than 14.265, the weighting factor shall be 1.00 for all children counted under paragraph (2); if the percentage is greater than 14.265 but less than 21.553, the weighting factor shall be 1.00 for a number of children counted under paragraph (2) equal to 14.265 percent of the total school age population and 1.150 for children counted under paragraph (2) in excess of 14.265 percent of the total school age population; if the percentage is greater than 21.553 percent but less than 29.223 percent, then the weighting factor shall be 1.00 for a number of children counted under paragraph (2) equal to 14.265 percent of the total school age population, 1.150 for a number of children counted under paragraph (2) equal to 7.288 percent of the total school age population, and 1.300 for children counted under paragraph (2) in excess of 21.553 percent of the total school age population; if the percentage is greater than 29.223 percent but less than 36.538 percent, then the weighting factor shall be 1.00 for a number of children counted under paragraph (2) equal to 14.265 percent of the total school age population, 1.150 for a number of children counted under paragraph (2) equal to 7.288 percent of the total school age population, 1.30 for a number of children counted under paragraph (2) equal to 7.67 percent of the total school age population, and 1.450 for children counted under paragraph (2) in excess of 29.223 percent of the total school age population; and if the percentage is greater than 36.538, then the weighting factor shall be 1.00 for a number of children counted under paragraph (2) equal to 14.265 percent of the total school age population, 1.150 for a number of children counted under paragraph (2) equal to 7.288 percent of the total school age population, 1.300 for a number of children counted under paragraph (2) equal to 7.67 percent of the total school age population, 1.450 for a number of children counted under paragraph (2) equal to 7.315 percent of the total school age population, and 1.600 for children counted under paragraph (2) in excess of 36.538 percent of the total school age population. Separately, if the number of children counted under paragraph (2) is greater than 0 but less than 575, the weighting factor shall be 1.00 for all children counted under paragraph (2); if the number is greater than 575 but less than 1,870, the weighting factor shall be 1.00 for a number of children counted under paragraph (2) equal to 575, and 1.10 for children counted under paragraph (2) in excess of 575; if the number is greater than 1,870 but less than 6,910, then the weighting factor shall be 1.00 for a number of children counted under paragraph (2) equal to 575, 1.10 for a number of children counted under paragraph (2) equal to 1,295, and 1.20 for children counted under paragraph (2) in excess of 1,870; if the number is greater than 6,910 but less than 42,000 then the weighting factor shall be 1.00 for a number of children counted under paragraph (2) equal to 575, 1.10 for a number of children counted under paragraph (2) equal to 1,295, 1.20 for a number of children counted under paragraph (2) equal to 5,040, and 1.30 for children counted under paragraph (2) in excess of 6,910; and if the number is greater than 42,000, then the weighting factor shall be 1.00 for a number of children counted under paragraph (2) equal to 575, 1.10 for a number of children counted under paragraph (2) equal to 1,295, 1.20 for a number of children counted under paragraph (2) equal to 5,040, 1.30 for a number of children counted under paragraph (2) equal to 35,090 and 1.40 for children counted under paragraph (2) in excess of 42,000.

"(4) GEOGRAPHIC CIRCUMSTANCES.—In the case of local educational agencies which serve in whole or in part the same geographical area, and in the case of a local educational agency which provides free public education for a substantial number of children who reside in the school district of another local educational agency, the State educational agency may allocate the amount of the grants for those local educational agencies among those local educational agencies in such manner as the State educational agency determines will best carry out the purposes of this part.

"(5) SPECIAL ALLOCATION PROCEDURES.—Upon determination by the State educational agency that a local educational agency in the State is unable or unwilling to provide for the special educational needs of children described in clause (ii) of section 1123(c)(1)(A), who are living in institutions for neglected or delinquent children, the State educational agency shall, if the State educational agency assumes responsibility for the special educational needs of such children, be eligible to receive the portion of the allocation to such local educational agency which is attributable to such neglected or delinquent children, but if the State educational agency does not assume such responsibility, any other State or local public agency, as determined by regulations established by the Secretary, which does assume such responsibility, shall be eligible to receive such portion of the allocation.

"(6) SPECIAL RULE.—A local educational agency may reserve not more than 2 percent of the funds such agency receives under this part for each fiscal year to provide services at the discretion of the highest administrative official (superintendent) of such agency and consistent with the purposes of this title to a school, if the school is within two rank orders described in section 1113(c) of the lowest such rank ordered school served under this part.

"PART B—TRANSITION TO SUCCESS

"SEC. 1201. TRANSITION TO SUCCESS.

"(a) SHORT TITLE.—This part may be cited as the 'Transitions to Success Act of 1994'.

"(b) TRANSITION TO SUCCESS CHALLENGE GRANTS.—

"(1) FUNDING.—(A) Notwithstanding any other provision of law, from amounts appropriated to carry out part A for each fiscal year the Secretary shall reserve 1 percent of the total amount made available to all States under such part for such fiscal year, to carry out this part for such year.

"(B) From amounts reserved under subparagraph (A) the Secretary shall make available to each State 1 percent of the amount made available to each State under part A, to carry out this part.

"(2) STATE INCENTIVE REQUIREMENTS.—(A) In order for a State to use the funds made available under paragraph (1), the State shall submit a transition coordinated services proposal to the Secretary as part of the plan submitted under section 1111.

"(B) If a State fails to submit an acceptable proposal described in subparagraph (A)(i), local educational agencies within the State may apply to the Secretary directly for funds to carry out this part under such terms and conditions as the Secretary determines will best carry out the activities assisted under this part.

"(3) IN GENERAL.—From amounts made available under paragraph (1), each State educational agency shall make challenge grants to local educational agencies that have formed consortia with early childhood development programs including, where available, Head Start, to develop and operate programs that assist low-income elementary school students in kindergarten through third grade (giving priority to students entering their first year of elementary school) and their families in—

"(A) obtaining supportive services that build on the strength of families, including health, immunization, mental health, nutrition, parenting education, literacy, and social services (including substance abuse treatment, education, and prevention services); and

"(B) supporting the active involvement of parents in the education of their children.

"(4) SPECIAL RULE.—In awarding grants and administering the program assisted under this section, the State educational agency shall consult with the State liaison for the Head Start collaboration grant program under section 640(a)(5) of the Head Start Act and State agencies that administer early childhood development programs, including programs under the Child Care and Development Block Grant Act of 1990.

"(5) TERM OF GRANT.—Each grant awarded under this part shall be for a period of not more than 3 years.

"(c) CONSULTATION.—The Secretary shall consult with the Secretary of Health and Human Services to develop regulations and promote coordination of activities assisted under this part with the projects funded under the Head Start Transition Project Act, including a process to—

"(1) collect information on program activities and outcomes; and

"(2) disseminate information on model programs.

"(d) ELIGIBILITY.—

"(1) LOCAL EDUCATIONAL AGENCY CONSORTIUM.—A local educational agency shall be eligible for a grant under this part if such agency—

"(A) receives funds under part A;

"(B) has formed a consortium with one or more early childhood development programs that serve children who will enroll in any elementary school located within the school district of such local educational agency, including, where available, Head Start programs; and

"(C) agrees to contribute an amount equal to $1 of matching funds for every $1 made available to the local educational agency to carry out this part, which matching funds may include Federal funds, including funds made available under this Act, and State or local funds (including in-kind contributions, fairly evaluated).

"(2) COOPERATING AGENCY.—A nonprofit agency or institution of higher education with experience in early childhood development may participate in a consortium formed under paragraph (1)(B) in developing, operating, and evaluating programs assisted under this part, including developing or implementing model approaches to developmentally appropriate curricula.

"(e) FOLLOW THROUGH GRANTEES.—A local educational agency that is receiving assistance through a program under the Follow Through Act shall also be eligible for a grant under this part to complete their Follow Through grant cycle if such agency meets the requirements of subsection (d)(1).

"(f) REQUIREMENTS.—

"(1) IN GENERAL.—To the extent practicable, the State educational agency shall award grants

under this part to consortia in both rural and urban areas.

"(2) CRITERIA.—In awarding grants under this part, the State educational agency shall consider—

"(A) the commitment of the members of the consortium to the program for which assistance under this part is requested;

"(B) the proportion of low-income children in the school attendance area where the program assisted under this part will be located; and

"(C) the quality of information and plans in the application.

"(3) PRIORITY.—In awarding grants under this part, the State educational agency shall give priority to applicants that—

"(A) will operate a program under this part at a school designated for a schoolwide program under section 1114;

"(B) serve local educational agencies that have the highest number or percentage of poor children; and

"(C) demonstrate a significant commitment by the community to the proposed program, as evidenced by the level of resources, both cash and in-kind, from other public and private sources available to the consortium.

"(g) APPLICATION.—

"(1) IN GENERAL.—Each local educational agency consortium seeking a grant under this part shall submit an application to the State educational agency according to guidelines established by the Secretary. Each such application shall include—

"(A) a description of the activities and services for which assistance is sought;

"(B) a description of members of the consortium formed under subsection (d)(1)(B), including any cooperating agency;

"(C) a self-assessment of the programs of the individual consortium members to address the health, immunization, mental health, nutrition, parenting education, literacy, social service (including substance abuse treatment, education, and prevention), and educational needs of low-income students and their families, including the use of a developmentally appropriate curricula, such as a model approach developed under the Follow Through Act;

"(D) a plan for the development of a supportive services team of family service coordinators to—

"(i) assist families, administrators, and teachers to respond to health, immunization, mental health, nutrition, social service, and educational needs of students;

"(ii) conduct home visits and help students and their families to obtain health, immunization, mental health, nutrition, parenting education, literacy, education (including tutoring and remedial services), and social services (including substance abuse treatment, education, and prevention), for which such students and their families are eligible;

"(iii) coordinate a family outreach and support program, including a plan for involving parents in the management of the program assisted under this part, in cooperation with parental involvement efforts undertaken pursuant to this title, the Head Start Act, and the Individuals with Disabilities Education Act, including school-parent compacts, parent volunteer activities, parent education services such as the Even Start program, and regular meetings;

"(iv) assist families, administrators, and teachers in enhancing developmental continuity between the programs assisted under the Head Start Act, other early childhood development programs, and elementary school classes; and

"(v) prepare a plan for the transition of each child from Head Start, or other early childhood development program, to kindergarten, including—

"(I) a meeting of the early childhood development program teacher with the kindergarten teacher and the child's parents to discuss the transition of each child and to address any particular educational needs of such child; and

"(II) the transfer of knowledge about the child, including the transfer (with parental consent) of written records from the early childhood development program teacher to the kindergarten teacher to become part of the school record of the child;

"(E) the designation of a member of the supportive services team described in subparagraph (D) who will serve as the supervisor of such supportive services team;

"(F) assurances that State agencies, local agencies, and community-based organizations that provide supportive services to low-income students served by the local educational agency consortium have been consulted in the preparation of the plan described in subparagraph (D);

"(G) assurances that State agencies, local agencies, and community-based organizations that provide supportive services to low-income students served by the local educational agency consortium will designate an individual who will act as a liaison to the supportive services team described in subparagraph (D);

"(H) a description of the target population to be served by the supportive services team described in subparagraph (D), including families previously served under part C, the Head Start Act, or other comparable early childhood development program;

"(I) a description of the supportive services to be provided, directly or through referral;

"(J) a plan to ensure the smooth transition of children served under part C, the Head Start Act, the Individuals with Disabilities Education Act, and other comparable early childhood development programs, to elementary schools;

"(K) assurances that, and a plan describing how, families will be involved in the design and operation of the program assisted under this part;

"(L) a description of the Federal and non-Federal resources that will be used to carry out the program;

"(M) if the applicant is receiving assistance through a program under the Follow Through Act—

"(i) a description of the activities that will be funded under this part and the activities that are funded with assistance provided under the Follow Through Act; and

"(ii) a description of the manner in which activities funded under this part and activities funded with assistance provided under the Follow Through Act will be coordinated within the elementary school;

"(N) assurances that the supportive services described in subparagraph (D) will be equipped to assist children and families with limited-English proficiency and disabilities, if appropriate;

"(O) a plan describing how the program assisted under this part will be sustained, with funding received under part A or other Federal and non-Federal funding sources, after the grant has expired;

"(P) program goals and a methodology to measure progress toward achieving such goals; and

"(Q) such other information as the Secretary may reasonably require.

"(2) SPECIAL RULE.—Each supportive services team developed pursuant to paragraph (1)(D) shall include at least 1 family service coordinator for every 35 children to be served.

"(h) EVALUATION AND REPORT.—

"(1) EVALUATION.—The Secretary, in cooperation with the Secretary of Health and Human Services shall, through grants, contracts, or cooperative agreements, provide for the evaluation of the programs assisted under this part. To the extent practicable, such evaluation shall be conducted jointly with evaluations of the Head Start Transition Projects.

"(2) INFORMATION.—Each State educational agency shall furnish to the Secretary such information as the Secretary shall request to carry out the evaluation described in paragraph (1).

"SEC. 1202. COORDINATION REQUIREMENTS.

"(a) IN GENERAL.—Each local educational agency receiving assistance under section 1113 may use such assistance to carry out the activities described in subsection (b) to the extent feasible and appropriate to the circumstances, including the extent to which such local educational agency is able to secure the cooperation of parents and local Head Start agencies and, if feasible, other early childhood development programs.

"(b) ACTIVITIES.—The activities referred to in subsection (a) are activities that increase coordination between the local educational agency and a Head Start agency, and, if feasible, other early childhood development programs, serving children who will attend the schools of such agency, including—

"(1) developing and implementing a systematic procedure for receiving records regarding such children transferred with parental consent from a Head Start program or, where applicable, other early childhood development programs;

"(2) establishing channels of communication between school staff and their counterparts in such Head Start agencies (including teachers, social workers, and health staff) or other early childhood development programs, as appropriate, to facilitate coordination of programs;

"(3) conducting meetings involving parents, kindergarten or elementary school teachers, and Head Start teachers or, if appropriate, teachers from other early childhood development programs, to discuss the developmental and other needs of individual children; and

"(4) organizing and participating in joint transition related training of school staff, Head Start staff, and, where appropriate, other early childhood staff.

"(c) COORDINATION OF REGULATIONS.—The Secretary shall work with the Secretary of Health and Human Services to coordinate regulations promulgated under this part with regulations promulgated under the Head Start Act Amendments of 1994.

"SEC. 1203. DEFINITIONS.

"As used in this part:

"(1) DEVELOPMENTALLY APPROPRIATE CURRICULUM.—The term 'developmentally appropriate curriculum' means a curriculum that is appropriate for the age and all areas of individual development of a child, including educational, physical, emotional, social, and cognitive development, and communication.

"(2) FAMILY SERVICES COORDINATOR.—The term 'family services coordinator' means an individual who is trained to assist families in obtaining supportive services. Such individual may be an existing employee of a local educational agency or Head Start agency.

"(3) HEAD START AGENCY.—The term 'Head Start agency' means any agency designated as a Head Start agency under the Head Start Act (42 U.S.C. 9831 et seq.).

"(4) SUPPORTIVE SERVICES.—The term 'supportive services' means services that will enhance the physical, social, emotional, and intellectual development of low-income children, including the provision of necessary support to the parents and other family members of such children.

"PART C—EVEN START FAMILY LITERACY PROGRAMS

"SEC. 1301. STATEMENT OF PURPOSE.

"It is the purpose of this part to help break the cycle of poverty and illiteracy by improving the educational opportunities of the Nation's low-income families by integrating early childhood education, adult literacy or adult basic

education, and parenting education into a unified family literacy program, to be referred to as 'Even Start'. The program shall—

"(1) be implemented through cooperative projects that build on existing community resources to create a new range of services;

"(2) promote achievement of the National Education Goals; and

"(3) assist children and adults from low-income families to achieve to challenging State content standards and challenging State student performance standards.

"SEC. 1302. PROGRAM AUTHORIZED.

"(a) RESERVATION FOR MIGRANT PROGRAMS, OUTLYING AREAS, AND INDIAN TRIBES.—In each fiscal year, the Secretary shall reserve not more than 5 percent of the amount appropriated under section 1002(b) for programs, under such terms and conditions as the Secretary shall establish, that are consistent with the purpose of this part, and according to their relative needs, for—

"(1) children of migratory workers;

"(2) the outlying areas; and

"(3) Indian tribes and tribal organizations.

"(b) RESERVATION FOR FEDERAL ACTIVITIES.—From amounts appropriated under section 1002(b), the Secretary may reserve not more than 3 percent of such amounts or the amount reserved to carry out the activities described in paragraphs (1) and (2) for the fiscal year 1994, whichever is greater, for purposes of—

"(1) carrying out the evaluation required by section 1309; and

"(2) providing, through grants or contracts with eligible organizations, technical assistance, program improvement, and replication activities.

"(c) RESERVATION FOR GRANTS.—

"(1) GRANTS AUTHORIZED.—In any fiscal year in which the amount appropriated to carry out this part exceeds the amount appropriated to carry out this part for the preceding fiscal year, the Secretary may reserve such funds in excess of the amount appropriated for such preceding fiscal years as do not exceed $1,000,000 to award grants, on a competitive basis, to States to enable such States to plan and implement, through literacy resource centers assisted under subpart 7 of part B of the Adult Education Act, statewide family literacy initiatives to coordinate and integrate existing Federal, State, and local literacy resources consistent with the purposes of this part.

"(2) MATCHING REQUIREMENT.—The Secretary shall not make a grant to a State under paragraph (1) unless the State agrees that, with respect to the costs to be incurred by the eligible consortium in carrying out the activities for which the grant was awarded, the State will make available non-Federal contributions in an amount equal to not less than the Federal funds provided under the grant.

"(d) STATE ALLOCATION.—

"(1) IN GENERAL.—From amounts appropriated under section 1002(b) and not reserved under subsections (a), (b), and (c), the Secretary shall make grants to States from allocations under paragraph (2).

"(2) ALLOCATIONS.—Except as provided in paragraph (3), from the total amount available for allocation to States in any fiscal year, each State shall be eligible to receive a grant under paragraph (1) in an amount that bears the same ratio to such total amount as the amount allocated under section 1122 to that State bears to the total amount allocated under that section to all the States.

"(3) MINIMUM.—No State shall receive a grant under paragraph (1) in any fiscal year in an amount which is less than $250,000, or one-half of 1 percent of the amount appropriated under section 1002(b) and not reserved under subsections (a), (b), and (c) for such year, whichever is greater.

"(e) DEFINITIONS.—For the purpose of this part—

"(1) the term 'eligible entity' means a partnership composed of both—

"(A) a local educational agency; and

"(B) a nonprofit community-based organization, a public agency, an institution of higher education, or a public or private nonprofit organization of demonstrated quality;

"(2) the term 'eligible organization' means any public or private nonprofit organization with a record of providing effective services to family literacy providers, such as the National Center for Family Literacy, Parents as Teachers, Inc., the Home Instruction Program for Preschool Youngsters, and the Home and School Institute, Inc.;

"(3) the terms 'Indian tribe' and 'tribal organization' have the meanings given such terms in section 4 of the Indian Self-Determination and Education Assistance Act; and

"(4) the term 'State' includes each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 1303. STATE PROGRAMS.

"(a) STATE LEVEL ACTIVITIES.—Each State that receives a grant under section 1302(d)(1) may use not more than 5 percent of the grant funds for the costs of—

"(1) administration; and

"(2) providing, through one or more subgrants or contracts, technical assistance for program improvement and replication, to eligible entities that receive subgrants under subsection (b).

"(b) SUBGRANTS FOR LOCAL PROGRAMS.—

"(1) IN GENERAL.—Each State shall use the grant funds received under section 1302(d)(1) and not reserved under subsection (a) to award subgrants to eligible entities to carry out Even Start programs.

"(2) MINIMUM.—No State shall award a subgrant under paragraph (1) in an amount less than $75,000, except that a State may award one subgrant in each fiscal year of sufficient size, scope, and quality to be effective in an amount less than $75,000 if, after awarding subgrants under paragraph (1) for such fiscal year in amounts of $75,000 or greater, less than $75,000 is available to the State to award such subgrants.

"SEC. 1304. USES OF FUNDS.

"(a) IN GENERAL.—In carrying out a program under this part, a recipient of funds under this part shall use such funds to pay the Federal share of the cost of providing family-centered education programs that involve parents and children in a cooperative effort to help parents obtain educational skills and become full partners in the education of their children and to assist children in reaching their full potential as learners.

"(b) FEDERAL SHARE LIMITATION.—

"(1) IN GENERAL.—(A) Except as provided in paragraph (2), the Federal share under this part may not exceed—

"(i) 90 percent of the total cost of the program in the first year that such program receives assistance under this part or its predecessor authority;

"(ii) 80 percent in the second such year;

"(iii) 70 percent in the third such year;

"(iv) 60 percent in the fourth such year; and

"(v) 50 percent in any subsequent such year.

"(B) The remaining cost of a program assisted under this part may be provided in cash or in kind, fairly evaluated.

"(2) WAIVER.—The State educational agency may waive, in whole or in part, the cost-sharing requirement described in paragraph (1) for an eligible entity if such entity—

"(A) demonstrates that such entity otherwise would not be able to participate in the program assisted under this part; and

"(B) negotiates an agreement with the State educational agency with respect to the amount of the remaining cost to which the waiver will be applicable.

"(3) PROHIBITION.—Federal funds provided under this part may not be used for the indirect costs of a program assisted under this part, except that the Secretary may waive this paragraph if an eligible recipient of funds reserved under section 1302(a)(3) demonstrates to the Secretary's satisfaction that such recipient otherwise would not be able to participate in the program assisted under this part.

"SEC. 1305. PROGRAM ELEMENTS.

"Each program assisted under this part shall—

"(1) include the identification and recruitment of those families most in need of services provided under this part, as indicated by a low level of income, a low level of adult literacy or English language proficiency of a parent who is an eligible participant, and other need-related indicators;

"(2) include screening and preparation of parents, including teenage parents, and children to enable such parents and children to participate fully in the activities and services provided under this part, including testing, referral to necessary pupil services, and other developmental and support services;

"(3) be designed to accommodate the participants' work and other responsibilities, including the provision of pupil services (when such pupil services are unavailable from other sources) necessary for participation in the activities assisted under this part, such as—

"(A) scheduling and location of services to allow joint participation by parents and children;

"(B) child care for the period that parents are involved in the program provided under this part; and

"(C) transportation for the purpose of enabling parents and their children to participate in programs authorized by this part;

"(4) include high-quality instructional programs that promote adult literacy, training of parents to support the educational growth of their children, developmentally appropriate early childhood educational services, and preparation of children for success in regular school programs;

"(5) include qualified personnel to develop, administer, and implement the program assisted under this part;

"(6) include special training of staff, including child care staff, to develop the skills necessary to work with parents and young children in the full range of instructional services offered through this part;

"(7) provide and monitor integrated instructional services to participating parents and children through home-based programs;

"(8) operate on a year-round basis, including the provision of some instructional or enrichment services during the summer months;

"(9) be coordinated with—

"(A) other programs assisted under this title and Act;

"(B) any relevant programs under the Adult Education Act, the Individuals with Disabilities Education Act, and the Job Training Partnership Act; and

"(C) the Head Start program, volunteer literacy programs, and other relevant programs;

"(10) ensure that the programs will serve those families most in need of the activities and services provided by this part;

"(11) provide services under this part to individuals with special needs, such as individuals with limited-English proficiency and individuals with disabilities;

"(12) encourage eligible participants to remain in the program for a time sufficient to meet the program's purpose; and

"(13) provide for an independent evaluation of the program.

"SEC. 1306. ELIGIBLE PARTICIPANTS.

"(a) IN GENERAL.—Except as provided in subsection (b), eligible participants in an Even Start program are—

"(1) a parent or parents—

"(A) who are eligible for participation in an adult basic education program under the Adult Education Act; or

"(B) who are within the State's compulsory school attendance age range, so long as a local educational agency provides (or ensures the availability of) the basic education component required under this part; and

"(2) the child or children, from birth through age seven, of any individual described in paragraph (1).

"(b) ELIGIBILITY FOR CERTAIN OTHER PARTICIPANTS.—

"(1) IN GENERAL.—Family members of eligible participants described in subsection (a) may participate in activities and services provided under this part, when appropriate to serve the purpose of this part.

"(2) SPECIAL RULE.—Any family participating in a program assisted under this part that becomes ineligible for such participation as a result of one or more members of the family becoming ineligible for such participation may continue to participate in the program until all members of the family become ineligible for such participation, which—

"(A) in the case of a family in which ineligibility was due to the child or children of such family attaining the age of eight, shall be in two years or when the parent or parents become ineligible due to educational advancement, whichever occurs first; and

"(B) in the case of a family in which ineligibility was due to the educational advancement of the parent or parents of such family, shall be when all children in the family attain the age of eight.

"SEC. 1307. APPLICATIONS.

"(a) SUBMISSION.—To be eligible to receive a subgrant under this part, an eligible entity shall submit an application to the State educational agency in such form and containing or accompanied by such information as the State educational agency shall require.

"(b) PLAN.—

"(1) IN GENERAL.—Each such application shall include—

"(A) a description of the program goals;

"(B) a description of the activities and services that will be provided under the program, including a description of how the program will incorporate the program elements required by section 1305;

"(C) a description of the population to be served and an estimate of the number of participants to be served;

"(D) as appropriate, a description of the applicant's collaborative efforts with institutions of higher education, community-based organizations, the State educational agency, private elementary schools, or eligible organizations in carrying out the program for which assistance is sought; and

"(E) a statement of the methods that will be used—

"(i) to ensure that the programs will serve those families most in need of the activities and services provided by this part;

"(ii) to provide services under this part to individuals with special needs, such as individuals with limited-English proficiency and individuals with disabilities; and

"(iii) to encourage participants to remain in the program for a time sufficient to meet the program's purpose.

"(2) DURATION OF THE PLAN.—Each plan submitted under paragraph (1)(A) shall—

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

"(B) be periodically reviewed and revised by the eligible entity as necessary.

"SEC. 1308. AWARD OF SUBGRANTS.

"(a) SELECTION PROCESS.—

"(1) IN GENERAL.—The State educational agency shall establish a review panel in accordance with subsection (b) that will approve applications that—

"(A) are most likely to be successful in—

"(i) meeting the purpose of this part; and

"(ii) effectively implementing the program elements required under section 1305;

"(B) demonstrate that the area to be served by such program has a high percentage or a large number of children and families who are in need of such services as indicated by high levels of poverty, illiteracy, unemployment, limited-English proficiency, or other need-related indicators, including a high percentage of children to be served by the program who reside in a school attendance area eligible for participation in programs under part A of this title;

"(C) provide services for at least a three-year age range;

"(D) demonstrate the greatest possible cooperation and coordination between a variety of relevant service providers in all phases of the program;

"(E) include cost-effective budgets, given the scope of the application;

"(F) demonstrate the applicant's ability to provide the remaining cost required by section 1304(b);

"(G) are representative of urban and rural regions of the State; and

"(H) show the greatest promise for providing models that may be adopted by other local educational agencies.

"(2) REVIEW PANEL.—A review panel shall consist of at least three members, including one early childhood professional, one adult education professional, and one of the following individuals:

"(A) A representative of a parent-child education organization.

"(B) A representative of a community-based literacy organization.

"(C) A member of a local board of education.

"(D) A representative of business and industry with a commitment to education.

"(E) An individual who has been involved in the implementation of programs under this title in the State.

"(3) PRIORITY.—The State educational agency shall give priority to awarding subgrants under this subsection to applications describing programs that—

"(A) target services primarily to families whose children reside in attendance areas of schools eligible for schoolwide programs under section 1114; or

"(B) are located in areas designated as empowerment zones or enterprise communities.

"(b) DURATION.—

"(1) IN GENERAL.—Subgrants under this part may be awarded for a period not to exceed four years.

"(2) STARTUP PERIOD.—The State educational agency may provide an eligible recipient, at such recipient's request, a 3- to 6-month startup period during the first year of the 4-year grant period, which may include staff recruitment and training, and the coordination of services, before requiring full implementation of the program.

"(3) CONTINUING ELIGIBILITY.—In awarding subgrant funds to continue a program under this part for the second, third, or fourth year, the State educational agency shall review the progress being made toward meeting the objectives of the program after the conclusion of the startup period, if any.

"(4) GRANT RENEWAL.—(A) An eligible entity that has previously received a subgrant under this part may reapply under this part for additional subgrants. A subgrantee may receive funds under this part for a period not to exceed eight years.

"(B) The Federal share of any subgrant renewed under subparagraph (A) shall not exceed 50 percent in any fiscal year.

"(5) INSUFFICIENT PROGRESS.—The State educational agency may refuse to award subgrant funds if such agency finds that sufficient progress has not been made toward meeting such objectives, but only after affording the applicant notice and an opportunity for a hearing.

"SEC. 1309. EVALUATION.

"From funds reserved under section 1302(b)(1), the Secretary shall provide for an independent evaluation of programs assisted under this part—

"(1) to determine the performance and effectiveness of programs assisted under this part; and

"(2) to identify effective programs assisted under this part that can be duplicated and used in providing technical assistance to Federal, State, and local programs.

"SEC. 1310. CONSTRUCTION.

"Nothing in this part shall be construed to prohibit a recipient of funds under this part from serving students participating in Even Start simultaneously with students with similar educational needs, in the same educational settings where appropriate.

"PART D—EDUCATION OF MIGRATORY CHILDREN

"SEC. 1401. PROGRAM PURPOSE.

"It is the purpose of this part to assist States to—

"(1) support high-quality and comprehensive educational programs for migratory children to help reduce the educational disruptions and other problems that result from repeated moves;

"(2) ensure that migratory children are provided with appropriate educational services (including supportive services) that address their special needs in a coordinated and efficient manner;

"(3) ensure that migratory children have the opportunity to meet the same challenging State content standards and challenging State student performance standards that all children are expected to meet;

"(4) design programs to help migratory children overcome educational disruption, cultural and language barriers, social isolation, various health-related problems, and other factors that inhibit the ability of such children to do well in school, and to prepare such children to make a successful transition to postsecondary education or employment; and

"(5) ensure that migratory children benefit from State and local systemic reforms.

"SEC. 1402. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—In order to carry out the purpose of this part, the Secretary shall make grants to State educational agencies, or combinations of such agencies, to establish or improve, directly or through local operating agencies, programs of education for migratory children in accordance with this part.

"(b) DEFINITIONS.—As used in this part—

"(1) the term 'local operating agency' means—

"(A) a local educational agency to which a State educational agency makes a subgrant under this part;

"(B) a public or private nonprofit agency with which a State educational agency or the Secretary makes an arrangement to carry out a program or project under this part; or

"(C) a State educational agency, if the State educational agency operates the State's migrant education program or projects directly; and

"(2) the term 'migratory child' means a child who is, or whose parent or guardian is, a migratory agricultural worker, including a migratory

dairy worker, or a migratory fisher, and who, in the preceding 48 months, in order to obtain, or accompany such parent or guardian in order to obtain, temporary or seasonal employment in agricultural or fishing work—

"(A) has moved from one school district to another;

"(B) in a State that is comprised of a single school district, has moved from one administrative area to another within such district; or

"(C) resides in a school district of more than 15,000 square miles, and migrates a distance of 20 miles or more to a temporary residence to engage in a fishing activity.

"(3) the term 'stop-over center' means a migrant project site which provides educational services approved by the State educational agency, advance notification to States where migrant children are traveling, and coordination with providers of other services to migrant children, to eligible migrant children who intend to stay 5 days or less while they or others in their family are moving from one location to another seeking migratory agricultural work, including migratory dairy work, or migratory fishing work.

"(4) The term 'fishing activity' means any activity directly related to the catching or processing of fish or shellfish—

"(A) for initial commercial sale, whether a fisher is self-employed or employed by others, or

"(B) as a principal means of personal subsistence.

"SEC. 1403. STATE ALLOCATIONS.

"(a) STATE ALLOCATIONS.—Each State (other than the Commonwealth of Puerto Rico) is eligible to receive an allocation under this part, for each fiscal year, in an amount equal to—

"(1) the sum of the estimated number of migratory children aged three through 21 who reside in the State full time and the full-time equivalent of the estimated number of migratory children aged three through 21 who reside in the State part time, as determined in accordance with subsection (e); multiplied by

"(2) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this paragraph shall not be less than 32 percent, or more than 48 percent, of the average per-pupil expenditure in the United States.

"(b) ALLOCATION TO PUERTO RICO.—For each fiscal year, the amount for which the Commonwealth of Puerto Rico is eligible under this section shall be equal to—

"(1) the number of migratory children in Puerto Rico, determined under subsection (a)(1); multiplied by

"(2) the product of—

"(A) the percentage that the average per-pupil expenditure in Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States; and

"(B) 32 percent of the average per-pupil expenditure in the United States.

"(c) RATABLE REDUCTIONS; REALLOCATIONS.—

"(1) IN GENERAL.—(A) If, after the Secretary reserves funds under section 1408(c), the amount appropriated to carry out this part for any fiscal year is insufficient to pay in full the amounts for which all States are eligible, the Secretary shall ratably reduce each such amount.

"(B) If additional funds become available for making such payments for any fiscal year, the Secretary shall allocate such funds to States in amounts that the Secretary determines will best carry out the purpose of this part.

"(2) SPECIAL RULE.—(A) The Secretary shall further reduce the amount of any grant to a State under this part for any fiscal year if the Secretary determines, based on available information on the numbers and needs of migratory children in the State and the program proposed by the State to address those needs, that such amount is not needed by the State.

"(B) The Secretary shall reallocate such excess funds to other States whose grants under this part would otherwise be insufficient to provide an appropriate level of services to migratory children, in such amounts as the Secretary determines are appropriate.

"(d) CONSORTIUM ARRANGEMENTS.—

"(1) IN GENERAL.—In the case of any State that receives a grant of $500,000 or less under this section, the Secretary shall consult with the State educational agency to determine whether consortium arrangements with another State or another appropriate entity would result in delivery of services in a more effective and efficient manner.

"(2) PROPOSALS.—Any State, regardless of the amount of such State's allocation, may submit a consortium arrangement to the Secretary for approval.

"(3) APPROVAL.—The Secretary shall approve a consortium arrangement under paragraph (1) or (2) if the proposal demonstrates that the arrangement will—

"(A) reduce administrative costs or program function costs for State programs; and

"(B) make more funds available for direct services to add substantially to the welfare or educational attainment of children to be served under this part.

"(e) DETERMINING NUMBERS OF ELIGIBLE CHILDREN.—In order to determine the estimated number of migratory children residing in each State for purposes of this section, the Secretary shall—

"(1) use such information as the Secretary finds most accurately reflects the actual number of migratory children; and

"(2) adjust the full-time equivalent number of migratory children who reside in each State to take into account—

"(A) the special needs of those children participating in special programs provided under this part that operate during the summer or other intersession periods or special programs that operate at or through stop-over centers; and

"(B) the additional costs of operating such programs.

"SEC. 1404. STATE APPLICATIONS; SERVICES.

"(a) APPLICATION REQUIRED.—Any State wishing to receive a grant under this part for any fiscal year shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

"(b) PROGRAM INFORMATION.—Each such application shall include—

"(1) a description of how, in planning, implementing, and evaluating programs and projects assisted under this part, the State and its local operating agencies will ensure that the special educational needs of migratory children, including preschool migratory children, are identified and addressed through a comprehensive plan for needs assessment and service delivery that meets the requirements of section 1406;

"(2) a description of the steps the State is taking to provide all migratory students with the opportunity to meet the same challenging State content standards and challenging State student performance standards that all children are expected to meet;

"(3) a description of how the State will use its funds to promote interstate and intrastate coordination of services for migratory children, including how, consistent with procedures the Secretary may require, the State will provide for educational continuity through the timely transfer of pertinent school records, including information on health, when children move from one school to another, whether or not such move occurs during the regular school year;

"(4) a description of the State's priorities for the use of funds received under this part, and how such priorities relate to the State's assessment of needs for services in the State; and

"(5) a description of how the State will determine the amount of any subgrants the State will award to local operating agencies and the amount of funds that such agencies will provide to individual schools, taking into account the requirements of paragraph (1).

"(c) ASSURANCES.—Each such application shall also include assurances, satisfactory to the Secretary, that—

"(1) such programs and projects will be carried out in a manner consistent with the objectives of sections 1114, 1115(b), 1115(e), 1117, 1120(b), and 1120(c), and part G;

"(2) in the planning and operation of such programs and projects at both the State and local operating agency level, there is appropriate consultation with parent advisory councils for programs of one school year in duration, and that all such programs and projects are carried out, to the extent feasible, in a manner consistent with section 1116;

"(3) the effectiveness of such programs and projects will be determined, where feasible, using the same approaches and standards that will be used to assess the performance of students, schools, and local educational agencies under part A; and

"(4) to the extent feasible, such programs and projects will provide for—

"(A) advocacy and outreach activities for migratory children and their families, including informing such children and families of, or helping such children and families gain access to, other education, health, nutrition, and social services;

"(B) professional development programs, including mentoring, for teachers and other program personnel;

"(C) family literacy programs, including such programs that use models developed under Even Start;

"(D) the integration of information technology into educational and related programs; and

"(E) programs to facilitate the transition of secondary school students to postsecondary education or employment; and

"(5) the State will assist the Secretary in determining the number of migratory children under section 1403(e), through such procedures as the Secretary may require.

"(d) PRIORITY FOR SERVICES.—In providing services with funds received under this part, each recipient of such funds shall give priority to migratory children who are failing, or most at risk of failing, to meet the State's challenging State content standards and challenging State student performance standards, and whose education has been interrupted during the regular school year.

"(e) CONTINUATION OF SERVICES.—Notwithstanding any other provision of this part—

"(1) a child who ceases to be a migratory child during a school term shall be eligible for services until the end of such term; and

"(2) a child who is no longer a migratory child may continue to receive services for one additional school year, but only if comparable services are not available through other programs.

"SEC. 1405. SECRETARIAL APPROVAL; PEER REVIEW.

"(a) SECRETARIAL APPROVAL.—The Secretary shall approve each application under this part that meets the requirements of this part.

"(b) PEER REVIEW.—The Secretary may review any application under this part with the assistance and advice of State officials and other individuals with relevant expertise.

"SEC. 1406. COMPREHENSIVE NEEDS ASSESSMENT AND SERVICE-DELIVERY PLAN; AUTHORIZED ACTIVITIES.

"(a) COMPREHENSIVE PLAN.—

"(1) IN GENERAL.—Each State that receives assistance under this part shall ensure that the State and its local operating agencies identify and address the special educational needs of migratory children in accordance with a comprehensive State plan that—

"(A) provides that migratory children will have an opportunity to meet the same challenging State content standards and challenging State student performance standards, set out in such plans, that all children are expected to meet;

"(B) specifies measurable program goals and outcomes;

"(C) encompasses the full range of services that are available for migratory children from appropriate local, State and Federal educational programs;

"(D) is the product of joint planning among such local, State, and Federal programs, including programs under part A, early childhood programs, and bilingual education programs under part A of title VII; and

"(E) provides for the integration of services available under this part with services provided by such other programs.

"(2) DURATION OF THE PLAN.—Each such comprehensive State plan shall—

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

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

"(b) AUTHORIZED ACTIVITIES.—

"(1) IN GENERAL.—In implementing the comprehensive plan described in subsection (a), each local operating agency shall have the flexibility to determine the activities to be provided with funds made available under this part, except that—

"(A) before funds under this part are used to provide services described in subparagraph (B), such funds shall be used to meet the identified needs of migratory children that—

"(i) result from the effects of their migratory lifestyle, or are needed to permit migratory children to participate effectively in school; and

"(ii) are not addressed by services provided under other programs, including programs under part A;

"(B) all migratory children who are eligible to receive services under part A shall receive such services with funds provided under this part or under part A; and

"(C) funds received under this part shall be used only—

"(i) for programs and projects, including the acquisition of equipment, in accordance with section 1406(b)(1); and

"(ii) to coordinate such programs and projects with similar programs and projects within the State and in other States, as well as with other Federal programs that can benefit migratory children and their families.

"(2) CONSTRUCTION.—Nothing in this part shall be construed to prohibit a local operating agency from serving migrant students simultaneously with students with similar educational needs, in the same educational settings where appropriate.

"(3) SPECIAL RULE.—Notwithstanding section 1114, a school that receives funds under this part shall continue to address the identified needs described in subparagraph (1)(A).

"SEC. 1407. BYPASS.

"The Secretary may use all or part of any State's allocation under this part to make arrangements with any public or nonprofit agency to carry out the purpose of this part in such State if the Secretary determines that—

"(1) the State is unable or unwilling to conduct educational programs for migratory children;

"(2) such arrangements would result in more efficient and economic administration of such programs; or

"(3) such arrangements would add substantially to the welfare or educational attainment of such children.

"SEC. 1408. COORDINATION OF MIGRANT EDUCATION ACTIVITIES.

"(a) IMPROVEMENT OF COORDINATION.—

"(1) IN GENERAL.—The Secretary, in consultation with the States, may make grants to, or enter into contracts with, State educational agencies, local educational agencies, institutions of higher education, and other public and private entities to improve the interstate and intrastate coordination among such agencies' educational programs, including the establishment or improvement of programs for credit accrual and exchange, available to migratory students.

"(2) EXTENSION.—The Secretary may extend until January 1, 1996 the contract for the operation of the migrant student record transfer system under section 1203(a)(2)(A) of this Act (as such section was in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994).

"(b) REPORT.—Not later than October 1, 1995, the Secretary shall submit a report to the Congress regarding the effectiveness of methods used by States to transfer migratory students' educational and health records.

"(c) AVAILABILITY OF FUNDS.—For the purpose of carrying out this section in any fiscal year, the Secretary shall reserve not more than $6,000,000 of the amount appropriated to carry out this part for such year.

"(d) INCENTIVE GRANTS.—From the amounts made available to carry out this section, the Secretary may reserve not more than $1,500,000 to award grants in amounts of not more than $100,000 to each State educational agency entering into a consortium agreement described in section 1403(d).

"PART E—EDUCATION FOR NEGLECTED AND DELINQUENT YOUTH

"SEC. 1501. PURPOSE; PROGRAM AUTHORIZED.

"(a) PURPOSE.—It is the purpose of this part to—

"(1) improve educational services to children in institutions for neglected or delinquent children so that such children have the opportunity to meet the same challenging State content standards and challenging State student performance standards that all children in the State will be expected to meet; and

"(2) provide such children the services such children need to make a successful transition from institutionalization to further schooling or employment.

"(b) PROGRAM AUTHORIZED.—In order to carry out the purpose of this part, the Secretary shall make grants to State educational agencies to enable such State educational agencies to award subgrants to State agencies to establish or improve programs of education for neglected or delinquent children in accordance with this part.

"SEC. 1502. ELIGIBILITY.

"A State agency is eligible for assistance under this part if such State agency is responsible for providing free public education for children—

"(1) in institutions for neglected or delinquent children;

"(2) attending community day programs for neglected or delinquent children; or

"(3) in adult correctional institutions.

"SEC. 1503. ALLOCATION OF FUNDS.

"(a) SUBGRANTS TO STATE AGENCIES.—

"(1) IN GENERAL.—Each State agency described in section 1502 (other than an agency in the Commonwealth of Puerto Rico) is eligible to receive a subgrant under this part, for each fiscal year, an amount equal to the product of—

"(A) the number of neglected or delinquent children described in section 1502 who—

"(i) are enrolled for at least 15 hours per week in education programs in adult correctional institutions; and

"(ii) are enrolled for at least 20 hours per week—

"(I) in education programs in institutions for neglected or delinquent children; or

"(II) in community day programs for neglected or delinquent children; and

"(B) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this paragraph shall not be less than 32 percent, or more than 48 percent, of the average per-pupil expenditure in the United States.

"(2) SPECIAL RULE.—The number of neglected or delinquent children determined under paragraph (1) shall—

"(A) be determined by the State agency by a date or dates set by the Secretary, except that no State agency shall be required to determine the number of such children on a specific date set by the Secretary; and

"(B) be adjusted, as the Secretary determines is appropriate, to reflect the relative length of such agency's annual programs.

"(b) SUBGRANTS TO STATE AGENCIES IN PUERTO RICO.—For each fiscal year, the amount of the subgrant for which a State agency in the Commonwealth of Puerto Rico is eligible under this part shall be equal to—

"(1) the number of children counted under subsection (a)(1) for Puerto Rico; multiplied by

"(2) the product of—

"(A) the percentage that the average per-pupil expenditure in Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States; and

"(B) 32 percent of the average per-pupil expenditure in the United States.

"(c) RATABLE REDUCTIONS IN CASE OF INSUFFICIENT APPROPRIATIONS.—If the amount appropriated for any fiscal year for subgrants under subsections (a) and (b) is insufficient to pay the full amount for which all agencies are eligible under such subsections, the Secretary shall ratably reduce each such amount.

"(d) PAYMENTS TO STATE EDUCATIONAL AGENCIES.—

"(1) IN GENERAL.—The Secretary shall pay to each State educational agency the total amount needed to make subgrants to State agencies in that State, as determined under this section.

"(2) ADMINISTRATIVE EXPENSES.—Each State educational agency may retain a portion of such total amount for State administration of, in accordance with section 1702(b).

"SEC. 1504. STATE REALLOCATION OF FUNDS.

"If a State educational agency determines that a State agency does not need the full amount of the subgrant for which such State agency is eligible under this part for any fiscal year, the State educational agency may reallocate the amount that will not be needed to other State agencies that need additional funds to carry out the purpose of this part, in such amounts as the State educational agency shall determine.

"SEC. 1505. STATE PLAN AND STATE AGENCY APPLICATIONS.

"(a) STATE PLAN.—

"(1) IN GENERAL.—Each State educational agency that desires to receive payments under this part shall submit, for approval by the Secretary, a plan for meeting the needs of neglected and delinquent children, which shall be revised and updated as needed to satisfy the requirements of this section.

"(2) CONTENTS.—Each such State plan shall—

"(A) describe the program goals, objectives, and performance measures established by the State that will be used to assess the effectiveness of the program in improving academic and vocational skills of children in the program;

"(B) provide that, to the extent feasible, such children will have the same opportunities to learn as such children would have if such children were in the schools of local educational agencies in the State; and

"(C) contain assurances that the State educational agency will—

"(i) ensure that programs assisted under this part will be carried out in accordance with the State plan described in this subsection; and

"(ii) carry out the evaluation requirements of section 1509 of this part.

"(3) DURATION OF THE PLAN.—Each such State plan shall—

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

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

"(b) SECRETARIAL APPROVAL; PEER REVIEW.—

"(1) IN GENERAL.—The Secretary shall approve each State plan that meets the requirements of this part.

"(2) PEER REVIEW.—The Secretary may review any State plan with the assistance and advice of individuals with relevant expertise.

"(c) STATE AGENCY APPLICATIONS.—Any State agency that desires to receive funds to carry out a program under this part shall submit an application to the State educational agency that—

"(1) describes the procedures to be used, consistent with the State plan under part A, to assess the educational needs of the children to be served;

"(2) describes the program, including a budget for the first year of the program, with annual updates to be provided to the State educational agency;

"(3) describes how the program will meet the goals and objectives of the State plan under this part;

"(4) describes how the State agency will consult with experts and provide the necessary training for appropriate staff, to ensure that the planning and operation of institution-wide projects under section 1507 are of high quality;

"(5) describes how the agency will carry out the evaluation requirements of section 1509 and how the results of the most recent evaluation were used to plan and improve the program;

"(6) includes data showing that the State agency has maintained fiscal effort as if such agency were a local educational agency, in accordance with section 10501;

"(7) describes how the programs will be coordinated with other State and Federal programs administered by the State agency;

"(8) describes how appropriate professional development will be provided to teachers and other staff; and

"(9) designates an individual in each affected institution to be responsible for issues relating to the transition of children from the institution to locally operated programs.

"SEC. 1506. USE OF FUNDS.

"(a) IN GENERAL.—

"(1) IN GENERAL.—A State agency shall use funds received under this part only for programs and projects that—

"(A) are consistent with the State plan described in section 1505(a); and

"(B) concentrate on providing participants with the knowledge and skills needed to make a successful transition to further education or employment.

"(2) USES.—Such programs and projects—

"(A) may include the acquisition of equipment;

"(B) shall be designed to support educational services that—

"(i) except for institution-wide projects under section 1507, are provided to children identified by the State agency as failing, or most at risk of failing, to meet the State's challenging State content standards and challenging State student performance standards;

"(ii) supplement and improve the quality of the educational services provided to such children by the State agency; and

"(iii) afford such children an opportunity to learn such standards;

"(C) shall be carried out in a manner consistent with section 1120(b) and part G; and

"(D) may include the costs of meeting the evaluation requirements of section 1509.

"(b) SUPPLEMENT, NOT SUPPLANT.—A program under this part that supplements the number of hours of instruction students receive from State and local sources shall be considered to comply with the 'supplement, not supplant' requirement of section 1120(b) without regard to the subject areas in which instruction is given during those hours.

"SEC. 1507. INSTITUTION-WIDE PROJECTS.

"(a) PROJECTS AUTHORIZED.—A State agency that provides free public education for children in an institution for neglected or delinquent children (other than an adult correctional institution) or attending a community-day program for such children may use funds received under this part to serve all children in, and upgrade the entire educational effort of, that institution or program if the State agency has developed, and the State educational agency has approved, a comprehensive plan for that institution or program that—

"(1) provides for a comprehensive assessment of the educational needs of all individuals under the age of 21 in the institution or program;

"(2) describes the steps the State agency has taken, or will take, to provide all children under age 21 with the opportunity to meet challenging State content standards and challenging State student performance standards in order to improve the likelihood that such children will complete secondary school and find employment after leaving the institution;

"(3) describes the instructional program, pupil services, and procedures that will be used to meet the needs described in paragraph (1), including, to the extent feasible, the provision of mentors for students;

"(4) specifically describes how such funds will be used;

"(5) describes the measures and procedures that will be used to assess student progress;

"(6) describes how the agency has planned, and will implement and evaluate, the institution-wide or program-wide project in consultation with personnel providing direct instructional services and support services in institutions or community-day programs for neglected or delinquent children and personnel from the State educational agency; and

"(7) includes an assurance that the State agency has provided for appropriate training to teachers and other instructional and administrative personnel to enable such teachers and personnel to carry out the project effectively.

"(b) PROJECTS REQUIRED.—Beginning with school year 1996–1997, a State agency described in subsection (a) shall use funds received under this part only for institution-wide projects described in that subsection, except as provided in section 1510.

"SEC. 1508. THREE-YEAR PROJECTS.

"If a State agency operates a program or project under this part in which individual children are likely to participate for more than one year, the State educational agency may approve the State agency's application for a subgrant under this part for a period of not more than three years.

"SEC. 1509. PROGRAM EVALUATIONS.

"(a) SCOPE OF EVALUATION.—Each State agency that conducts a program or project under this part shall evaluate the program or project at least once every three years, disaggregating data on participants by sex, and if feasible, race, ethnicity or age, to determine the program or project's impact on the ability of participants to—

"(1) maintain and improve educational achievement;

"(2) accrue school credits that meet State requirements for grade promotion and secondary school graduation;

"(3) make the transition to a regular program or other education program operated by a local educational agency; and

"(4) complete secondary school and obtain employment after participants leave the institution.

"(b) EVALUATION MEASURES.—In conducting each such evaluation with respect to subsection (a)(1), a State agency shall use multiple and appropriate measures of student progress.

"(c) EVALUATION RESULTS.—Each State agency shall—

"(1) submit the results of each evaluation under this section to the State educational agency; and

"(2) use the results of evaluations under this section to plan and improve subsequent programs for participating children.

"SEC. 1510. TRANSITION SERVICES.

"(a) TRANSITION SERVICES.—Each State agency may reserve not more than 10 percent of the amount such agency receives under this part for any fiscal year to support projects that facilitate the transition of children from State-operated institutions for neglected and delinquent children into locally operated programs.

"(b) CONDUCT OF PROJECTS.—A project supported under this section may be conducted directly by the State agency, or through a contract or other arrangement with one or more local educational agencies, other public agencies, or private nonprofit organizations.

"(c) LIMITATION.—Any funds reserved under subsection (a) shall be used only to provide special educational services, which may include pupil services and mentoring, to neglected and delinquent children in schools other than State-operated institutions.

"(d) CONSTRUCTION.—Nothing in this section shall be construed to prohibit a school that receives funds under subsection (a) from serving neglected and delinquent children simultaneously with students with similar educational needs, in the same educational settings where appropriate.

"SEC. 1511. DEFINITIONS.

"For the purpose of this part—

"(1) the term 'adult correctional institution' means a facility in which persons are confined as a result of a conviction for a criminal offense, including persons under 21 years of age;

"(2) the term 'community day program' means a regular program of instruction provided by a State agency at a community day school operated specifically for neglected or delinquent children;

"(3) the term 'institution for delinquent children' means a public or private residential facility for the care of children who have been adjudicated to be delinquent or in need of supervision; and

"(4) the term 'institution for neglected children' means a public or private residential facility, other than a foster home, that is operated for the care of children who have been committed to the institution or voluntarily placed in the institution under applicable State law, due to abandonment, neglect, or death of their parents or guardians.

"PART F—FEDERAL EVALUATIONS AND DEMONSTRATIONS

"SEC. 1601. EVALUATIONS.

"(a) NATIONAL ASSESSMENT.—

"(1) IN GENERAL.—The Secretary shall conduct a national assessment of programs assisted under this title, in coordination with the ongoing Chapter 1 Longitudinal Study under subsection (c) of this section, that shall be planned, reviewed, and conducted in consultation with an independent panel of researchers, State practitioners, local practitioners, and other appropriate individuals.

"(2) EXAMINATION.—The assessment shall examine how well schools, local educational agencies, and States—

"(A) are progressing toward the goal of all children served under this title reaching the State's challenging State content standards and challenging State student performance standards; and

"(B) are accomplishing the purpose set forth in section 1001(d) to achieve the goal described in paragraph (1), including—

"(i) ensuring challenging State content standards and challenging State student performance standards for all children served under this title and aligning the efforts of States, local educational agencies, and schools to help such children reach such standards;

"(ii) providing children served under this title an enriched and accelerated educational program through schoolwide programs or through additional services that increase the amount and quality of instructional time that such children receive;

"(iii) promoting schoolwide reform and access for all children served under this title to effective instructional strategies and challenging academic content;

"(iv) significantly upgrading the quality of the curriculum and instruction by providing staff in participating schools with substantial opportunities for professional development;

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

"(vi) affording parents of children served under this title meaningful opportunities to participate in the education of their children at home and at school;

"(vii) distributing resources to areas where needs are greatest;

"(viii) improving accountability, as well as teaching and learning, by making assessments under this title congruent with State assessment systems; and

"(ix) providing greater decisionmaking authority and flexibility to schools in exchange for greater responsibility for student performance.

"(3) NAEP INFORMATION.—Where feasible, the Secretary shall use information gathered by the National Assessment of Educational Progress in carrying out this subsection.

"(4) INTERIM AND FINAL REPORTS.—The Secretary shall submit an interim report summarizing the preliminary findings of the assessment to the President and the appropriate committees of the Congress and a final report of the findings of the assessment by January 1, 1998.

"(b) STUDIES AND DATA COLLECTION.—

"(1) IN GENERAL.—The Secretary may collect such data, as necessary, at the State, local, and school levels and conduct studies and evaluations, including national studies and evaluations, to assess on an ongoing basis the effectiveness of programs under this title and to report on such effectiveness on a periodic basis.

"(2) MINIMUM INFORMATION.—At a minimum, the Secretary shall collect trend information on the effect of programs under this title. Such data shall complement the data collected and reported under subsections (a) and (c).

"(c) NATIONAL LONGITUDINAL STUDY.—

"(1) IN GENERAL.—The Secretary shall carry out an ongoing evaluation of the program assisted under part A of title I in order to provide the public, the Congress, and educators involved in such program, an accurate description of the short- and long-term effectiveness of such program and to provide information that can be used to improve such program's effectiveness in enabling students to meet high State content standards and State student performance standards, graduate from secondary school, and make successful transitions to postsecondary education and work. Such evaluation shall—

"(A) have a longitudinal design that tracks cohorts of students within schools of differing poverty concentrations for at least 3 years which, when the cohorts are taken as a whole, provides a picture of such program's effectiveness over the elementary and secondary grades;

"(B) be separate and independent from State and local assessments and evaluations required under this part and consistent with measuring the achievement of students to relative to high State content standards and State student performance standards;

"(C) utilize the highest available content standards that are generally accepted as national in scope;

"(D) provide information on all students, students served under this part, and, if funds are sufficient, information on students from low-income families, limited-English proficient students, and students with disabilities; and

"(E) when feasible, collect, cross-tabulate, and report data by sex within race or ethnicity and socioeconomic status.

"(2) USE.—The Secretary shall use the results of the evaluation described in paragraph (1) as part of the national assessment required by subsection (a) and shall report the data from such evaluation to the Congress and the public at least as frequently as reports are made under subsection (a)(4).

"(d) DEVELOPMENTALLY APPROPRIATE MEASURES.—In conducting the national assessment under subsection (a) and the national longitudinal study under subsection (b), the Secretary shall use developmentally appropriate measures to assess student performance and progress.

"(e) STUDY ON ESTIMATING STATE CHILD POVERTY COUNTS.—The Secretary shall—

"(1) conduct a study to determine whether a feasible method exists for producing reliable estimates, between decennial census counts, of the number of school-aged children living in poverty by State in each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico; and

"(2) use such a method, if one exists, to provide the Congress with such estimates.

"SEC. 1602. DEMONSTRATIONS OF INNOVATIVE PRACTICES.

"(a) DEMONSTRATION PROGRAMS TO IMPROVE ACHIEVEMENT.—

"(1) IN GENERAL.—From the funds appropriated for any fiscal year under section 1002(g)(2), the Secretary may make grants to State educational agencies, local educational agencies, other public agencies, nonprofit organizations, and consortia of such entities to carry out demonstration projects that show the most promise of enabling children served under this title to meet challenging State content standards and challenging State student performance standards. Such projects shall include promising strategies such as—

"(A) accelerated curricula, the application of new technologies to improve teaching and learning, extended learning time, and a safe and enriched full-day environment for children to provide children the opportunity to reach such standards;

"(B) coordinated pupil services programs;

"(C) integration of education services with each other and with health, family, and other social services, particularly in empowerment zones and enterprise communities;

"(D) effective approaches to whole school reform;

"(E) programs that have been especially effective with limited-English proficient children, migratory children and other highly mobile students, children leaving institutions for neglected or delinquent children and returning to school, and homeless children and youth;

"(F) programs which are especially effective in recruiting, inducting and retaining highly qualified teachers for service in schools with low student achievement; and

"(G) programs that are built upon partnerships developed between elementary and middle schools, employers, and the community which emphasize the integration of high quality academic and vocational learning, stress excellence and high expectations for success in core academic subjects, instill responsibility, decisionmaking, problem solving, interpersonal skills, and other competencies in students, and make school relevant to the workplace and the community, through applied and interactive teaching methodologies, team teaching strategies, learning opportunities connecting school, the workplace, and the community, and career exploration, awareness, and career guidance opportunities.

"(2) EVALUATION.—The Secretary shall evaluate the demonstration projects supported under this title, using rigorous methodological designs and techniques, including control groups and random assignment, to the extent feasible, to produce reliable evidence of effectiveness.

"(b) PARTNERSHIPS.—From funds appropriated under section 1002(g)(2) for any fiscal year, the Secretary may, directly or through grants or contracts, work in partnership with State educational agencies, local educational agencies, other public agencies, and nonprofit organizations to disseminate and use the highest quality research and knowledge about effective practices to improve the quality of teaching and learning in schools assisted under this title.

"PART G—GENERAL PROVISIONS

"SEC. 1701. FEDERAL REGULATIONS.

"(a) IN GENERAL.—The Secretary is authorized to issue such regulations as are considered necessary to reasonably ensure that there is compliance with the specific requirements and assurances required by this title.

"(b) PROCEDURE.—

"(1) IN GENERAL.—Prior to publishing proposed regulations pursuant to this title, the Secretary shall convene regional meetings which shall provide input to the Secretary on the content of proposed regulations. Such meetings shall include representatives of Federal, State, and local administrators, parents, teachers, and members of local boards of education involved with implementation of programs under this title.

"(2) PROPOSED REGULATIONS.—Subsequent to regional meetings and prior to publishing proposed regulations in the Federal Register, the Secretary shall prepare draft regulations and submit regulations on a minimum of 4 key issues to a modified negotiated rulemaking process as a demonstration of such process. The modified process shall waive application of the Federal Advisory Committee Act, but shall otherwise follow the guidance provided in the Administrative Conference of the United States in Recommendation 82-4, "Procedures for Negotiating Proposed Regulations" (47 Fed. Reg. 30708, June 18, 1982) and any successor regulation. Participants in the demonstration shall be chosen by the Secretary from among participants in the regional meetings, representing the groups described in paragraph (1) and all geographic regions. The demonstration shall be conducted in a timely manner.

"(3) EMERGENCY SITUATION.—In an emergency situation in which regulations pursuant to this

title must be issued within a very limited time to assist State and local educational agencies with the operation of the program, the Secretary may issue a regulation without such prior consultation, but shall immediately thereafter convene regional meetings to review the emergency regulation prior to issuance in final form.

"(c) LIMITATION.—Programs under this title may not be required to follow any 1 instructional model, such as the provision of services outside the regular classroom or school program.

"SEC. 1702. STATE ADMINISTRATION.

"(a) RULEMAKING.—

"(1) IN GENERAL.—Each State that receives funds under this title shall—

"(A) ensure that any State rules, regulations, and policies relating to this title conform to the purposes of this title;

"(B) minimize such rules, regulations, and policies to which their local educational agencies and schools are subject; and

"(C) identify any such rule, regulation, or policy as a State-imposed requirement.

"(2) SPECIAL RULE.—State rules, regulations, and policies under this title shall support and facilitate local educational agency and school-level systemic reform designed to enable all children to meet the State's challenging State content standards and challenging State student performance standards.

"(b) PAYMENT FOR STATE ADMINISTRATION.—Each State may reserve for the proper and efficient performance of such State's duties under this title, the greater of—

"(1)(A) 1.00 percent of the funds appropriated to carry out subsections (a), (c), (d), and (e) of section 1002 for fiscal year 1995 and each succeeding fiscal year not described in subparagraph (B); or

"(B) not more than 1.5 percent and not less than 1 percent of the funds appropriated to carry out such subsections for fiscal year 1997 and each succeeding fiscal year if the Secretary, based on the State reports required by subsection (d) and the studies required by section 14010(b), authorizes such reservation;

"(2) except as provided in paragraph (3)—

"(A) $425,000 for fiscal year 1995 and each succeeding fiscal year not described in subparagraph (B); or

"(B) not more than $565,000 and not less than $425,000 for fiscal year 1997 and each succeeding fiscal year if the Secretary, based on the State reports required by subsection (d) and the studies required by section 14010(b), authorizes such reservation; or

"(3) in the case of an outlying area—

"(A) $50,000 for fiscal year 1995 and each succeeding fiscal year not described in subparagraph (B); or

"(B) not more than $80,000 and not less than $50,000 for fiscal year 1997 and each succeeding fiscal year if the Secretary, based on the State reports required by subsection (d) and the studies required by section 14010(b), authorizes such reservation.

"(c) PAYMENT FOR SCHOOL IMPROVEMENT.—Each State may reserve for the proper and efficient performance of its duties under subsections (b)(5) and (c) of section 1118, and section 1119, the greater of—

"(1)(A) .65 percent of the funds appropriated to carry out subsections (a), (c), (d), and (e) of section 1002 for fiscal year 1995 and each succeeding fiscal year not described in subparagraph (B); or

"(B) not more than .75 percent and not less than .65 percent of the funds appropriated to carry out such subsections for fiscal year 1997 and each succeeding fiscal year if the Secretary, based on the State reports required by subsection (d) and the studies required by section 14010(b), authorizes such reservation; or

"(2) except as provided in paragraph (3)—

"(A) $210,000 for fiscal year 1995 and each succeeding fiscal year not described in subparagraph (B); or

"(B) not more than $245,000 for fiscal year 1997 and each succeeding fiscal year if the Secretary, based on the State reports required by subsection (d) and the studies required by section 14010(b), authorizes such reservation; or

"(3) in the case of an outlying area—

"(A) $35,000 for fiscal year 1995 and each succeeding fiscal year not described in subparagraph (B); or

"(B) not more than $40,000 for fiscal year 1997 and each succeeding fiscal year if the Secretary, based on the State reports required by subsection (d) and the studies required by section 14010(b), authorizes such reservation.

"(d) REPORT.—Beginning in fiscal year 1995 and each succeeding fiscal year thereafter, each State educational agency which receives funds under this title shall submit to the Secretary a report on the use of funds for the State administration of activities assisted under this title. Such report shall include the proportion of State administrative funds provided under this section that are expended for—

"(1) basic program operation and compliance monitoring;

"(2) statewide program services, such as development of standards and assessments, curriculum development, and program evaluation; and

"(3) technical assistance and other direct support to local educational agencies and schools.

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

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

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

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

"SEC. 1703. CONSTRUCTION.

"(a) PROHIBITION OF FEDERAL MANDATES, DIRECTION OR CONTROL.—Nothing in this title shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's specific instructional content or pupil performance standards and assessments, curriculum, or program of instruction as a condition of eligibility to receive funds under this title.

"(b) EQUALIZED SPENDING.—Nothing in this title shall be construed to mandate equalized spending per pupil for a State, local educational agency, or school.

"(c) BUILDING STANDARDS.—Nothing in this title shall be construed to mandate national school building standards for a State, local educational agency, or school.

"SEC. 1704. RESERVATION OF FUNDS FOR TERRITORIES.

"There is authorized to be appropriated for each fiscal year for purposes of each of parts D and E of this title an amount equal to not more than 1 percent of the amount appropriated for such year for such parts, for payments to the outlying areas under each such part. The amounts appropriated for each such part shall be allotted among the outlying areas according to the outlying areas' respective need for such grants, based on such criteria as the Secretary determines will best carry out the purposes of this title.

"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 socio-economic 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 consortium 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(c) and agreed to by the Secretary; and

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

"SEC. 1803. PROGRAM AUTHORIZED.

"(a) WAIVERS.—The Secretary may grant waivers 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 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.

"(c) 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;

"(12) an assurance that the local educational agency will comply with the research and evaluation protocol developed by the Secretary of Education as required by section 1806; and

"(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)(11).

"SEC. 1806. STUDY COMMISSIONED.

"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 co-educational 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.

"TITLE II—IMPROVING TEACHING AND LEARNING

"PART A—DWIGHT D. EISENHOWER PROFESSIONAL DEVELOPMENT PROGRAM

"SEC. 2101. FINDINGS.

"The Congress finds as follows:

"(1) Reaching the third National Education Goal (all students will demonstrate mastery of challenging subject matter in the core academic subjects) and the fifth National Education Goal (United States students will become first in the world in mathematics and science achievement) requires a comprehensive educational reform strategy that involves parents, schools, government, communities, and other public and private organizations at all levels.

"(2) A crucial component of the strategy for achieving these two goals is ensuring, through sustained and intensive high-quality professional development, that all teachers can provide challenging learning experiences in the core academic subjects for their students.

"(3) The potential positive impact of high-quality professional development is underscored by recent research findings that—

"(A) professional development must be focused on teaching and learning in order to change the opportunities of all students to achieve higher standards;

"(B) effective professional development focuses on discipline-based knowledge and effective subject-specific pedagogical skills, involves teams of teachers, administrators, and pupil services personnel in a school and, through professional networks of teachers, teacher educators, administrators, pupil services personnel, and parents is interactive and collaborative, motivates by its intrinsic content and relationship to practice, builds on experience and learning-by-doing, and becomes incorporated into the everyday life of the school;

"(C) professional development can dramatically improve classroom instruction and learning when teachers, administrators, pupil services personnel, and parents are partners in the development and implementation of such professional development; and

"(D) new and innovative strategies for teaching to high standards will require time for teachers, outside of the time spent teaching, for instruction, practice, and collegial collaboration.

"(4) Special attention must be given in professional development activities to ensure that education professionals are knowledgeable of, and make use of, strategies for serving populations that historically have lacked access to equal opportunities for advanced learning and career advancement.

"(5) Professional development activities must prepare teachers, pupil services personnel, paraprofessionals and other staff in effective prevention and intervention strategies to—

"(A) alleviate the need, and assure appropriate referral, for special education services; and

"(B) prepare staff to work collaboratively to educate students with disabilities placed into general education settings, consistent with such student's individualized education program.

"(6) Professional development activities, designed in cooperation with parents, that focus on the complex social, emotional and mental health needs of children which may impede learning, can help teachers, administrators, and pupil services personnel assist children in overcoming barriers to academic success.

"(7) Professional development is often a victim of budget reductions in fiscally difficult times.

"(8) There are few incentives or sanctions operating to encourage teachers and administrators to work to prepare themselves to be more effective or to participate in challenging and effective professional development activities.

"(9) Parental involvement is an important aspect of school reform and improvement. There is a need for special attention to ensure the effective involvement of parents in the education of their children. Professional development should include methods and strategies to better prepare teachers and administrators in involving parents. Programs are needed to provide parents the training and development necessary to enable parents to participate fully and effectively in their children's education.

"(10) The Federal Government has a vital role in helping to make sustained and intensive high-quality professional development in the core academic subjects become an integral part of the elementary and secondary education system.

"SEC. 2102. PURPOSES.

"It is the purpose of this part—

"(1) to help ensure that teachers, other staff, and administrators have access to high-quality professional development that is aligned to challenging State content standards and challenging State student performance standards and to support the development and implementation of sustained and intensive high-quality professional development activities in the core academic subjects; and

"(2) to help ensure that teachers, administrators, other staff, pupil services personnel, and parents have access to professional development that—

"(A) is tied to challenging State content standards and challenging State student performance standards;

"(B) reflects recent research on teaching and learning;

"(C) includes strong academic content and pedagogical components;

"(D) incorporates effective strategies, techniques, methods, and practices for meeting the educational needs of diverse student populations, including females, minorities, individuals with disabilities, limited-English proficient individuals, and economically disadvantaged individuals, in order to ensure that all students have the opportunity to achieve challenging State student performance standards;

"(E) is of sufficient intensity and duration to have a positive and lasting impact on the teacher's performance in the classroom; and

"(F) is part of the everyday life of the school and creates an orientation toward continuous improvement throughout the school.

"SEC. 2103. AUTHORIZATION OF APPROPRIATIONS; ALLOCATION BETWEEN SUBPARTS.

"(a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this part, there are authorized to be appropriated $800,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(b) ALLOCATION BETWEEN SUBPARTS.—Of the amounts appropriated to carry out this part for any fiscal year the Secretary shall make available—

"(1) 5 percent of such amounts to carry out subpart 1, of which 10 percent of such 5 percent shall be available to carry out section 2114;

"(2) 93.75 percent of such amounts to carry out subpart 2; and

"(3) 1.25 percent of such amounts to carry out subpart 3.

"Subpart 1—Federal Activities

"SEC. 2111. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—The Secretary is authorized to make grants to, and enter into contracts and cooperative agreements with, local educational agencies, educational service agencies, State educational agencies, State agencies for higher education, institutions of higher education, and other public and private agencies, organizations, and institutions to—

"(1) support activities of national significance that the Secretary determines will contribute to the development and implementation of high-quality professional development activities in the core academic subjects; and

"(2) evaluate activities carried out under this subpart and subpart 2 in accordance with section 10701.

"(b) REQUIREMENTS.—In carrying out the activities described in subsection (a), the Secretary shall coordinate professional development programs within the Department, particularly with those programs within the Office of Educational Research and Improvement, and shall consult and coordinate with the National Science Foundation, the National Endowment for the Humanities, the National Endowment for the Arts, the Institute of Museum Services, and other appropriate Federal agencies and entities.

"SEC. 2112. AUTHORIZED ACTIVITIES.

"The Secretary shall use funds available to carry out this subpart for activities that help meet the purposes of this part, such as—

"(1) providing seed money to the entities described in section 2111(a) to develop the capacity of such entities to offer sustained and intensive high-quality professional development;

"(2) professional development institutes that provide teams of teachers, or teachers, administrators, pupil services personnel and other staff, from individual schools, with professional development that contains strong and integrated disciplinary and pedagogical components;

"(3) encouraging the development of local and national professional networks, including the Teacher Research Dissemination Demonstration Program under section 941(j) of the Educational Research, Development, Dissemination, and Improvement Act of 1994, that provide a forum for interaction among teachers of the core academic subjects and that allow the exchange of information on advances in content and pedagogy;

"(4) supporting the National Board for Professional Teaching Standards;

"(5) the development and dissemination of teaching standards in the core academic subjects;

"(6) the development of exemplary methods of assessing teachers, other staff, and administrators for licensure and certification;

"(7) the dissemination of models of high-quality professional development activities that train educators in strategies, techniques, methods, and practices for meeting the educational needs of historically underserved populations, including females, minorities, individuals with disabilities, limited-English proficient individuals, and economically disadvantaged individuals, in order to ensure that all students have the opportunity to achieve challenging State student performance standards;

"(8) activities that promote the transferability of licensure and certification of teachers and administrators among State and local jurisdictions;

"(9) the development and testing of incentive strategies for motivating teachers, administrators, and pupil services personnel to help increase their effectiveness through professional development focused on teaching and learning and giving all students the opportunity to learn to challenging State content standards and challenging State student performance standards;

"(10) the development of innovative prevention and intervention strategies to—

"(A) alleviate the need, or assure appropriate referral, for special education services; and

"(B) prepare general education and special education teachers, paraprofessionals and pupil services personnel in effective integration of students with disabilities into general education settings, consistent with such student's individualized education program;

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

"(12) the dissemination of information about voluntary national content standards and voluntary national performance standards and related models of high-quality professional development;

"(13) the development and maintenance of a national clearinghouse for such core academic subjects as the Secretary determines are needed;

"(14) joint activities with other Federal agencies and entities engaged in or supporting similar professional development efforts;

"(15) the evaluation of programs under this subpart and subpart 2 in accordance with section 10701; and

"(16) the development of programs which prepare teachers to incorporate environmental education in the core academic subjects.

"SEC. 2113. EISENHOWER NATIONAL CLEARINGHOUSE FOR MATHEMATICS AND SCIENCE EDUCATION.

"(a) CLEARINGHOUSE AUTHORIZED.—The Secretary, in consultation with the Director of the National Science Foundation, may award a grant or contract to establish an Eisenhower National Clearinghouse for Mathematics and Science Education (hereafter in this section referred to as the 'Clearinghouse').

"(b) APPLICATION AND AWARD BASIS.—Each entity desiring to establish and operate the Clearinghouse authorized by this section shall submit an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may reasonably require. The grant or contract awarded pursuant to paragraph (1) shall be made on a competitive, merit basis.

"(c) DURATION.—The grant or contract awarded under this section shall be awarded for a period of 5 years and shall be reviewed by the Secretary not later than 30 months from the date the grant or contract is awarded.

"(d) USE OF FUNDS.—The grant or contract awarded under this section shall be used to—

"(1) maintain a permanent repository of mathematics and science education instructional materials and programs for elementary and secondary schools, including middle schools (including, to the extent practicable, all materials and programs developed with Federal and non-Federal funds, such as instructional materials developed by the Department, materials developed by State and national mathematics and science programs assisted under this part, and other instructional materials) for use by the regional consortiums established under subpart 2 of part C and by the general public;

"(2) compile information on all mathematics and science education programs administered by each Federal agency or department;

"(3) disseminate information, programs, and instructional materials to the public, dissemination networks, and the regional consortiums under subpart 2 of part C;

"(4) coordinate with identifiable and existing data bases containing mathematics and science curriculum and instructional materials, including Federal, non-Federal and, where feasible, international data bases;

"(5) participate in collaborative meetings of representatives of the Clearinghouse and the regional consortiums under subpart 2 of part C to discuss issues of common interest and concern, to foster effective collaboration and cooperation in acquiring and distributing curriculum materials and programs, and to coordinate computer network access to the Clearinghouse and the resources of the regional consortiums, except that not more than 3 percent of the funds awarded under this section shall be used to carry out this paragraph; and

"(6) gather qualitative and evaluative data on submissions to the Clearinghouse.

"(e) SUBMISSION TO CLEARINGHOUSE.—Each Federal agency or department which develops mathematics or science education instructional material or programs, including the National Science Foundation and the Department, shall submit to the Clearinghouse copies of such material or programs.

"(f) PEER REVIEW.—The Secretary shall establish a peer review process to select the recipient of the award under this subsection.

"(g) STEERING COMMITTEE.—The Secretary may appoint a steering committee to recommend policies and activities for the Clearinghouse.

"(h) APPLICATION OF COPYRIGHT LAWS.—Nothing in this section shall be construed to allow the use or copying, in any media, of any material collected by the Clearinghouse that is protected under the copyright laws of the United States unless the permission of the owner of the copyright is obtained. The Clearinghouse, in carrying out the provisions of this subsection, shall ensure compliance with title 17, United States Code.

"(i) DISSEMINATION OF INFORMATION.—The Secretary shall disseminate information concerning the grant or contract awarded under this section to State and local educational agencies and institutions of higher education. Such dissemination of information shall include examples of exemplary national programs in mathematics and science instruction and necessary technical assistance for the establishment of similar programs.

"SEC. 2114. NATIONAL TEACHER TRAINING PROJECT.

"(a) SHORT TITLE; FINDINGS; DEFINITIONS.—

"(1) SHORT TITLE.—This section may be cited as the 'National Teacher Training Project Act of 1994'.

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

"(A) teachers must be major players in educational reform in the United States;

"(B) teachers are isolated from their peers and have virtually no time during the school day to consult with other teachers;

"(C) there is a shortage of sustained, year-round professional development programs for teachers;

"(D) successful teaching methods are not adequately shared among teachers;

"(E) teachers are the best teachers of other teachers because practicing classroom teachers have experience that no outside consultant can match;

"(F) it is important for universities and schools to collaborate on teacher development programs if teaching and learning are to be improved;

"(G) pertinent research is not shared among teachers in a professional setting;

"(H) exemplary teachers should be recognized for their abilities and contributions and encouraged to refine their teaching methods;

"(I) each State should support a nationally based teacher training program that is modeled after the National Writing Project for teachers of the core academic subjects, including early childhood education, mathematics, science, English, civics and government, foreign languages, and arts;

"(J) the National Writing Project is a nationally recognized and honored nonprofit organization that recognizes there are teachers in every region of the United States who have developed successful methods for teaching writing and that such teachers can be trained and encouraged to train other teachers;

"(K) the National Writing Project is a collaborative university-school program which offers summer and school year inservice teacher training programs and a dissemination network to inform and teach teachers regarding developments in the field of writing;

"(L) each year over 125,000 teachers voluntarily seek training in National Writing Project intensive summer institutes and workshops and school year inservice programs through 1 of the 155 sites located within the United States, and in 18 sites located outside of the United States;

"(M) in the 20 years of its existence, over 1,100,000 teachers, administrators and parents have participated in National Writing Project programs;

"(N) less than $16 per teacher was the average cost in Federal dollars for all teacher training at writing projects in academic year 1991–1992;

"(O) for every dollar in Federal support, the National Writing Project provides over $5 in matching funds from States, local universities and schools, and the private sector;

"(P) private foundation resources, although generous in the past concerning National Writing Project programs, are inadequate to fund all of the National Teacher Training Project sites needed, and the future of the program is in jeopardy without secure financial support;

"(Q) the National Writing Project has become a model for programs in other fields, such as science, mathematics, history, literature, foreign languages, and the performing arts, and the development of programs in other fields should continue with the support of Federal funds; and

"(R) each of the 50 States should participate in the National Teacher Training Project by establishing regional teacher training sites in early childhood development, mathematics, science, English, civics and government, foreign languages, and arts to serve all teachers within the State.

"(3) DEFINITIONS.—For the purpose of this section—

"(A) the term 'contractor' means—

"(i) a local educational agency;

"(ii) an educational service agency; or

"(iii) an institution of higher education that awards a bachelor's degree; and

"(B) the term 'eligible recipient' means a nonprofit educational organization which has as its primary purpose the improvement of student learning in one of the core academic subjects described in subsection (b)(2).

"(b) GRANTS AUTHORIZED.—

"(1) GRANTS TO ELIGIBLE RECIPIENTS.—The Secretary is authorized to award a grant to an eligible recipient to enable such recipient—

"(A) to support and promote the establishment of teacher training programs in early childhood development and one of the 9 core academic subjects described in paragraph (2), including the dissemination of effective practices and research findings regarding teacher training, and administrative activities;

"(B) to support classroom research on effective teaching practices in such area; and

"(C) to pay the Federal share of the cost of such programs and research.

"(2) CORE SUBJECT AREAS.—To the extent feasible, the Secretary shall award a grant under paragraph (1) for the establishment of a National Teacher Training Project in early childhood development and each of the following core academic subjects:

"(A) Mathematics.

"(B) Science.

"(C) English.

"(D) Civics and government.

"(E) Foreign languages.

"(F) Arts.

"(G) Geography.

"(H) History.

"(I) Economics.

"(3) NUMBER OF GRANTS AND ELIGIBLE RECIPIENTS.—The Secretary shall award not more than 10 grants under paragraph (1) to 10 different eligible recipients.

"(4) EQUITABLE DISTRIBUTION.—The Secretary shall award grants under paragraph (1) to eligible recipients from different geographic areas of the United States.

"(5) SPECIAL RULE.—Each grant under paragraph (1) shall be of sufficient size, scope and quality to be effective.

"(6) ADMINISTRATIVE COSTS AND TECHNICAL ASSISTANCE.—Each eligible recipient receiving a grant under paragraph (1) may use not more than 5 percent of the grant funds for administrative costs and the costs of providing technical assistance to a contractor.

"(c) GRANT REQUIREMENTS.—Each eligible recipient receiving a grant under subsection (b) shall—

"(1) enter into a contract with a contractor under which such contractor agrees—

"(A) to establish, operate, and provide the non-Federal share of the cost of teacher training programs in effective approaches and processes for the teaching of the subject matter for which such eligible recipient was awarded a grant, including approaches and processes to obtain parental involvement in a child's education; and

"(B) to use funds received from the eligible recipient to pay the Federal share of the cost of establishing and operating teacher training programs described in subparagraph (A);

"(2) make annual reports to the Secretary and be responsible for oversight of the funds expended at each teacher training program described in subparagraph (A); and

"(3) meet such other conditions and standards as the Secretary determines to be necessary to assure compliance with this section and provide such technical assistance as may be necessary to carry out this section.

"(d) TEACHER TRAINING PROGRAMS.—The teacher training programs described in subsection (b) shall—

"(1) be conducted during the school year and during the summer months;

"(2) train teachers who teach grades kindergarten through college;

"(3) select teachers to become members of a National Teacher Training Project, which members shall conduct inservice workshops for other teachers in the area served by the National Teacher Training Project site;

"(4) borrow teacher training principles and receive technical assistance from the National Writing Project; and

"(5) encourage teachers from all disciplines to participate in such teacher training programs.

"(e) FEDERAL SHARE.—The term 'Federal share' means, with respect to the costs of teacher training programs described in subsection (b), 50 percent of such costs to the contractor

"(f) APPLICATION.—Each eligible recipient desiring a grant under this section shall submit an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may reasonably require.

"(g) PARTICIPANTS AND SELECTION PROCESS.—The selection process for participation in a teacher training program described in subsection (b) shall—

"(1) reward exemplary teachers with varying levels of teaching experience who are nominated by other teachers and administrators;

"(2) involve an application process to select participants for a summer program;

"(3) ensure the selection of a geographically and ethnically diverse group of teachers by soliciting applications from teachers of both public and private institutions in rural, urban and suburban settings of every State; and

"(4) automatically offer a place in a summer program to the 'Teacher of the Year' chosen pursuant to a Federal or State teacher recognition program.

"(h) LIMITATION.—A contractor entering into a contract under subsection (c)(1) shall not spend more than 5 percent of funds received under the contract for administrative costs.

"Subpart 2—State and Local Activities

"SEC. 2121. PROGRAM AUTHORIZED.

"The Secretary is authorized to make grants to State educational agencies for the support of sustained and intensive high-quality professional development activities in the core academic subjects at the State and local levels.

"SEC. 2122. ALLOCATION OF FUNDS.

"(a) RESERVATION OF FUNDS.—From the amount available to carry out this subpart for any fiscal year, the Secretary shall reserve—

"(1) ½ of 1 percent for the outlying areas, to be distributed among the outlying areas on the basis of their relative need, as determined by the Secretary in accordance with the purposes of this part;

"(2) ½ of 1 percent for the Secretary of the Interior for programs under this part for professional development activities for teachers, other staff, and administrators in schools operated or funded by the Bureau of Indian Affairs.

"(b) STATE ALLOTMENTS.—The Secretary shall allocate the amount available to carry out this subpart and not reserved under subsection (a) to each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico as follows, except that no State shall receive less than one-half of 1 percent of such amount:

"(1) Fifty percent shall be allocated among such jurisdictions on the basis of their relative populations of individuals aged 5 through 17, as determined by the Secretary on the basis of the most recent satisfactory data.

"(2) Fifty percent shall be allocated among such jurisdictions in accordance with the relative amounts such jurisdictions received under part A of title I for the preceding fiscal year.

"(c) REALLOCATION.—If any jurisdiction does not apply for an allotment under subsection (b) for any fiscal year, the Secretary shall reallocate such amount to the remaining jurisdictions in accordance with that subsection.

"SEC. 2123. WITHIN-STATE ALLOCATIONS.

"Of the amounts received by any State under this subpart for any fiscal year—

"(1) 75 percent shall be available for State level activities under section 2126 and local allowable activities under section 2129(b), of which—

"(A) not more than 5 percent may be used for the administrative costs of the State educational agency;

"(B) not more than 5 percent may be used for State-level activities under section 2126; and

"(C) of the remaining amount—

"(i) 50 percent shall be distributed to local educational agencies—

"(I) for use in accordance with section 2129; and

"(II) in accordance with the relative enrollments in public and private nonprofit elementary and secondary schools within the boundaries of such agencies; and

"(ii) 50 percent of such amount shall be distributed to local educational agencies—

"(I) for use in accordance with section 2129; and

"(II) in accordance with the relative amount such agencies received under part A of title I of this Act for the preceding fiscal year; and

"(2) 25 percent shall be available to the State agency for higher education for activities under section 2130, of which not more than 5 percent may be used for the administrative costs of the State agency for higher education.

"SEC. 2124. PRIORITY FOR PROFESSIONAL DEVELOPMENT IN MATHEMATICS AND SCIENCE.

"(a) APPROPRIATION OF LESS THAN $250,000,000.—In any fiscal year for which the amount appropriated for this part is less than $250,000,000, each State shall ensure that all funds distributed in accordance with section 2123(1)(C) are used for professional development in mathematics and science.

"(b) APPROPRIATION EQUAL TO OR ABOVE $250,000,000.—In any fiscal year for which the amount appropriated for this part is at least $250,000,000, each State shall ensure that the amount of funds distributed in accordance with section 2123(1)(C) that is used for professional development in mathematics and science is not less than the amount that bears the same ratio to the total amount of funds so distributed as the sum of $250,000,000 plus at least 10 percent of the amount appropriated for this part for such year in excess of $250,000,000 bears to the total amount appropriated for this part for such year.

"SEC. 2125. STATE APPLICATIONS.

"(a) APPLICATIONS REQUIRED.—Each State educational agency that wishes to receive an allotment under this subpart for any fiscal year shall submit an application to the Secretary at such time and in such form as the Secretary may require.

"(b) PROFESSIONAL DEVELOPMENT PLAN.—

"(1) IN GENERAL.—Each application under this section shall include a State plan for professional development that satisfies the requirements of this section.

"(2) CONTENTS.—Each such State plan shall—

"(A) be developed in conjunction with the State agency for higher education, nonprofit organizations of demonstrated effectiveness, institutions of higher education or schools of education, and with the extensive participation of local teachers, administrators, and pupil services personnel and show the role of each such entity in implementation of the plan;

"(B) be designed to give teachers, administrators, and pupil services personnel in the State the knowledge and skills necessary to provide all students the opportunity to meet challenging State content standards and challenging State student performance standards;

"(C) include an assessment of State and local needs for professional development specifically related to subparagraph (B);

"(D) describe the need for teacher development beginning with recruitment, preservice, and induction, and continuing throughout the professional teaching career, taking into account the need, as determined by the State, for greater access to and participation in the teaching profession by individuals from historically underrepresented groups;

"(E) describe how the State requirements for licensure of teachers and administrators, including certification and recertification, support challenging State content standards and challenging State student performance standards;

"(F) describe how the State will work with teachers, administrators, parents, local educational agencies, schools, educational service agencies, and institutions of higher education or nonprofit organizations of demonstrated effectiveness to ensure that such individuals or entities develop the capacity to support sustained and intensive, high-quality professional development programs in the core academic subjects;

"(G) describe how the State will prepare all teachers to teach children with diverse learning needs, including children with disabilities;

"(H) describe how the State will prepare teachers, paraprofessionals and pupil services personnel in effective prevention and intervention strategies to—

"(i) alleviate the need, and assure appropriate referral, for special education services; and

"(ii) prepare general and special education staff to work collaboratively to educate students with disabilities placed into general education settings, consistent with such student's individualized education program;

"(I) describe how the State will use technology, including the emerging national information infrastructure, to enhance the professional development of teachers, administrators, and pupil services personnel;

"(J) describe how the State will ensure a strong focus on professional development in mathematics and science taking into account the need for greater access to, and participation in, such disciplines by students from historically underrepresented groups;

"(K) describe how the State will provide incentives to teachers and administrators to focus their professional development on preparing themselves to provide instruction consistent with challenging State content standards and challenging State student performance standards;

"(L) set specific outcome performance indicators for professional development; and

"(M) describe how parents can be involved in professional development programs to enhance their participation in the education of their children.

"(3) DURATION OF THE PLAN.—Each such State plan shall—

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

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

"(c) ADDITIONAL MATERIAL.—Each State application shall include—

"(1) a description of how the activities assisted under this subpart will be coordinated, as appropriate, with—

"(A) other activities conducted with Federal funds, especially activities supported under part A of title I of this Act, and parts B and D of the Individuals with Disabilities Education Act;

"(B) State and local funds;

"(C) resources from business and industry, museums, libraries, educational television stations, and public and private nonprofit organizations of demonstrated experience; and

"(D) funds received from other Federal agencies, such as the National Science Foundation, the Departments of Commerce, Energy, and Health and Human Services, the National Endowment for the Arts, the Institute of Museum Services, and the National Endowment for the Humanities; and

"(2) a description of the activities to be sponsored under the State level activities under section 2126 and the higher education activities under section 2130.

"(d) PEER REVIEW AND SECRETARIAL APPROVAL.—

"(1) IN GENERAL.—The Secretary shall approve an application of a State educational agency under this section if such application meets the requirements of this section and holds reasonable promise of achieving the purposes of this part.

"(2) REVIEW.—In reviewing applications under this section, the Secretary shall obtain the advice of non-Federal experts on education in the core academic subjects and on teacher education, including teachers and administrators.

"SEC. 2126. STATE LEVEL ACTIVITIES.

"Each State may use funds made available under section 2123(1) to carry out activities described in the plan under section 2125(b), such as—

"(1) reviewing and reforming State requirements for teacher and administrator licensure, including certification and recertification, to align such requirements with the State's challenging State content standards and ensure that teachers and administrators have the knowledge and skills necessary to help students meet challenging State student performance standards;

"(2) developing performance assessments and peer review procedures, as well as other methods, for licensing teachers and administrators;

"(3) providing technical assistance to schools and local educational agencies to help such schools and agencies provide effective professional development in the core academic subjects;

"(4) developing or supporting professional development networks, either within a State or in a regional consortium of States, that provide a forum for interaction among teachers and that allow exchange of information on advances in content and pedagogy;

"(5) professional development in the effective use of educational technology as an instructional tool for increasing student understanding of the core academic subjects, including efforts to train teachers in methods for achieving gender equity both in students' access to computers and other educational technology and in teaching practices used in the application of educational technology;

"(6) providing financial or other incentives for teachers to become certified by nationally recognized professional teacher enhancement organizations;

"(7) designing systems that enable teachers to meet pay ladder professional development requirements by demonstrating content knowledge and pedagogical competence tied to challenging State content standards and challenging State student performance standards, rather than by merely completing course credits;

"(8) providing incentives for teachers to be involved in assessment, curriculum development, and technical assistance processes for teachers and students;

"(9) professional development to enable teachers, pupil services personnel, and other school staff to ensure that girls and young women, minorities, limited English proficient students, individuals with disabilities, and the economically disadvantaged have the full opportunity to achieve to challenging State content standards and challenging State student performance standards in the core academic subjects by, for example, encouraging girls and young women and minorities to pursue advanced courses in mathematics and science;

"(10) professional development designed to—

"(A) provide the collaborative skills needed to appropriately serve children with disabilities in the general education setting consistent with such child's individualized education program; and

"(B) develop skills needed for effective prevention and intervention teaching strategies to alleviate the need, or assure appropriate referral, for special education services;

"(11) professional development and recruitment activities designed to increase the numbers of minorities, individuals with disabilities and females teaching in the core academic subjects in which such individuals are underrepresented;

"(12) identifying, developing, or supporting parental involvement programs to better equip parents to participate in the education of their children;

"(13) professional development activities designed to increase the number of women and other underrepresented groups in the administration of schools;

"(14) providing training for local education employees in the area of early childhood development in order to ensure that early childhood development services provided to low-income children below the age of compulsory school attendance comply with the performance standards established under section 641A(a) of the Head Start Act or under section 651 of such Act, as such section 651 was in effect on the day preceding the date of enactment of the Human Services Amendments of 1994; and

"(15) providing technical assistance to teachers, administrators, parents and related services personnel in the area of early childhood development in order to ensure that early childhood development services provided to low-income children below the age of compulsory school attendance comply with the performance standards established under section 641A(a) of the Head Start Act or under section 651 of such Act, as such section 651 was in effect on the day preceding the date of enactment of the Human Services Amendments of 1994.

"SEC. 2127. LOCAL EDUCATIONAL AGENCY APPLICATIONS.

"(a) IN GENERAL.—Each local educational agency that desires a subgrant under this subpart shall submit an application to the State educational agency at such time as the State educational agency may require, but not less frequently than every 3 years.

"(b) CONTENTS.—Each application under this section shall include—

"(1) the local educational agency's plan for professional development that—

"(A) has been developed with the extensive participation of teachers, administrators, staff, and pupil services personnel;

"(B) is aligned with the State's challenging State content standards and challenging State student performance standards;

"(C) includes an assessment of local needs for professional development as identified by the local educational agency and school staff;

"(D) describes a strategy, tied to challenging State content standards and challenging State student performance standards, for addressing those needs;

"(E) includes strong academic content and pedagogical components;

"(F) takes into account the need for greater access to and participation in the core academic subjects, especially in mathematics and science, by students from historically underrepresented groups;

"(G) is of sufficient intensity and duration to have a positive and lasting impact on the student's performance in the classroom; and

"(H) sets specific outcome performance indicators;

"(2) an assurance that the activities conducted with the funds such agency received under this subpart will be assessed at least every three years using the outcome performance indicators to determine the effectiveness of such activities;

"(3) a description of how the programs funded under this subpart will be coordinated, as appropriate, with—

"(A) services of educational service agencies;

"(B) services of institutions of higher education;

"(C) State and local funds;

"(D) resources provided under part A of title I and other provisions of this Act;

"(E) resources from business, industry, museums, libraries, educational television stations, and public and private nonprofit organizations of demonstrated experience;

"(F) resources provided under parts B, D and H of the Individuals with Disabilities Education Act; and

"(G) funds received from other Federal agencies, such as the National Science Foundation, the Department of Energy, the Department of Health and Human Services, the National Endowment for the Arts, the Institute of Museum Services, and the National Endowment for the Humanities;

"(4) an identification of the sources of funding that will provide the local educational agency's contribution under section 2128; and

"(5) a description of the strategies to be employed to more fully and effectively involve parents in the education of their children.

"(c) DURATION OF THE PLAN.—Each local plan described in subsection (b)(1) shall—

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

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

"SEC. 2128. LOCAL COST-SHARING.

"(a) IN GENERAL.—Each local educational agency shall provide at least 33 percent of the cost of the activities assisted under this subpart, excluding the cost of services provided to private school teachers.

"(b) AVAILABLE RESOURCES FOR COST-SHARING.—

"(1) IN GENERAL.—A local educational agency may meet the requirement of subsection (a) through one or more of the following:

"(A) Cash expenditures from non-Federal sources directed toward professional development activities.

"(B) Release time for teachers participating in professional development assisted under this subpart.

"(C) Funds received under one or more of the following programs, so long as such funds are used for professional development activities consistent with this subpart and the statutes under which such funds were received, and are used to benefit students and teachers in schools that otherwise would have been served with such funds:

"(i) Part A of title I.

"(ii) Parts B and D of the Individuals with Disabilities Education Act.

"(iii) The Safe and Drug-Free Schools and Communities program under part A of title V.

"(iv) Bilingual Education Programs under part A of title VII.

"(v) The Women's Educational Equity Act of 1994.

"(vi) Title III of the Goals 2000: Educate America Act.

"(vii) Programs that are related to the purposes of this Act that are administered by other Federal agencies, including the National Science Foundation, the National Endowment for the Humanities, the National Endowment for the Arts, the Institute of Museum Services, and the Department of Energy.

"(2) SPECIAL RULE.—A local educational agency may meet the requirement of subsection (a) through contributions described in paragraph (1) that are provided in cash or in kind, fairly evaluated.

"SEC. 2129. LOCAL ALLOCATION OF FUNDS AND ALLOWABLE ACTIVITIES.

"(a) LOCAL ALLOCATION OF FUNDS.—Each local educational agency that receives funds under this subpart for any fiscal year—

"(1) shall use at least 80 percent of such funds for professional development of teachers, administrators, pupil services personnel, parents, and other staff of individual schools in a manner that—

"(A) is determined by such teachers and staff;

"(B) to the extent practicable, takes place at the individual school site; and

"(C) is consistent with the local educational agency's application under section 2127, any school plan under part A of title I, and any other plan for professional development carried out with Federal, State, or local funds that emphasizes sustained, ongoing activities; and

"(2) may use not more than 20 percent of such funds for school district-level professional development activities, including the

participation of administrators, policymakers, and parents.

"(b) AUTHORIZED ACTIVITIES.—Each local educational agency and school that receives funds under this subpart shall use such funds for activities that contribute to the implementation of the local educational agency's professional development plan described in section 2127(b)(1), such as—

"(1) professional development for teams of teachers, administrators, pupil services personnel, or other staff from individual schools, to support teaching consistent with challenging State content standards and challenging State student performance standards and to create a school environment conducive to high achievement in the core academic subjects;

"(2) support and time, which in the case of teachers may include release time with pay, for teachers, pupil services personnel, and other school staff to enable such teachers, personnel, and staff to participate in professional development in the core academic subjects that are offered through professional associations, universities, and other providers such as community-based organizations, science centers and museums;

"(3) support and time, which in the case of teachers may include release time with pay, for teachers, pupil services personnel and other school staff to participate in professional development that goes beyond training and encourages a variety of forms of learning that are related to an educator's regular work, such as group study and consultation with peers and supervisors;

"(4) support and time for teachers, pupil services personnel and other school staff to learn and implement effective collaboration—

"(A) for the instruction of children with disabilities placed into general education settings, consistent with such child's individualized education program; and

"(B) in prevention and intervention strategies to alleviate the need for, or assure appropriate, referrals of children for special education services;

"(5) professional development which incorporates effective strategies, techniques, methods, and practices for meeting the educational needs of diverse groups of students, including females, minorities, individuals with disabilities, limited-English proficient individuals and economically disadvantaged individuals;

"(6) peer training and mentoring programs, including cross-generational mentoring, in the core academic subjects and in the developmental, social, emotional and mental health needs of children;

"(7) establishment and maintenance of local professional networks that provide a forum for interaction among teachers and pupil services personnel and that allow exchange of information on advances in content and pedagogy;

"(8) activities that provide followup for teachers who have participated in professional development activities that are designed to ensure that the knowledge and skills learned by the teacher are implemented in the classroom;

"(9) preparing teachers and pupil services personnel to work with parents and families on fostering student achievement in the core academic subjects;

"(10) preparing teachers in the effective use of educational technology and assistive technology as instructional tools for increasing student understanding of the core academic subjects;

"(11) establishing policies to permit teachers to meet pay ladder requirements by demonstrating content and pedagogical competence rather than by only meeting course requirements;

"(12) professional development to enable teachers, pupil services personnel, and other school staff to ensure that girls and young women, minorities, limited-English proficient students, individuals with disabilities, and the economically disadvantaged have full opportunity to achieve to challenging State content standards and challenging State student performance standards in the core academic subjects;

"(13) professional development activities designed to increase the numbers of minorities, individuals with disabilities, and other underrepresented groups in the teaching force and to increase the numbers of women and members of other underrepresented groups who are science and mathematics teachers, for example, through career ladder programs that assist educational paraprofessionals to obtain teaching credentials;

"(14) professional development activities and other support for new teachers as such teachers transition into the classroom to provide such teachers with practical support and increase retention;

"(15) professional development for teachers, parents, early childhood educators, administrators, and other staff to support activities and services related to the Transition to Success program developed under part B of title I;

"(16) developing incentive strategies for rewarding teachers, administrators, and pupil services personnel collectively in schools that sustain high performance or consistent growth in the number of their students who meet the challenging State content standards and challenging State student performance standards;

"(17) providing financial or other incentives for teachers to become certified by nationally recognized professional teacher enhancement programs;

"(18) developing strategies and programs to more effectively involve parents in the education of their children;

"(19) professional development activities designed to increase the number of women and other underrepresented groups in the administration of schools;

"(20) release time with pay for teachers;

"(21) professional development in experiential-based teaching methods such as service learning; and

"(22) support for partnerships between (A) schools, consortia of schools, or local educational agencies, and (B) institutions of higher education, including schools of education, that encourage teachers to participate in intensive, ongoing professional development programs, both academic and pedagogical, at institutions of higher education, and encourage students at institutions of higher education studying to become teachers to have direct, practical experience at schools.

"SEC. 2130. HIGHER EDUCATION ACTIVITIES.

"(a) IN GENERAL.—

"(1) IN GENERAL.—From amounts made available under section 2123(2), the State agency for higher education, working in conjunction with the State educational agency (if such agencies are separate), shall award grants to, or enter into contracts or cooperative agreements with, institutions of higher education or private nonprofit organizations working in conjunction with local educational agencies, for professional development activities in the core academic subjects that contribute to the State plan for professional development.

"(2) COMPETITIVE BASIS.—Each grant, contract or cooperative agreement described in paragraph (1) shall be awarded on a competitive basis.

"(3) JOINT EFFORTS.—Each activity assisted under this section, where applicable, shall involve the joint effort of the institution of higher education's school or department of education, if any, and the schools or departments in the specific disciplines in which such professional development will be provided.

"(b) ALLOWABLE ACTIVITIES.—A recipient of funds under this section shall use such funds for—

"(1) sustained and intensive high-quality professional development for teams of teachers, or teachers, pupil services personnel and administrators from individual schools or school districts;

"(2) preservice training activities; and

"(3) other sustained and intensive professional development activities related to achievement of the State plan for professional development.

"(c) PARTNERSHIPS.—Each institution of higher education receiving a grant under this section may also enter into a partnership with a private industry, museum, library, educational television station, or public or private nonprofit organization of demonstrated experience to carry out professional development activities assisted under this section.

"SEC. 2131. CONSORTIUM REQUIREMENT.

"(a) IN GENERAL.—Any local educational agency receiving a grant under this part of less than $10,000 shall form a consortium with another local educational agency or an educational service agency serving another local educational agency to be eligible to participate in programs assisted under this part.

"(b) WAIVER.—The Chief State School Officer may waive the requirements of subsection (a) if distances or traveling time between schools make formation of the consortium more costly or less effective.

"(c) SPECIAL RULE.—Each consortium shall rely, as much as possible, on technology or other arrangements to deliver staff development tailored to the needs of each school or school district participating in a consortium described in subsection (a).

"Subpart 3—Professional Development Demonstration Project

"SEC. 2141. FINDINGS AND PURPOSE.

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

"(1) underlying the standards-driven framework of the Goals 2000: Educate America Act and the high academic standards for eligible students under title I is a widespread need to prepare teachers to teach to higher standards;

"(2) prospective and current teachers need knowledge and skills beyond what such teachers currently possess;

"(3) while both the Goals 2000: Educate America Act and titles I and II have extensive references to professional development of teachers, there are no provisions to incorporate 'on-the-ground' planning and implementation to serve as models for local educational agencies across the Nation; and

"(4) better prepared teachers can lead to improved student achievement, especially for students who are furthest from reaching high standards.

"(b) PURPOSE.—It is the purpose of this subpart—

"(1) to address the need for professional development with a primary focus on teachers;

"(2) to provide both prospective teachers and current teachers opportunities to learn

both the content and the pedagogy needed to teach to high standards; and

"(3) to build models, in a few cities and States, that demonstrate new organizational arrangements and deep investments in teachers necessary to better prepare teachers for new standards and assessments.

"SEC. 2142. DEMONSTRATION PROGRAM AUTHORIZED.

"(a) GENERAL AUTHORITY.—

"(1) IN GENERAL.—The Secretary shall carry out a demonstration project under which the Secretary awards grants in accordance with this subpart to eligible partnerships to enable such partnerships to plan and implement professional development programs.

"(2) PROGRAM REQUIREMENTS.—The programs described in paragraph (1)—

"(A) shall focus on increasing teachers' knowledge and understanding of content by providing teachers opportunities to improve their knowledge and to improve their classroom practice in order to help students meet high academic standards;

"(B) shall include teachers at all career stages, from student teachers or interns through senior team leaders or department chairs; and

"(C) may incorporate professional development for principals, pupil services personnel, aides, other school-based staff, and parents.

"(b) ELIGIBLE PARTNERSHIPS.—For the purpose of this subpart the term 'eligible partnership' means a partnership consisting of—

"(1) a local educational agency, a subunit of such agency, or a consortium of such agencies, in which at least 50 percent of the schools served by such agency, subunit, or consortium are eligible to participate in schoolwide programs under section 1114; or

"(2) other partners that—

"(A) shall include, at a minimum, a teachers' union (if appropriate), one or more institutions of higher education which may include faculty from schools of education and faculty from schools of arts and sciences, and a local parent or community council; and

"(B) may include a business partner or a nonprofit organization with a demonstrated record in staff development.

"SEC. 2143. GRANTS.

"(a) AUTHORITY.—

"(1) IN GENERAL.—The Secretary shall award grants for planning, and grants for the implementation of, professional development programs under this subpart.

"(2) DISTRIBUTION.—The Secretary shall award not less than 75 percent of the funds available for grants under this part to eligible partnerships serving the schools with the greatest number of poor students. To the extent possible, such grants shall be awarded to eligible partnerships serving both rural and urban school districts and in a manner that reflects geographic and racial diversity.

"(3) NUMBER OF GRANTS.—In the first year that the Secretary awards grants under this subpart, the Secretary shall award at least twice as many planning grants as implementation grants in order to receive well-developed plans for long-term funding under this subpart.

"(b) GRANT REQUIREMENTS.—

"(1) DURATION.—The Secretary shall award—

"(A) planning grants under this subpart for a period of not less than 6 months and not more than 9 months; and

"(B) implementation grants under this subpart for a period of four fiscal years.

"(2) AMOUNT.—The Secretary shall award grants under this subpart in an amount determined on the basis of the size of the program and the level of investment the eligible partnership is making in teacher development in the area served by the eligible partnership, including local, State, and Federal funds and existing higher education resources, except that no grant under this subpart shall exceed $500,000 in any one fiscal year.

"SEC. 2144. PLAN.

"Each eligible partnership desiring assistance under this subpart shall develop a plan for the program to be assisted under this subpart. Such plan shall—

"(1) identify clearly how such plan will support an overall systemic reform strategy giving special attention to the role of teacher preparation for new standards and assessment;

"(2) describe the eligible partnership's instructional objectives and how the professional development activities will support such objectives;

"(3) specify the organizational arrangements and delivery strategies to be used, such as teacher centers, professional development schools, teacher networks, academic alliances, as well as the curriculum for teachers;

"(4) specify the commitments the local educational agencies, teacher's union, institutions of higher education or any other entity participating in such partnership are prepared to make, not only to support program activities such as release time, contractual flexibility, support for interns or student teachers if applicable, but also to sustain the central aspects of the plan after the expiration of the grant; and

"(5) describe how the activities described under this subpart will lead to districtwide policy and budget changes.

"SEC. 2145. TECHNICAL ASSISTANCE.

"The Secretary is authorized to enter into an arrangement with an intermediary organization to enable such organization to provide technical assistance to eligible partnerships receiving assistance under this subpart.

"SEC. 2146. MATCHING FUNDS.

"The Secretary shall give special priority to awarding grants under this subpart to eligible partnerships that demonstrate such partnership's ability to raise matching funds from private sources.

"Subpart 4—General Provisions

"SEC. 2151. REPORTING AND ACCOUNTABILITY.

"(a) STATES.—Each State that receives funds under this part shall submit a report to the Secretary every three years, beginning with fiscal year 1997, on the State's progress toward the outcome performance indicators identified in such State's State plan, as well as on the effectiveness of State and local activities assisted under this part.

"(b) LOCAL EDUCATIONAL AGENCIES.—Each local educational agency that receives funds under this part shall submit a report to the State every three years, beginning with fiscal year 1997, regarding the progress of such agency toward outcome performance indicators identified in such agency's local plan, as well as on the effectiveness of such agency's activities under this part.

"(c) FEDERAL EVALUATION.—The Secretary shall report to the President and the Congress on the effectiveness of programs and activities assisted under this part in accordance with section 10701.

"SEC. 2152. DEFINITIONS.

"As used in this part—

"(1) the term 'core academic subjects' means subjects such as English, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography;

"(2) the term 'sustained and intensive high-quality professional development' means professional development activities that—

"(A) are tied to challenging State content standards, challenging State student performance standards, voluntary national content standards or voluntary national student performance standards;

"(B) reflect up-to-date research in teaching and learning and include integrated content and pedagogical components appropriate for students with diverse learning needs;

"(C) are of sufficient intensity and duration to have a positive and lasting impact on the teacher's performance in the classroom or the administrator's performance on the job; and

"(D) recognize teachers as an important source of knowledge that should inform and help shape professional development;

"(3) the term 'outcome performance indicators' means measures of specific outcomes that the State or local educational agency identify as assessing progress toward the goal of ensuring that all teachers have the knowledge and skills necessary to assist their students to meet challenging State content standards and challenging State student performance standards in the core academic subjects, such as—

"(A) the degree to which licensure requirements are tied to challenging State content standards and challenging State student performance standards;

"(B) specific increases in the number of teachers who are certified by the National Board for Professional Teaching Standards or other nationally recognized professional teacher enhancement organizations;

"(C) pass rates on teacher examinations for initial and continuing certification or licensure;

"(D) specific increases in the number of elementary and secondary teachers with strong content backgrounds in the core academic subjects; and

"(E) specific increases in the number of teachers licensed in each core academic subject; and

"(4) the term 'prevention', when used with respect to strategies, includes activities conducted to—

"(A) detect and overcome early manifestations of learning, health and social, and behavioral, problems that may impede later student learning and school achievement;

"(B) prevent students from failing to achieve commensurate with their abilities; and

"(C) alleviate the need, or increase the probability of appropriate referrals, for special education services.

"PART B—NATIONAL WRITING PROJECT

"SEC. 2201. SHORT TITLE.

"This part may be cited as the 'National Writing Project Act'.

"SEC. 2202. FINDINGS.

"The Congress finds that—

"(1) the United States faces a crisis in writing in schools and in the workplace;

"(2) the writing problem has been magnified by the rapidly changing student populations in the Nation's schools and the growing number of students who are at risk because of limited English proficiency;

"(3) over the past 2 decades, universities and colleges across the country have reported increasing numbers of entering freshmen who are unable to write at a level equal to the demands of college work;

"(4) American businesses and corporations are concerned about the limited writing skills of entry-level workers, and a growing number of executives are reporting that advancement was denied to such executives due to inadequate writing abilities;

"(5) writing and reading are both fundamental to learning, yet writing has been historically

neglected in the schools and colleges, and most teachers in the United States elementary schools, secondary schools, and colleges have not been trained to teach writing;

"(6) since 1973, the only national program to address the writing problem in the Nation's schools has been the National Writing Project, a network of collaborative university-school programs whose goal is to improve the quality of student writing and the teaching of writing at all grade levels and to extend the uses of writing as a learning process through all disciplines;

"(7) the National Writing Project offers summer and school year inservice teacher training programs and a dissemination network to inform and teach teachers of developments in the field of writing;

"(8) the National Writing Project is a nationally recognized and honored nonprofit organization that recognizes that there are teachers in every region of the United States who have developed successful methods for teaching writing and that such teachers can be trained and encouraged to train other teachers;

"(9) the National Writing Project has become a model for programs to improve teaching in such other fields as mathematics, science, history, literature, performing arts, and foreign languages;

"(10) the National Writing Project teacher-teaching-teachers program identifies and promotes what is working in the classrooms of the Nation's best teachers;

"(11) the National Writing Project teacher-teaching-teachers project is a positive program that celebrates good teaching practices and good teachers and through its work with schools increases the Nation's corps of successful classroom teachers;

"(12) evaluations of the National Writing Project document the positive impact the project has had on improving the teaching of writing, student performance, and student thinking and learning ability;

"(13) the National Writing Project programs offer career-long education to teachers, and teachers participating in the National Writing Project receive graduate academic credit;

"(14) each year over 100,000 teachers voluntarily seek training in National Writing Project intensive summer institutes and workshops and school-year inservice programs through one of the 154 regional sites located in 45 States, the Commonwealth of Puerto Rico, and in four sites that serve United States teachers teaching in United States dependent and independent schools;

"(15) 250 National Writing Project sites are needed to establish regional sites to serve all teachers;

"(16) private foundation resources, although generous in the past, are inadequate to fund all of the National Writing Project sites needed and the future of the program is in jeopardy without secure financial support;

"(17) independent evaluation studies have found the National Writing Project to be highly cost-effective compared to other professional development programs for teachers; and

"(18) during 1991, the first year of Federal support for the National Writing Project, the National Writing Project matched the $1,951,975 in Federal support with $9,485,504 in matching funds from State, local, and other sources.

"SEC. 2203. NATIONAL WRITING PROJECT.

"(a) AUTHORIZATION.—The Secretary is authorized to make a grant to the National Writing Project (hereafter in this section referred to as the 'grantee'), a nonprofit educational organization which has as its primary purpose the improvement of the quality of student writing and learning, and the teaching of writing as a learning process in the Nation's classrooms—

"(1) to support and promote the establishment of teacher training programs, including the dissemination of effective practices and research findings regarding the teaching of writing and administrative activities;

"(2) to support classroom research on effective teaching practice and to document student performance;

"(3) to coordinate activities assisted under this section with activities assisted under part A; and

"(4) to pay the Federal share of the cost of such programs.

"(b) REQUIREMENTS OF GRANT.—The grant shall provide that—

"(1) the grantee will enter into contracts with institutions of higher education or other nonprofit educational providers (hereafter in this section referred to as 'contractors') under which the contractors will agree to establish, operate, and provide the non-Federal share of the cost of teacher training programs in effective approaches and processes for the teaching of writing;

"(2) funds made available by the Secretary to the grantee pursuant to any contract entered into under this section will be used to pay the Federal share of the cost of establishing and operating teacher training programs as provided in paragraph (1); and

"(3) the grantee will meet such other conditions and standards as the Secretary determines to be necessary to assure compliance with the provisions of this section and will provide such technical assistance as may be necessary to carry out the provisions of this section.

"(c) TEACHER TRAINING PROGRAMS.—The teacher training programs authorized in subsection (a) shall—

"(1) be conducted during the school year and during the summer months;

"(2) train teachers who teach grades kindergarten through college;

"(3) select teachers to become members of a National Writing Project teacher network whose members will conduct writing workshops for other teachers in the area served by each National Writing Project site; and

"(4) encourage teachers from all disciplines to participate in such teacher training programs.

"(d) FEDERAL SHARE.—

"(1) IN GENERAL.—Except as provided in paragraph (2) or (3) and for purposes of subsection (a), the term 'Federal share' means, with respect to the costs of teacher training programs authorized in subsection (a), 50 percent of such costs to the contractor.

"(2) WAIVER.—The Secretary may waive the provisions of paragraph (1) on a case-by-case basis if the National Advisory Board described in subsection (f) determines, on the basis of financial need, that such waiver is necessary.

"(3) MAXIMUM.—The Federal share of the costs of teacher training programs conducted pursuant to subsection (a) may not exceed $40,000 for any one contractor, or $200,000 for a statewide program administered by any one contractor in at least five sites throughout the State.

"(e) CLASSROOM TEACHER GRANTS.—

"(1) IN GENERAL.—The National Writing Project may reserve an amount not to exceed 5 percent of the amount appropriated pursuant to the authority of this section to make grants, on a competitive basis, to elementary and secondary school teachers to enable such teachers to—

"(A) conduct classroom research;

"(B) publish models of student writing;

"(C) conduct research regarding effective practices to improve the teaching of writing; and

"(D) conduct other activities to improve the teaching and uses of writing.

"(2) SUPPLEMENT AND NOT SUPPLANT.—Grants awarded pursuant to paragraph (1) shall be used to supplement and not supplant State and local funds available for the purposes set forth in paragraph (1).

"(3) MAXIMUM GRANT AMOUNT.—Each grant awarded pursuant to this subsection shall not exceed $2,000.

"(f) NATIONAL ADVISORY BOARD.—

"(1) ESTABLISHMENT.—The National Writing Project shall establish and operate a National Advisory Board.

"(2) COMPOSITION.—The National Advisory Board established pursuant to paragraph (1) shall consist of—

"(A) national educational leaders;

"(B) leaders in the field of writing; and

"(C) such other individuals as the National Writing Project deems necessary.

"(3) DUTIES.—The National Advisory Board established pursuant to paragraph (1) shall—

"(A) advise the National Writing Project on national issues related to student writing and the teaching of writing;

"(B) review the activities and programs of the National Writing Project; and

"(C) support the continued development of the National Writing Project.

"(g) EVALUATION.—The Secretary shall conduct an independent evaluation by grant or contract of the teacher training programs administered pursuant to this Act in accordance with section 10701. Such evaluation shall specify the amount of funds expended by the National Writing Project and each contractor receiving assistance under this section for administrative costs. The results of such evaluation shall be made available to the appropriate committees of the Congress.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the grant to the National Writing Project, $4,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out the provisions of this section.

"PART C—SUPPORT AND ASSISTANCE FOR ESEA PROGRAMS

"Subpart 1—Comprehensive Regional Centers

"SEC. 2301. FINDINGS.

"The Congress finds that—

"(1) high-quality technical assistance can enhance the improvements in teaching and learning achieved through the implementation of programs assisted under this Act;

"(2) comprehensive technical assistance is an essential ingredient of the overall strategy of the Improving America's Schools Act of 1994 to improve programs and to provide all children opportunities to meet challenging State content standards and challenging State student performance standards;

"(3) States, local educational agencies, and schools serving students with special needs, such as students with limited-English proficiency and students with disabilities, have great need for comprehensive technical assistance in order to use funds under this Act to provide such students with opportunities to learn to challenging State content standards and challenging State student performance standards;

"(4) current technical assistance efforts are fragmented and categorical in nature, and thus fail to address adequately the needs of States and local educational agencies for help in integrating into a coherent strategy for improving teaching and learning the various programs under this Act with State and local programs and other education reform efforts;

"(5) too little creative use is made of technology as a means of providing information and assistance in a cost-effective way;

"(6) comprehensive technical assistance can help schools and school systems focus on improving opportunities for all children to meet challenging State content standards and challenging State student performance standards, as such schools and systems implement programs under this Act;

"(7) comprehensive technical assistance will provide one-stop shopping to help States, local educational agencies, participating colleges and universities, and schools integrate Federal, State, local education and pupil services programs in ways that contribute to improving schools and entire school systems; and

"(8) technical assistance in support of programs assisted under this Act should be coordinated with the Department's regional offices, the regional educational laboratories, and other technical assistance efforts supported by the Department.

"SEC. 2302. PURPOSE.

"The purpose of this part is to make available to States, local educational agencies, schools, and other recipients of funds under this Act technical assistance in—

"(1) administering and implementing programs authorized by this Act;

"(2) implementing school reform programs; and

"(3) coordinating such programs with other Federal, State, and local education activities, so that all students are provided opportunities to meet challenging State content standards and challenging State student performance standards.

"SEC. 2303. PROGRAM AUTHORIZED.

"(a) COMPREHENSIVE REGIONAL CENTERS.—Notwithstanding section 6205, the Secretary is authorized to establish one center in each of the Department's ten regions, and one center at the Pacific Regional Education Laboratory in Honolulu, Hawaii, and may establish field offices for each such center, in order to provide comprehensive technical assistance to States, local educational agencies, schools, and other recipients of funds under this Act in the administration and implementation of programs authorized by this Act. In allocating resources among the centers, the Secretary shall consider the geographic distribution of students with special needs.

"(b) TECHNOLOGY-BASED TECHNICAL ASSISTANCE.—The Secretary is authorized to provide a technology-based technical assistance service that will—

"(1) support the administration and implementation of programs authorized by this Act by providing information, including legal and regulatory information, and technical guidance and information about best practices; and

"(2) be accessible to all States, local educational agencies, schools, community-based organizations, and others who are recipients of funds under this Act.

"SEC. 2304. ELIGIBLE ENTITIES.

"The Secretary may carry out this part directly or through grants to, or contracts or cooperative agreements with, public or private agencies or organizations or consortia of such agencies and organizations.

"SEC. 2305. COMPREHENSIVE REGIONAL CENTERS.

"Each comprehensive regional center established under section 2303(a) shall—

"(1) maintain staff expertise in at least all of the following areas:

"(A) instruction, curriculum improvement, school reform, pupil services, and other aspects of title I;

"(B) meeting the needs of children served under this Act, including children in high-poverty areas, migratory children, children with limited-English proficiency, neglected or delinquent children, homeless children and youth, Indian children, and children with disabilities;

"(C) professional development for teachers, pupil services personnel, other school staff, and administrators to help students meet challenging State content standards and challenging State student performance standards;

"(D) bilingual education, including programs that emphasize English and native language proficiency, and promote multicultural understanding;

"(E) safe and drug-free schools;

"(F) educational applications of technology;

"(G) parent involvement and participation;

"(H) the reform of schools and school systems;

"(I) the special needs of students living in rural areas and the special needs of local educational agencies serving rural areas; and

"(J) program evaluation;

"(2) ensure that technical assistance staff have sufficient training, knowledge, and expertise in how to integrate and coordinate programs assisted under this Act, as well as integrating and coordinating programs assisted under this Act with other Federal, State, and local programs and reforms;

"(3) work collaboratively with the Department's regional offices;

"(4) provide technical assistance using the highest quality and most cost-effective strategies possible;

"(5) provide information and assistance regarding exemplary and promising practices;

"(6) work collaboratively, and coordinate the services such center provides, with the general reform assistance provided by the regional educational laboratories and the National Diffusion Network State Facilitators supported by the Office of Educational Research and Improvement; and

"(7) consult with representatives of State educational agencies, local educational agencies, and populations served under this Act.

"SEC. 2306. INFORMATION COLLECTION AND EVALUATION.

"The Secretary shall evaluate activities assisted under this part, and shall report to the President and the Congress on the effectiveness of such activities by January 1, 1998.

"SEC. 2307. TRANSITION.

"(a) IN GENERAL.—The Secretary shall use funds appropriated to carry out this part for at least fiscal years 1995 and 1996 in order to ensure an orderly transition and phase-in of the comprehensive regional centers assisted under this subpart.

"(b) EXTENSION OF PREVIOUS CENTERS.—In accordance with subsection (a), and notwithstanding any other provisions of law, the Secretary shall use funds appropriated to carry out this part to draw on the expertise of staff and services from existing categorical assistance centers assisted under this Act (as such Act was in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994) and, where appropriate and feasible, to continue to support, through grants or the extension of awards, such centers in order to ensure that services will not be interrupted, curtailed, or substantially diminished.

"SEC. 2308. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this subpart, there are authorized to be appropriated $70,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"Subpart 2—National Diffusion Network

"SEC. 2311. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—In order to increase the effectiveness of the comprehensive regional centers established under subpart 1 and to promote school reform, the Secretary shall carry out a State-based outreach, consultation, and dissemination program through the National Diffusion Network and its State Facilitators. To carry out such program, the Secretary shall make one or more awards in each State to public educational agencies or public or private nonprofit educational organizations or institutions to assist State and local educational agencies, schools, and other appropriate educational entities in that State to identify and implement exemplary or promising educational programs and practices.

"(b) STATE FACILITATOR ACTIVITIES.—The National Diffusion Network State Facilitators for each State shall—

"(1) identify educational programs and practices for possible dissemination throughout the State and Nation;

"(2) identify needs for assistance throughout the State, including educational technology needs;

"(3) provide professional development and technical assistance services;

"(4) promote and facilitate teacher networks throughout the State; and

"(5) provide such other outreach, coordination, and dissemination services as may be necessary to achieve the purposes of this subpart.

"(c) COORDINATION AND ADMINISTRATION.—

"(1) COORDINATION.—The National Diffusion Network State Facilitators shall work in close cooperation, and coordinate their activities, with the comprehensive regional centers established under subpart 1.

"(2) ADMINISTRATION.—The National Diffusion Network State Facilitators program shall be administered by the Office of Reform Assistance and Dissemination established under section 941(b) of the Educational Research, Development, Dissemination, and Improvement Act of 1994.

"(d) NATIONAL DIFFUSION NETWORK EFFECTIVE PROGRAMS AND PROMISING PRACTICES SYSTEM.—The Secretary shall develop a system of validating effective programs and promising practices for dissemination through the National Diffusion Network. Such system may include exemplary programs funded through any office of the Department, the National Science Foundation, or other Federal agencies. Such system shall be coordinated, aligned with, and administered by the Office of Reform Assistance and Dissemination established under section 941(b) of the Educational Research, Development, Dissemination, and Improvement Act of 1994. The Secretary shall give priority to identifying, validating, and disseminating effective schoolwide projects, programs addressing the needs of high poverty schools, and programs with the capacity to offer high-quality, sustained technical assistance. The Office of Educational Research and Improvement Office of Reform Assistance and Dissemination shall also administer a grant program for the purpose of dissemination and the provision of technical assistance regarding such system.

"SEC. 2312. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this subpart, there are authorized to be appropriated $25,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"Subpart 3—Eisenhower Regional Mathematics and Science Education Consortiums

"SEC. 2321. PROGRAM ESTABLISHED.

"(a) IN GENERAL.—

"(1) GRANTS AUTHORIZED.—The Secretary, in consultation with the Director of the National Science Foundation, is authorized to award grants or contracts to eligible entities to enable such entities to establish and operate regional mathematics and science education consortia for the purpose of—

"(A) disseminating exemplary mathematics and science education instructional materials; and

"(B) providing technical assistance for the implementation of teaching methods and assessment tools for use by elementary and secondary school students, teachers and administrators.

"(2) NUMBER.—The Secretary shall, in accordance with the provisions of this section, award

at least 1 grant or contract to an eligible entity in each region.

"(3) SPECIAL RULE.—In any fiscal year, if the amount made available pursuant to section 2328 is less than $4,500,000, then the Secretary may waive the provisions of paragraph (2) and award grants or contracts of sufficient size, scope and quality to carry out this section.

"(4) DESIGNATION.—Each regional consortium assisted under this section shall be known as an 'Eisenhower regional consortium'.

"(b) GRANT TERM AND REVIEW.—Grants or contracts under this subpart shall be awarded for a period of not more than 5 years and shall be reviewed before the end of the 30-month period beginning on the date the grant or contract is awarded. Grants or contracts under this subpart shall be awarded before the end of the 12-month period beginning on the date of the enactment of an Act making appropriations to carry out the provisions of this subpart.

"(c) AMOUNT.—In awarding grants or contracts under this subpart, the Secretary shall assure that there is a relatively equal distribution of the funds made available among the regions, but the Secretary may award additional funds to a regional consortium on the basis of population and geographical conditions of the region being served.

"SEC. 2322. USE OF FUNDS.

"Funds provided under this subpart may be used by a regional consortium, under the direction of a regional board established pursuant to section 2324, to—

"(1) work cooperatively with the other regional consortiums and the Eisenhower National Clearinghouse for Science and Mathematics Education established under section 2123 to more effectively accomplish the activities described in this section;

"(2) assist, train and provide technical assistance to classroom teachers, administrators, and other educators to identify, implement, assess or adapt the instructional materials, teaching methods and assessment tools described in paragraph (1);

"(3) provide for the training of classroom teachers to enable such teachers to instruct other teachers, administrators, and educators in the use of the instructional materials, teaching methods and assessment tools described in paragraph (1) in the classroom;

"(4) when necessary, provide financial assistance to enable teachers and other educators to attend and participate in the activities of the regional consortium;

"(5) implement programs and activities designed to meet the needs of groups that are underrepresented in, and underserved by, mathematics and science education;

"(6) assist State and local educational agencies in identifying science equipment needs and help such agencies or consortia thereof assess the need for and desirability of regional mathematics and science academies;

"(7) develop and disseminate early childhood education mathematics and science instructional materials;

"(8) disseminate information regarding informal mathematics and science education activities and programs offered by Federal agencies and private or public agencies and institutions within the region;

"(9) collect data on activities assisted under this subpart in order to evaluate the effectiveness of the activities of the regional consortiums;

"(10) identify exemplary teaching practices and materials from within the region and communicate such practices and materials to the Eisenhower National Clearinghouse for Mathematics and Science Education;

"(11) communicate, on a regular basis, with entities within the region who are delivering services to students and teachers of mathematics and science;

"(12) assist in the development and evaluation of State and regional plans and activities that hold promise of bringing about systemic reform in student performance in mathematics and science; and

"(13) increase the use of informal education entities (such as science technology centers, museums, libraries, Saturday academies, and 4H programs) for educational purposes to expand student knowledge and understanding.

"SEC. 2323. APPLICATION AND REVIEW.

"(a) IN GENERAL.—Each eligible entity desiring a grant or contract under this subpart shall submit an application to the Secretary at such time, in such manner, and accompanied by such additional information as the Secretary may reasonably require. Each such application shall—

"(1) demonstrate that the eligible entity has demonstrated expertise in the fields of mathematics and science education;

"(2) demonstrate that the eligible entity shall implement and disseminate mathematics and science education instructional materials, teaching methods, and assessment tools through a consortium of the region's mathematics and science education organizations and agencies;

"(3) demonstrate that the eligible entity shall carry out the functions of the regional consortium;

"(4) demonstrate that emphasis will be given to programs and activities designed to meet the needs of groups that are underrepresented in, and underserved by, mathematics and science education;

"(5) demonstrate that the business community in the region served by the regional consortium will play an integral role in designing and supporting the regional consortium's work;

"(6) demonstrate that the eligible entity will consider the resources of existing Star Schools consortia established pursuant to the Star Schools Program Assistance Act in carrying out the provisions of this subpart, where appropriate; and

"(7) assure that the entity will conduct its activities and supervise its personnel in a manner that effectively ensures compliance with the copyright laws of the United States under title 17, United States Code.

"(b) APPROVAL OF APPLICATION.—

"(1) IN GENERAL.—The Secretary shall approve or disapprove applications submitted pursuant to subsection (a) in accordance with the criteria and procedures established under paragraph (2).

"(2) PROCEDURES AND CRITERIA.—The Secretary shall develop procedures and criteria designed to ensure that grants or contracts are awarded on the basis of merit as determined by the competitive peer review process described in paragraph (3).

"(3) NATIONAL PANEL.—(A) The Secretary, in consultation with the Director, shall establish a national panel, or to the extent necessary, panels, to submit to the Secretary recommendations for awards of grants or contracts under this subpart. The Secretary shall appoint the members of such panel or panels.

"(B) Each panel appointed under subparagraph (A) shall include participation, to the extent feasible, from each region.

"SEC. 2324. REGIONAL BOARDS.

"(a) IN GENERAL.—Each eligible entity receiving a grant or contract under this subpart shall establish a regional board to oversee the administration and establishment of program priorities for the regional consortium established by such eligible entity. Such regional board shall be broadly representative of the agencies and organizations participating in the regional consortium.

"(b) PROHIBITION ON USE OF FEDERAL FUNDS.—No Federal funds may be used for the establishment or operation of a regional board required by subsection (a), except that at the discretion of a regional board, Federal funds may be used to provide assistance such as travel and accommodations for board members who could not otherwise afford to participate as members of the board.

"SEC. 2325. PAYMENTS; FEDERAL SHARE; NON-FEDERAL SHARE.

"(a) PAYMENTS.—The Secretary shall pay to each eligible entity having an application approved under section 2323 the Federal share of the cost of the activities described in the application.

"(b) FEDERAL SHARE.—For the purpose of subsection (a), the Federal share shall be 80 percent.

"(c) NON-FEDERAL SHARE.—The non-Federal share of the cost of activities described in the application submitted pursuant to this section may be in cash or in kind, fairly evaluated. At least 10 percent of such non-Federal share shall be from sources other than the Federal Government or State or local government.

"SEC. 2326. EVALUATION.

"(a) EVALUATION REQUIRED.—The Secretary, through the Office of Educational Research and Improvement and in accordance with section 10701, shall collect sufficient data on, and evaluate the effectiveness of, the activities of each regional consortium.

"(b) ASSESSMENT.—The evaluations described in paragraph (1) shall include an assessment of the effectiveness of the regional consortium in meeting the needs of the schools, teachers, administrators and students in the region.

"(c) REPORT.—At the end of each grant or contract period, the Secretary shall submit to the Congress a report on the effectiveness of the programs conducted at each regional consortium.

"SEC. 2327. DEFINITIONS.

"For purposes of this subpart:

"(1) The term 'eligible entity' means—

"(A) a private nonprofit organization of demonstrated effectiveness;

"(B) an institution of higher education;

"(C) an elementary or secondary school;

"(D) a State or local educational agency;

"(E) a regional educational laboratory in consortium with the research and development center established under section 931(c)(1)(B)(i) of the Educational Research, Development, Dissemination, and Improvement Act of 1994; or

"(F) any combination of the entities described in subparagraphs (A) through (E),

with demonstrated expertise in mathematics and science education.

"(2) The terms 'mathematics' and 'science' include the technology education associated with such mathematics and science, respectively.

"(3) The term 'region' means a region of the United States served by a regional education laboratory that is supported by the Secretary pursuant to section 405(d)(4)(A)(i) of the General Education Provisions Act (as such section was in existence on the day preceding the date of enactment of the Goals 2000: Educate America Act.

"(4) The term 'regional consortium' means each regional mathematics and science education consortium established pursuant to section 2311.

"(5) The term 'State agency for higher education' means the State board of higher education or other agency or officer primarily responsible for the State supervision of higher education, or, if there is no such officer or agency, an officer or agency designated for the purpose of this title by the Governor or by State law.

"SEC. 2328. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $23,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this subpart.

"PART D—TERRITORIAL TEACHER TRAINING PROGRAM

"SEC. 2401. TERRITORIAL TEACHER TRAINING PROGRAM.

"There are authorized to be appropriated $2,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, for the purpose of assisting teacher training programs in Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau. From the sums appropriated pursuant to this section the Secretary shall make grants and enter into contracts for the purpose of providing training to teachers in schools in Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau. The Secretary may make grants to or contracts with any organization considered qualified to provide training for teachers in such schools and shall allot such sums among such territories on the basis of the need for such training.

"PART E—TELECOMMUNICATIONS DEMONSTRATION PROJECT FOR MATHEMATICS

"SEC. 2501. PROJECT AUTHORIZED.

"The Secretary is authorized to make grants to a nonprofit telecommunications entity, or partnership of such entities, for the purpose of carrying out a national telecommunications-based demonstration project to improve the teaching of mathematics. The demonstration project authorized by this part shall be designed to assist elementary and secondary school teachers in preparing all students for achieving State content standards.

"SEC. 2502. APPLICATION REQUIRED.

"(a) IN GENERAL.—Each nonprofit telecommunications entity, or partnership of such entities, desiring a grant under this part shall submit an application to the Secretary. Each such application shall—

"(1) demonstrate that the applicant will use the existing publicly funded telecommunications infrastructure to deliver video, voice and data in an integrated service to train teachers in the use of new standards-based curricula materials and learning technologies;

"(2) assure that the project for which assistance is sought will be conducted in cooperation with appropriate State educational agencies, local educational agencies, State or local nonprofit public telecommunications entities, and a national mathematics education professional association that has developed content standards;

"(3) assure that a significant portion of the benefits available for elementary and secondary schools from the project for which assistance is sought will be available to schools of local educational agencies which have a high percentage of children counted for the purpose of part A of title I; and

"(4) contain such additional assurances as the Secretary may reasonably require.

"(b) APPROVAL OF APPLICATIONS; NUMBER OF DEMONSTRATION SITES.—In approving applications under this section, the Secretary shall assure that the demonstration project authorized by this subpart is conducted at elementary and secondary school sites in at least 15 States.

"SEC. 2503. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part, $5,000,000 for the fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years.

"TITLE III—TECHNOLOGY FOR EDUCATION

"SEC. 3001. SHORT TITLE.

"This title may be cited as the 'Technology for Education Act of 1994'.

"PART A—TECHNOLOGY FOR EDUCATION FOR ALL STUDENTS

"SEC. 3111. FINDINGS.

"The Congress finds that—

"(1) technology applications can help propel our Nation's school systems into very immediate and dramatic reform, without which our Nation will not meet the National Education Goals by the target year 2000;

"(2) creative uses of technology can reshape our Nation's outdated method of providing education and empower teachers to create an environment where students can be challenged through rigorous, rich classroom instruction at a pace that suits the learning style of each student;

"(3) the acquisition and use of technology in education throughout the United States has been inhibited by—

"(A) the limited exposure of students and teachers to the power of technology as a cost-effective tool to improve student learning and achievement;

"(B) the inability of many State and local educational agencies to invest in and support needed technologies;

"(C) the lack of appropriate electrical and telephone connections in the classroom; and

"(D) the limited availability of technology-enhanced curriculum, professional development and administrative support resources and services in the educational marketplace;

"(4) advancements in technology offer new opportunities to promote partnerships among teachers, administrators, students, parents, communities, and industry in the quest for knowledge and the process of learning;

"(5) technology, when used as an essential tool in the learning process, will help cultivate and maintain a technologically literate citizenry and internationally competitive work force;

"(6) the Department of Education, consistent with the overall national technology policy established by the President, must assume a vital leadership and coordinating role in developing the national vision and strategy to infuse advanced technology throughout all educational programs;

"(7) Federal support can ease the burden at the State and local levels by enabling the acquisition of advanced technology and initiating the development of teacher training and support as well as new educational products;

"(8) leadership at the Federal level should consider guidelines to ensure that educational technology is accessible to all users with maximum interoperability nationwide;

"(9) policies at the Federal, State, and local levels concerning technology in education must address disparities in the availability of technology to different groups of students and make it a priority to serve those students in greatest need;

"(10) continuing professional development for teachers and administrators requires ongoing exposure to advancements in technology in order to keep such teachers and administrators excited and knowledgeable about the unfolding opportunities for the classroom; and

"(11) the increasing use of new technologies and telecommunications systems in business has increased the gap between schooling and work force preparation, and underscores the need for technology policies at the Federal, State, tribal, and local levels that address preparation for school-to-work transitions.

"SEC. 3112. STATEMENT OF PURPOSE.

"It is the purpose of this part—

"(1) to promote equal access for all students to educational opportunities through advances in technology, including the information infrastructure, in order to achieve the National Education Goals by the year 2000;

"(2) to provide funding that will assist activities undertaken by the State and local school districts to promote and provide equipment, teacher training, and technical support;

"(3) to support technical assistance, professional development, information and resource dissemination, in order to help States, local school districts, and teachers successfully integrate technology into kindergarten through 12th grade classrooms;

"(4) to support the development of educational and instructional programming in core subject areas, which programming shall address the National Education Goals;

"(5) to offer opportunities for creative partnerships within the marketplace in order to develop state-of-the-art educational technology products that promote the use of advanced technologies in the classroom;

"(6) to avoid duplication and the development of incompatible systems by strengthening and building upon existing telecommunications infrastructures dedicated to educational purposes; and

"(7) to ensure that uses of educational technology are consistent with the overall national technology policy established by the President.

"SEC. 3113. DEFINITIONS.

"For the purpose of this part—

"(1) the term 'adult education' has the same meaning given such term by section 312 of the Adult Education Act;

"(2) the term 'all students' means students from a broad range of backgrounds and circumstances, including disadvantaged students, students with diverse racial, ethnic, and cultural backgrounds, students with disabilities, students with limited-English proficiency, students who have dropped out of school, and academically talented students;

"(3) the term 'information infrastructure' means a network of communication systems designed to exchange information among all citizens and residents of the United States;

"(4) the term 'instructional programming' means the full range of audio and video data, text, graphics, or additional state-of-the-art communications, including multimedia based resources distributed through interactive, command and control, or passive methods for the purpose of education and instruction;

"(5) the terms 'interoperable' and 'interoperability' refer to the ability to exchange easily data with, and connect to, other hardware and software in order to provide the greatest accessibility for all students and other users;

"(6) the term 'local educational agency' includes an elementary or secondary school funded by the Bureau of Indian Affairs, except that such schools shall not be subject to the jurisdiction of any State educational agency other than the Bureau of Indian Affairs;

"(7) the term 'Office' means the Office of Educational Technology;

"(8) the term 'public telecommunications entity' has the same meaning given to such term by section 397(12) of the Communications Act of 1934;

"(9) the term 'State educational agency' includes the Bureau of Indian Affairs for purposes of serving schools funded by the Bureau of Indian Affairs in accordance with this part; and

"(10) the term 'technology' means state-of-the-art technology products and services, such as closed circuit television systems, educational television and radio programs and services, cable

television, satellite, copper and fiber optic transmission, computer, video and audio laser and CD-ROM discs, and video and audio tapes.

"Subpart 1—National Programs in Technology for Education

"SEC. 3121. PURPOSES.

"It is the purpose of this subpart to promote achievement of the National Education Goals and—

"(1) to provide leadership at the Federal level, through the Department, by developing a national vision and strategy—

"(A) to infuse technology and technology planning into all educational programs and training functions carried out within school systems and other educational settings at the State, tribal, and local levels;

"(B) to coordinate technology activities for education among the related Federal and State departments or agencies, industry leaders, and interested educational and parental organizations;

"(C) to establish working guidelines to ensure maximum interoperability nationwide and ease of access for the emerging technologies so that no school system will be excluded from the technological revolution; and

"(D) to ensure that Federal technology-related policies and programs facilitate the use of technology in education;

"(2) to promote awareness of the potential of technology for improving teaching and learning;

"(3) to support State and local efforts to increase the effective use of technology for education;

"(4) to demonstrate ways in which technology can be used to improve teaching and learning, and to help ensure that all students have an equal opportunity to meet challenging State education standards;

"(5) to ensure the availability and dissemination of knowledge (drawn from research and experience) that can form the basis for sound State and local decisions about investment in, and effective uses of, educational technology;

"(6) to promote high-quality professional development opportunities for teachers, pupil-services personnel and administrators regarding the integration of technology into instruction and administration;

"(7) to support development, production, and distribution of technology enhanced curriculum, and instruction and administrative support resources and services;

"(8) to promote the effective uses of technology in existing Federal education programs, such as part A of title I and vocational education programs; and

"(9) to monitor, and disseminate information regarding, advancements in technology to encourage the development of effective educational uses of technology.

"SEC. 3122. FEDERAL LEADERSHIP.

"(a) ACTIVITIES AUTHORIZED.—

"(1) IN GENERAL.—In order to provide Federal leadership that promotes higher student achievement through the use of technology in education and to achieve the purposes of this subpart, the Secretary, in consultation with the Office of Science and Technology Policy, the National Science Foundation, the United States National Commission on Libraries and Information Sciences, the Department of Commerce, the Department of Energy, the National Aeronautics and Space Administration, the Bureau of Indian Affairs, and other appropriate Federal departments or agencies, may carry out activities designed to achieve the purposes of this subpart.

"(2) TRANSFER OF FUNDS.—For the purpose of carrying out coordinated or joint activities to achieve the purposes of this subpart, the Secretary may accept funds from, or transfer funds to, other Federal departments or agencies.

"(b) NATIONAL LONG-RANGE TECHNOLOGY PLAN.—

"(1) IN GENERAL.—The Secretary shall develop and publish within 12 months of the date of enactment of the Improving America's Schools Act of 1994, and update when the Secretary determines appropriate, a national long-range plan that supports the overall national technology policy and carries out the purposes of this subpart.

"(2) PLAN REQUIREMENTS.—The Secretary shall—

"(A) develop the national long-range plan in consultation with other Federal departments or agencies, State and local education practitioners and policymakers, experts in technology and the applications of technology to education, representatives of distance learning consortia, representatives of telecommunications partnerships receiving assistance under the Star Schools Act, and providers of technology services and products;

"(B) transmit such plan to the President and to the appropriate committees of the Congress; and

"(C) publish such plan in a form that is readily accessible to the public.

"(3) CONTENTS OF THE PLAN.—The national long-range plan shall describe the Secretary's activities to promote the purposes of this subpart, including—

"(A) how the Secretary will encourage the effective use of technology to provide all students the opportunity to achieve State content standards and State student performance standards, especially through programs administered by the Department;

"(B) joint activities in support of the overall national technology policy with other Federal departments or agencies, such as the Office of Science and Technology Policy, the National Endowment for the Humanities, the National Endowment for the Arts, the National Institute for Literacy, the National Aeronautics and Space Administration, the National Science Foundation, the Bureau of Indian Affairs, and the Departments of Commerce, Energy, Health and Human Services, and Labor—

"(i) to promote the use of technology in education, and training and lifelong learning, including plans for the educational uses of a national information infrastructure; and

"(ii) to ensure that the policies and programs of such departments or agencies facilitate the use of technology for educational purposes, to the extent feasible;

"(C) how the Secretary will work with educators, State and local educational agencies, and appropriate representatives of the private sector to facilitate the effective use of technology in education;

"(D) how the Secretary will promote—

"(i) higher achievement of all students through the integration of technology into the curriculum;

"(ii) increased access to the benefits of technology for teaching and learning for schools with a high number or percentage of children from low-income families;

"(iii) the use of technology to assist in the implementation of State systemic reform strategies;

"(iv) the application of technological advances to use in education;

"(v) increased access to high quality adult and family education services through the use of technology for instruction and professional development; and

"(vi) increased opportunities for the professional development of teachers in the use of new technologies;

"(E) how the Secretary will determine, in consultation with appropriate individuals, organizations, industries, and agencies, the feasibility and desirability of establishing guidelines to facilitate an easy exchange of data and effective use of technology in education;

"(F) how the Secretary will promote the exchange of information among States, local educational agencies, schools, consortia, and other entities concerning the effective use of technology in education;

"(G) how the Secretary will utilize the outcomes of the evaluation undertaken pursuant to section 3206(c)(2) to promote the purposes of this subpart; and

"(H) the Secretary's long-range measurable goals and objectives relating to the purposes of this subpart.

"(c) ASSISTANCE.—The Secretary shall provide assistance to the States to enable such States to plan effectively for the use of technology in all schools throughout the State in accordance with the purpose and requirements of section 317 of the Goals 2000: Educate America Act.

"(d) USES OF FUNDS.—

"(1) IN GENERAL.—The Secretary shall use funds made available to carry out this section for activities designed to carry out the purpose of this subpart, including—

"(A) providing assistance to technical assistance providers to enable such providers to improve substantially the services such providers offer to educators regarding the uses of technology for education, including professional development;

"(B) consulting with representatives of industry, elementary and secondary education, adult education, higher education, and appropriate experts in technology and the educational applications of technology, in carrying out the activities assisted under this subpart;

"(C) research on, and the development of, guidelines to facilitate maximum interoperability, efficiency and easy exchange of data for effective use of technology in education;

"(D) research on, and the development of, applications for education of the most advanced and newly emerging technologies;

"(E) the development, demonstration, and evaluation of applications of existing technology in preschool education, elementary and secondary education, training and lifelong learning, and professional development of educational personnel;

"(F) the development and evaluation of software and other products, including multimedia television programming, that incorporate advances in technology and help achieve the National Education Goals, State content standards and State student performance standards;

"(G) the development, demonstration, and evaluation of model strategies for preparing teachers and other personnel to use technology effectively to improve teaching and learning;

"(H) the development of model programs that demonstrate the educational effectiveness of technology in urban and rural areas and economically distressed communities;

"(I) research on, and the evaluation of, the effectiveness and benefits of technology in education, giving priority to research on, and evaluation of, such effectiveness and benefits in elementary and secondary schools;

"(J) a biennial assessment of, and report to the public regarding, the uses of technology in elementary and secondary education throughout the United States upon which private businesses and Federal, State, tribal, and local governments may rely for decisionmaking about the need for, and provision of, appropriate technologies in schools, which assessment and report shall use, to the extent possible, existing information and resources;

"(K) conferences on, and dissemination of information regarding, the uses of technology in education;

"(L) the development of model strategies to promote gender equity in the use of technology;

"(M) encouraging collaboration between the Department and other Federal agencies in the development, implementation, evaluation and funding of applications of technology for education, as appropriate; and

"(N) such other activities as the Secretary determines will meet the purposes of this subpart.

"(2) SPECIAL RULES.—

"(A) The Secretary shall carry out the activities described in paragraph (1) directly or by grant or contract.

"(B) Each grant or contract under this section shall be awarded—

"(i) on a competitive basis; and

"(ii) pursuant to a peer review process.

"(e) NON-FEDERAL SHARE.—

"(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Secretary may require any recipient of a grant or contract under this section to share in the cost of the activities assisted under such grant or contract, which non-Federal share shall be announced through a notice in the Federal Register and may be in the form of cash or in-kind contributions, fairly valued.

"(2) INCREASE.—The Secretary may increase the non-Federal share that is required of a recipient of a grant or contract under this section after the first year such recipient receives funds under such grant or contract.

"(3) MAXIMUM.—The non-Federal share required under this section shall not exceed 50 percent of the cost of the activities assisted pursuant to a grant or contract under this section.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section.

"SEC. 3123. REGIONAL TECHNICAL SUPPORT AND PROFESSIONAL DEVELOPMENT.

"(a) GRANTS AUTHORIZED.—

"(1) AUTHORITY.—The Secretary, through the Office of Educational Technology, shall make grants, on a competitive basis, to regional educational technology assistance consortia in accordance with the provisions of this section. In awarding grants under this section, the Secretary shall ensure that each geographic region of the United States shall be served by such a consortium.

"(2) REQUIREMENTS.—Each consortium receiving a grant under this section shall—

"(A) be composed of State educational agencies, institutions of higher education, nonprofit organizations, or a combination thereof;

"(B) in cooperation with State and local educational agencies, develop a regional program that addresses professional development, technical assistance, and information resource dissemination, with special emphasis on meeting the documented needs of educators and learners in the region; and

"(C) foster regional cooperation and resource and coursework sharing.

"(3) SPECIAL RULE.—Each consortium receiving a grant under this section shall use not less than 80 percent of the grant funds to carry out paragraph (2) of subsection (b).

"(b) FUNCTIONS.—

"(1) TECHNICAL ASSISTANCE.—Each consortium receiving a grant under this section shall—

"(A) collaborate with State educational agencies and local educational agencies requesting collaboration, particularly in the development of strategies for assisting those schools with the highest numbers or percentages of disadvantaged students with little or no access to technology in the classroom;

"(B) provide information, in coordination with information available from the Secretary, to State educational agencies, local educational agencies, schools and adult education programs, on the types and features of various educational technology equipment and software available, evaluate and make recommendations on equipment and software that support the National Education Goals and are suited for a school's particular needs, and compile and share information regarding creative and effective applications of technology in the classroom in order to support the purposes of this subpart;

"(C) collaborate with such State educational agencies, local educational agencies, or schools requesting to participate in the tailoring of software programs and other supporting materials to meet State content standards or State student performance standards that may be developed; and

"(D) provide technical assistance to facilitate use of the electronic dissemination networks by State and local educational agencies and schools throughout the region.

"(2) PROFESSIONAL DEVELOPMENT.—Each consortium receiving a grant under this section shall—

"(A) develop and implement, in collaboration with State educational agencies and institutions of higher education, technology-specific, ongoing professional development, such as—

"(i) intensive school year and summer workshops that use teachers to train other teachers; and

"(ii) distance educational professional development, including—

"(I) interactive training telecourses using researchers, educators, and telecommunications personnel who have experience in developing, implementing, or operating educational and instructional technology as a learning tool;

"(II) onsite courses teaching teachers to use educational and instructional technology and to develop their own instructional materials for effectively incorporating technology and programming in their own classrooms;

"(III) methods for successful integration of instructional technology into the curriculum in order to improve student learning and achievement;

"(IV) video conferences and seminars which offer professional development through peer interaction with experts as well as other teachers using technologies in their classrooms; and

"(V) mobile education technology and training resources;

"(B) develop training resources that—

"(i) are relevant to the needs of the region and schools within the region;

"(ii) are relevant to the needs of adult literacy staff and volunteers, including onsite courses on how to—

"(I) use instructional technology; and

"(II) develop instructional materials for adult learning; and

"(iii) are aligned with the needs of teachers and administrators in the region;

"(C) establish a repository of professional development and technical assistance resources;

"(D) identify and link technical assistance providers to State and local educational agencies, as needed;

"(E) provide followup to ensure that training, professional development, and technical assistance meet the needs of educators, parents and students served by the region;

"(F) assist colleges and universities within the region to develop and implement preservice training programs for students enrolled in teacher education programs; and

"(G) assist local educational agencies and schools in working with community members and parents to develop support from communities and parents for educational technology programs and projects.

"(3) INFORMATION AND RESOURCE DISSEMINATION.—Each consortium receiving a grant under this section shall—

"(A) assist State and local educational agencies in the identification and procurement of financial, technological and human resources needed to implement technology plans;

"(B) provide outreach and, at the request of a State or local educational agency, work with such agency to assist in the development and validation of instructionally based technology education resources; and

"(C) coordinate activities and establish partnerships with organizations and institutions of higher education that represent the interests of the region as such interests pertain to the application of technology in teaching, learning, instructional management, dissemination, collection and distribution of educational statistics, and the transfer of student information.

"(4) COORDINATION.—Each consortium receiving a grant under this section shall work collaboratively, and coordinate the services the consortium provides, with appropriate entities assisted in whole or in part by the Department.

"(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $50,000,000 for the fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section.

"SEC. 3124. EDUCATIONAL TECHNOLOGY PRODUCT DEVELOPMENT.

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

"(1) support development of curriculum-based learning resources using state-of-the-art technologies and techniques designed to improve student learning; and

"(2) support development of long-term comprehensive instructional programming and associated support resources that ensure maximum access by all educational institutions.

"(b) FEDERAL ASSISTANCE AUTHORIZED.—

"(1) AUTHORITY.—The Secretary, through the Office of Educational Technology, shall award grants, on a competitive basis, to eligible consortia to pay the Federal share of the cost of developing, producing, and distributing products consisting of curriculum-based learning resources, services, and instructional programming for teachers and students, which incorporate state-of-the-art applications of advanced technology, including educational radio and television.

"(2) ELIGIBLE CONSORTIUM.—For the purpose of this subsection the term 'eligible consortium' means a consortium—

"(A) that shall include—

"(i) a State or local educational agency; and

"(ii) a business, industry or telecommunications entity; and

"(B) that may include—

"(i) a public or private nonprofit organization; or

"(ii) a postsecondary institution.

"(3) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to applications describing products that are developed—

"(A) so that the product may be adapted and applied nationally at a reasonable cost over a broad technology platform;

"(B) to raise the achievement levels of all students, particularly students who are not realizing their potential;

"(C) in consultation with classroom teachers;

"(D) through consultation and collaboration with appropriate education entities in designing the product to ensure relevance to the voluntary national content standards, the voluntary national student performance standards and State curriculum frameworks; and

"(E) so that the product can be adapted for use by adults in need of literacy services, including English as a second language and preparation for a secondary school diploma or its recognized equivalent.

"(4) MATCHING REQUIREMENT.—The Secretary may require any recipient of a grant or contract

under this subpart to share in the cost of the activities assisted under such grant or contract, which non-Federal share shall be announced through a notice in the Federal Register and may be in the form of cash or in-kind contributions, fairly valued.

"(5) REQUIREMENTS FOR FEDERAL ASSISTANCE.—Each eligible consortium desiring Federal assistance under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may prescribe. Each application shall include—

"(A) a description of how the product will improve the achievement levels of students;

"(B) a description of how the activities assisted under this section will promote professional development of teachers and administrators in the uses and applications of the product, including the development of training materials;

"(C) a description of design, development, field testing, evaluation, and distribution of products, where appropriate;

"(D) an assurance that the product shall effectively serve a significant number or percentage of economically disadvantaged students;

"(E) plans for dissemination of products to a wide audience of learners;

"(F) a description of how the product can be adapted for use by students with disabilities including provisions for closed captioning or descriptive video, where appropriate;

"(G) a description of how ownership and rights to the use and marketing of any product developed by the consortium, including intellectual property rights, will be allocated among consortium participants; and

"(H) a description of the contributions, including services and funds, to be made by each member of the consortium, and how any revenues derived from the sale of any product developed by the consortium shall be distributed.

"(c) CONSUMER REPORT.—The Secretary shall disseminate information about products developed pursuant to provisions of this section to State and local educational agencies, and other organizations or individuals that the Secretary determines to be appropriate, through print and electronic media that are accessible to the education community at large.

"(d) PROCEEDS.—The Secretary shall not prohibit an eligible consortium or any of the members of such consortium from receiving financial benefits from the distribution of any products resulting from the assistance received under this section. Notwithstanding any other provision of law, any profits or royalties received by a State educational agency, local educational agency, or other nonprofit member of an eligible consortium receiving assistance under this section shall be used to support further development of curriculum-based learning resources, services, and programming or to provide access to such products for a wider audience.

"(e) AUTHORIZATION OF FUNDS.—There are authorized to be appropriated $50,000,000 for the fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section.

"SEC. 3125. RESEARCH ON EDUCATIONAL APPLICATIONS OF ADVANCED TECHNOLOGIES.

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

"(1) provide direction and support for the conduct of research on advanced educational technologies; and

"(2) provide support for long-term, comprehensive educational applications of advanced high performance computer and communication technologies and video technologies in support of the core subjects of the National Education Goals.

"(b) GENERAL AUTHORITY.—The Secretary, consistent with the overall national technology policy established by the President, and in cooperation with other Federal departments and agencies, is authorized to support research on educational applications of advanced learning technologies.

"(c) GRANTS AUTHORIZED.—The Secretary, through the Office of Educational Technology, shall award grants to or enter into contracts for research projects intended to develop educational applications of advanced technologies.

"(d) APPLICATION.—Each entity desiring assistance under this section shall submit to the Secretary an application at such time, in such manner and accompanied by such information as the Secretary may reasonably require. Each such application shall—

"(1) define clearly the scope and content of the subject matter of the research and the relevance of the advanced technology to such content;

"(2) describe the potential market for both the hardware and software developed under this section; and

"(3) assess the applications of the advanced technology in a way that will validate the technology's impact on student learning and achievement.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $20,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section.

"SEC. 3126. HIGH PERFORMANCE COMPUTING AND TELECOMMUNICATIONS NETWORKS FOR EDUCATION.

"(a) PURPOSE.—It is the purpose of this section to support the development, demonstration, and evaluation of the educational aspects of high performance computing and communication technologies and of the national information infrastructure, including the use of high performance computing and communication and the national information infrastructure in—

"(1) providing professional development for teachers and other educators, as appropriate;

"(2) enhancing academic curricula for elementary and secondary school students in order to provide such students with opportunities to meet challenging State student performance standards;

"(3) facilitating communications among schools, local educational agencies, parents of students, and local communities;

"(4) facilitating an effective transition from secondary school to employment; and

"(5) other such areas of education as the Secretary deems appropriate.

"(b) AUTHORITY.—

"(1) IN GENERAL.—(A) The Secretary, consistent with the overall national technology policy established by the President, and in cooperation with other Federal departments and agencies, shall support the development of an electronic network program for the dissemination of educational information throughout the United States, including information about effective technology-enhanced programs, resources and services.

"(B) In carrying out subparagraph (A) the Secretary shall—

"(i) to the extent possible, coordinate activities assisted under this section with other dissemination activities assisted by the Department in order to—

"(I) avoid duplication; and

"(II) utilize the existing resources of the Department;

"(ii) consult with educators, State and local educational agencies, telecommunications providers, and other appropriate education entities throughout the United States to determine information requirements and policies for the effective dissemination of information;

"(iii) provide access to the existing Department of Energy FEDIX/MOLIS Information System regarding information about excess equipment (computers and supporting materials) within the Federal Government that are available for transfer to elementary and secondary schools; and

"(iv) make use of existing networks or developing networks, to the extent possible.

"(2) REQUIREMENTS; SPECIFICATIONS; AND PROTOTYPE OPERATIONS.—The Secretary is authorized to—

"(A) identify educational high performance computing and telecommunications network requirements;

"(B) develop specifications for the implementation of such requirements within any national telecommunications network;

"(C) establish prototype operations on existing networks to validate and further develop the educational specifications which will facilitate the use of such networks by kindergarten through 12th grade students, teachers, librarians, administrators, and parents;

"(D) represent the needs and interests of elementary and secondary schools in the Federal planning and development of a national information infrastructure; and

"(E) identify policy issues, such as communication rate structures, intellectual property rights, certification and recertification of teachers, and issues related to how technology fits into the school environment, that affect the ability of the public schools to make effective use of the emerging information infrastructure.

"(c) TYPES OF GRANTS.—The Secretary, through the Office of Educational Technology, shall award the following types of grants:

"(1) REQUIREMENTS GRANTS.—The Secretary shall solicit proposals for and award grants to 1 or more entities for the identification of educational high performance computing and telecommunications network requirements. The solicitation shall request proposals to—

"(A) identify and describe existing and planned educational high performance computing and telecommunications network efforts;

"(B) identify potential uses of such networks in kindergarten through 12th grade education by schools throughout the United States;

"(C) assess impediments to the development of such networks in kindergarten through 12th grade education, such as—

"(i) technological impediments;

"(ii) availability of technology-enhanced curriculum, instruction, and administrative support resources and services in schools; and

"(iii) parent, student, teacher and administrator attitudes toward technology-enhanced education;

"(D) assess the anticipated costs and benefits to be derived from such network access in kindergarten through 12th grade education and recommend priorities for development of such network; and

"(E) identify the range of possible educational applications of, and potential sources of funding for, both networks and information resources and databases that exist or are being developed by other Federal departments or agencies.

"(2) SPECIFICATIONS GRANTS.—The Secretary shall solicit proposals for and award grants to 1 or more entities for the design and development of educational specifications which may be used to ensure educational access to any national educational high performance computing and telecommunications network. The solicitation shall request proposals to—

"(A) incorporate—

"(i) the findings of the grant recipients under paragraph (1); and

"(ii) the priorities recommended for such networks by the Secretary consistent with the overall national technology policy established by the President;

"(B) provide for design alternatives and specifications that address—

"(i) linkage of schools and communities with each other, with central resource centers, and with Federal and State agencies over existing or planned telecommunications networks;

"(ii) uses of alternative connectivity modes, such as fiber optics, satellites, and land-based broadcasting;

"(iii) integrated uses of two-way interactive voice, video, and data communications;

"(iv) uses of interactive multimedia;

"(v) system capacity, such as maximum telecommunications traffic in a variety of use modes;

"(vi) availability of needed technologies;

"(vii) availability of support services; and

"(viii) assessment of the impact of proposed educational access specifications on existing or planned telecommunications networks; and

"(C) provide comprehensive specifications which will ensure educational access to any national educational high performance computing and telecommunications network as the primary deliverable product of the specifications grants described in this paragraph.

"(3) PROTOTYPE DEVELOPMENT GRANTS.—The Secretary shall solicit proposals for and award grants to 1 or more entities for prototype operations on existing networks in order to validate and further develop the educational specifications which will facilitate use of existing or planned educational high performance computing and telecommunications networks by kindergarten through 12th grade students, teachers, librarians, administrators, and parents. The solicitation shall request proposals to—

"(A) incorporate the design limits of the comprehensive educational high performance computing and telecommunications network specifications developed by grant recipients under paragraph (2);

"(B) support prototype operations for at least 1 year in a minimum of 5 test sites which are selected to represent a variety of economic, social, urban and rural settings;

"(C) provide for inservice training and technical assistance during the period of prototype operations;

"(D) provide provisions for the identification and correction of operational problems during the period of prototype operations (including design flaws);

"(E) include a comprehensive evaluation of all aspects of the prototype, including—

"(i) design flaws;

"(ii) training requirements, including resources and strategies for initial and on-going training;

"(iii) technical support requirements;

"(iv) financing constraints;

"(v) availability and utility of information resources and services accessed during the prototype operations period;

"(vi) factors which enhanced or impeded prototype operations; and

"(vii) an overall assessment of the impact of such technology on the educational process; and

"(F) provide recommended revisions of the Secretary's educational high performance computing and telecommunications network specifications based on findings of the comprehensive evaluation of prototype operations.

"(d) TIMELINE.—The Secretary, through the Office of Educational Technology, shall award grants under this section as follows:

"(1) REQUIREMENT GRANTS.—The Secretary shall award requirement grants under subsection (c)(1) within 6 months of the date of enactment of the Improving America's Schools Act of 1994.

"(2) DEVELOPMENT OF DESIGN SPECIFICATIONS.—The Secretary shall award grants under subsection (c)(2) within 18 months of the date of enactment of the Improving America's Schools Act of 1994.

"(3) PROTOTYPE OPERATIONS.—The Secretary shall award grants under subsection (c)(3) within 30 months of the date of enactment of the Improving America's Schools Act of 1994.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $7,500,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section.

"SEC. 3127. STUDY, EVALUATION AND REPORT OF FUNDING ALTERNATIVES.

"The Secretary, through the Office of Educational Technology, shall conduct a study to evaluate, and report to the Congress on, the feasibility of several alternative models for providing sustained and adequate funding for schools throughout the United States so that such schools are able to acquire and maintain technology-enhanced curriculum, instruction, and administrative support resources and services. Such report shall be submitted to the Congress not later than 1 year after the date of enactment of the Improving America's Schools Act of 1994.

"Subpart 2—State and Local Programs for School Technology Resources, Technical Support, and Professional Development

"SEC. 3131. STATEMENT OF PURPOSE.

"It is the purpose of this subpart to provide Federal assistance in the form of grants to support—

"(1) the acquisition of equipment and supporting resources, training, and maintenance of technology; and

"(2) regional consortia to enable such consortia to provide professional development and technical assistance that fosters integration of technology into the kindergarten through 12th grade classrooms, libraries, and school library media centers.

"SEC. 3132. SCHOOL TECHNOLOGY RESOURCE GRANTS.

"(a) GRANTS AUTHORIZED.—

"(1) AUTHORITY.—The Secretary, through the Office of Educational Technology, shall award grants to State educational agencies having a systemic statewide plan that meets such criteria as the Secretary may establish in order to enable such agencies to provide assistance to local educational agencies that have the highest numbers or percentages of children in poverty and demonstrate the greatest need for technology, in order to enable such local educational agencies, for the benefit of school sites served by such local educational agencies, to—

"(A) purchase quality technology resources;

"(B) install various linkages necessary to acquire connectivity;

"(C) integrate technology into the curriculum in order to improve student learning and achievement;

"(D) provide teachers and library media personnel with training or access to training;

"(E) provide administrative and technical support and services that improve student learning through enriched technology-enhanced resources, including library media resources;

"(F) promote the sharing, distribution, and application of educational technologies that are determined to be effective in individual schools;

"(G) assist schools in promoting parent involvement;

"(H) assist the community in providing literacy-related services; and

"(I) establish partnerships with private educational providers whose comprehensive technology systems address the need of children in poverty.

"(2) AMOUNT.—(A) Except as provided in subparagraphs (B) and (C), the Secretary shall award grants under this section to each State educational agency for a fiscal year in an amount which bears the same relationship to the amount appropriated pursuant to the authority of subsection (b) for such year as the amount such State received under part A of title I for such year bears to the amount received for such year under such part by all States.

"(B) No State educational agency shall receive a grant pursuant to subparagraph (A) in any fiscal year in an amount which is less than one-half of 1 percent of the amount appropriated pursuant to the authority of subsection (b) for such year.

"(C) If the sum of the amounts appropriated pursuant to the authority of section 3132(c) is equal to or less than $50,000,000 for any fiscal year, then the Secretary shall award grants under this section for such year on a competitive basis to local educational agencies, either separately or in cooperation with a local educational agency or a State educational agency, which submit to the Secretary an application, containing the information described in paragraphs (1) through (3) of subsection (e), that the Secretary approves. In awarding such grants, the Secretary shall give priority to applications from local educational agencies with the highest number or percentage of disadvantaged students or the greatest need for educational technology.

"(3) IDENTIFICATION OF LOCAL EDUCATIONAL AGENCIES; TECHNICAL ASSISTANCE.—Each State educational agency receiving a grant under this section shall—

"(A) identify the local educational agencies served by the State educational agency that—

"(i) have the highest number or percentage of children in poverty; and

"(ii) demonstrate to such State educational agency the greatest need for technical assistance in developing the application described in subsection (d); and

"(B) offer such technical assistance to such local educational agencies.

"(4) LIMITATION ON STATE COSTS.—Not more than 5 percent of grant funds awarded to a State educational agency under this section for any fiscal year may be used by the State or State educational agency for administrative costs or technical assistance.

"(b) SELECTION OF GRANTS.—Each State educational agency, in awarding grants under this section, shall—

"(1) ensure that each grant such agency awards to a local educational agency shall be of sufficient duration, and of sufficient size, scope, and quality, to carry out the purposes of this title effectively; and

"(2) award grants to local educational agencies on a competitive basis.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $200,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section.

"(d) LOCAL USES OF GRANT FUNDS.—Each local educational agency receiving assistance under this section may use such assistance—

"(1) to acquire connectivity linkages, resources, and services, including the acquisition of hardware and software, for use by teachers, students and library media personnel in the classroom or in school library media centers, in order to improve student learning by supporting the instructional program offered by such agency to ensure that students in schools will have meaningful access on a regular basis to such linkages, resources and services;

"(2) for ongoing professional development in the integration of quality educational technologies into school curriculum and long-term planning for implementing educational technologies; and

"(3) to acquire connectivity with wide area networks for purposes of accessing information and educational programming sources.

"(e) LOCAL APPLICATIONS.—Each local educational agency desiring assistance from a State

educational agency under this section shall submit an application consistent with the objectives of the systemic statewide plan to such agency at such time and in such manner as such agency may prescribe. Such application, at a minimum, shall—

"(1) include a strategic, long-range (3- to 5-year), plan that includes—

"(A) a description of the type of technologies to be acquired, including specific provisions for interoperability among components of such technologies and, to the extent practicable, with existing technologies;

"(B) an explanation of how the acquired technologies will be integrated into the curriculum to help the local educational agency enhance teaching, training, and student achievement;

"(C) an explanation of how programs will be developed in collaboration with existing adult literacy services providers to maximize the use of such technologies;

"(D)(i) a description of how the local educational agency will ensure ongoing, sustained professional development for teachers, administrators, and school library media personnel served by the local educational agency to further the use of technology in the classroom or library media center; and

"(ii) a list of the source or sources of ongoing training and technical assistance available to schools, teachers and administrators served by the local educational agency, such as State technology offices, intermediate educational support units, regional educational laboratories or institutions of higher education;

"(E) a description of the supporting resources, such as services, software and print resources, which will be acquired to ensure successful and effective use of technologies acquired under this section;

"(F) the projected timetable for implementing such plan in schools;

"(G) the projected cost of technologies to be acquired and related expenses needed to implement such plan; and

"(H) a description of how the local educational agency will coordinate the technology provided pursuant to this subpart with other grant funds available for technology from State and local sources;

"(2) describe how the local educational agency will involve parents, public libraries, business leaders and community leaders in the development of such plan;

"(3) describe how the acquired instructionally based technologies will help the local educational agency—

"(A) promote equity in education in order to support State content standards and State student performance standards that may be developed; and

"(B) provide access for teachers, parents and students to the best teaching practices and curriculum resources through technology; and

"(4) describe a process for the ongoing evaluation of how technologies acquired under this section—

"(A) will be integrated into the school curriculum; and

"(B) will affect student achievement and progress toward meeting the National Education Goals and any State content standards and State student performance standards that may be developed.

"(f) COORDINATION OF APPLICATION REQUIREMENTS.—If a local educational agency submitting an application for assistance under this section has developed a comprehensive education improvement plan, in conjunction with requirements under this Act or the Goals 2000: Educate America Act, the State educational agency may approve such plan, or a component of such plan, notwithstanding the requirements of subsection (e) if the State educational agency determines that such approval would further the purposes of this section.

"Subpart 3—Special Rule Applicable to Appropriations

"SEC. 3141. SPECIAL RULE.

"(a) APPROPRIATION OF LESS THAN $50,000,000.—Notwithstanding any other provision of law, for any fiscal year for which the sum of the amounts appropriated pursuant to the authority of sections 3122(f), 3123(b)(5), 3124(e), 3125(e), 3126(e), and 3132(c) is less than $50,000,000, the Secretary shall aggregate such amounts and make available—

"(1) 50 percent of such aggregate amount to carry out subpart 1 for such year; and

"(2) 50 percent of such aggregate amount to carry out subpart 2 for such year.

"(b) APPROPRIATION EQUAL TO OR GREATER THAN $50,000,000.—Notwithstanding any other provision of law, for any fiscal year for which the sum of the amounts appropriated pursuant to the authority of sections 3122(f), 3123(b)(5), 3124(e), 3125(e), 3126(e), and 3132(c) is equal to or greater than $50,000,000, the Secretary shall aggregate such amounts and make available—

"(1) the sum of $25,000,000 plus 35 percent of such aggregate amount in excess of $50,000,000 to carry out subpart 1 for such year; and

"(2) the sum of $25,000,000 plus 65 percent of such aggregate amount in excess of $50,000,000 to carry out subpart 2 for such year.

"PART B—STAR SCHOOLS PROGRAM

"SEC. 3201. SHORT TITLE.

"This part may be cited as the 'Star Schools Act'.

"SEC. 3202. PURPOSE.

"It is the purpose of this part to encourage improved instruction in mathematics, science, and foreign languages as well as other subjects, such as literacy skills and vocational education, and to serve underserved populations, including the disadvantaged, illiterate, limited-English proficient, and disabled, through a star schools program under which grants are made to eligible telecommunication partnerships to enable such partnerships to—

"(1) develop, construct, acquire, maintain and operate telecommunications audio and visual facilities and equipment;

"(2) develop and acquire educational and instructional programming; and

"(3) obtain technical assistance for the use of such facilities and instructional programming.

"SEC. 3203. GRANTS AUTHORIZED.

"(a) AUTHORITY.—The Secretary, through the Office of Educational Technology, is authorized to make grants, in accordance with the provisions of this part, to eligible telecommunications partnerships to pay the Federal share of the cost of—

"(1) the development, construction, acquisition, maintenance and operation of telecommunications facilities and equipment;

"(2) the development and acquisition of live, interactive instructional programming;

"(3) the development and acquisition of preservice and inservice teacher training programs based on established research regarding teacher-to-teacher mentoring, effective skill transfer, and ongoing, in-class instruction;

"(4) the establishment of teleconferencing facilities and resources for making interactive training available to teachers;

"(5) obtaining technical assistance; and

"(6) the coordination of the design and connectivity of telecommunications networks to reach the greatest number of schools.

"(b) DURATION.—

"(1) IN GENERAL.—The Secretary shall award grants pursuant to subsection (a) for a period of 5 years.

"(2) RENEWAL.—Grants awarded pursuant to subsection (a) may be renewed for 1 additional 5-year period.

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated $35,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this part.

"(2) AVAILABILITY.—Funds appropriated pursuant to the authority of subsection (a) shall remain available until expended.

"(d) LIMITATIONS.—

"(1) AMOUNT.—A grant made to an eligible telecommunications partnership under subsection (a) shall not exceed $5,000,000 in any 1 fiscal year.

"(2) RESERVATIONS.—

"(A) INSTRUCTIONAL PROGRAMMING.—Not less than 25 percent of the funds available to the Secretary in any fiscal year under this part shall be used for the cost of instructional programming.

"(B) FACILITIES AND EQUIPMENT.—Not less than 25 percent of the funds available to the Secretary in any fiscal year under this part shall be used for telecommunications facilities and equipment.

"(3) SPECIAL RULE.—Not less than 50 percent of the funds available in any fiscal year under this part shall be used for the cost of facilities, equipment, teacher training or retraining, technical assistance, or programming, for local educational agencies which are eligible to receive assistance under part A of title I of the Elementary and Secondary Education Act of 1965.

"(e) FEDERAL SHARE.—

"(1) IN GENERAL.—The Federal share for any fiscal year shall be not more than 75 percent.

"(2) WAIVER.—The Secretary may reduce or waive the requirements of the non-Federal share required under paragraph (1) for good cause, as determined by the Secretary.

"(f) COORDINATION.—The Department, the National Science Foundation, the Department of Agriculture, the Department of Commerce, and any other Federal department or agency operating a telecommunications network for educational purposes, shall coordinate the activities assisted under this part with the activities of such department or agency relating to a telecommunications network for educational purposes.

"(g) CLOSED CAPTIONING AND DESCRIPTIVE VIDEO.—Each entity receiving funds under this part is encouraged to provide—

"(1) closed captioning of the verbal content of such program, where appropriate, to be broadcast by way of line 21 of the vertical blanking interval, or by way of comparable successor technologies; and

"(2) descriptive video of the visual content of such program, as appropriate.

"SEC. 3204. ELIGIBLE TELECOMMUNICATIONS PARTNERSHIPS.

"(a) IN GENERAL.—In order to be eligible for a grant under this part, an eligible telecommunications partnership shall consist of—

"(1) a public agency or corporation established for the purposes of developing and operating telecommunications services to enhance educational opportunities provided by educational institutions, teacher training centers, and other entities, except that any such agency or corporation shall represent the interest of elementary and secondary schools which are eligible for assistance under part A of title I; or

"(2) a partnership that will provide telecommunications services and which includes 3 or more of the following entities, at least 1 of which shall be an agency described in subparagraph (A) or (B):

"(A) a local educational agency serving a significant number of elementary and secondary schools that are eligible for assistance under part A of title I or elementary and secondary schools operated for Indian children by the Department of the Interior under section 1121(c);

"(B) a State educational agency;

"(C) an institution of higher education or a State higher education agency;

"(D) a teacher training center or academy which—

"(i) provides teacher preservice and inservice training; and

"(ii) receives Federal financial assistance or has been approved by a State agency;

"(E)(i) a public or private entity with experience and expertise in the planning and operation of a telecommunications service, including entities involved in telecommunications through satellite, cable, telephone or computers; or

"(ii) a public broadcasting entity with such experience; or

"(F) a public or private elementary or secondary school.

"(b) SPECIAL RULE.—An eligible telecommunications partnership shall be organized on a statewide or multistate basis.

"SEC. 3205. APPLICATIONS.

"(a) APPLICATIONS REQUIRED.—Each eligible telecommunications partnership which desires to receive a grant under section 3203 shall submit an application to the Secretary, at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

"(b) CONTENTS OF THE APPLICATION.—Each application submitted pursuant to subsection (a) shall—

"(1) describe the telecommunications facilities and equipment and technical assistance for which assistance is sought, which may include—

"(A) the design, development, construction, acquisition, maintenance and operation of State or multistate educational telecommunications networks and technology resource centers;

"(B) microwave, fiber optics, cable, and satellite transmission equipment or any combination thereof;

"(C) reception facilities;

"(D) satellite time;

"(E) production facilities;

"(F) other telecommunications equipment capable of serving a wide geographic area;

"(G) the provision of training services to instructors who will be using the facilities and equipment for which assistance is sought, including training in using such facilities and equipment and training in integrating programs into the classroom curriculum; and

"(H) the development of educational programming for use on a telecommunications network;

"(2) in the case of an application for assistance for instructional programming, describe the types of programming which will be developed to enhance instruction and training and provide assurances that such programming will be designed in consultation with professionals (including classroom teachers) who are experts in the applicable subject matter and grade level;

"(3) demonstrate that the eligible telecommunications partnership has engaged in sufficient survey and analysis of the area to be served to ensure that the services offered by the eligible telecommunications partnership will increase the availability of courses of instruction in mathematics, science, and foreign languages, as well as other subjects to be offered;

"(4) describe the training policies for teachers and other school personnel to be implemented to ensure the effective use of telecommunications facilities and equipment for which assistance is sought;

"(5) provide assurances that the financial interest of the United States in the telecommunications facilities and equipment will be protected for the useful life of such facilities and equipment;

"(6) provide assurances that a significant portion of any facilities and equipment, technical assistance, and programming for which assistance is sought for elementary and secondary schools will be made available to schools or local educational agencies that have a high number or percentage of children eligible to be counted under part A of title I;

"(7) describe the manner in which traditionally underserved students, such as students who are disadvantaged, limited-English proficient, disabled, or illiterate, will participate in the benefits of the telecommunications facilities, equipment, technical assistance, and programming assisted under this part;

"(8) provide assurances that the applicant will use the funds provided under this part to supplement and not supplant funds otherwise available for the purposes of this part;

"(9) if any member of the consortia is receiving assistance under section 3122, describe how funds received under this part will be coordinated with funds received for educational technology in the classroom under such section;

"(10) describe the activities or services for which assistance is sought, including activities and services such as—

"(A) providing facilities, equipment, training, services, and technical assistance described in paragraphs (1), (2), (4) and (7);

"(B) making programs accessible to individuals with disabilities through mechanisms such as closed captioning and descriptive video services;

"(C) linking networks together, for example, around an issue of national importance, such as national elections;

"(D) sharing curriculum resources between networks and development of program guides which demonstrate cooperative, cross-network listing of programs for specific curriculum areas;

"(E) providing teacher and student support services including classroom and training support materials which permit student and teacher involvement in the live interactive distance learning telecasts;

"(F) incorporating community resources, such as libraries and museums, into instructional programs;

"(G) providing teacher training to early childhood development and Head Start teachers and staff;

"(H) providing teacher training to vocational education teachers and staff;

"(I) providing teacher training on proposed or established voluntary national content standards in mathematics and science and other disciplines as such standards are developed;

"(J) providing programs for adults to maximize the use of telecommunications facilities and equipment; and

"(K) providing parent education programs during and after the regular school day which reinforce the student's course of study and actively involve parents in the learning process; and

"(11) include such additional assurances as the Secretary may reasonably require.

"(c) APPROVAL OF APPLICATION; PRIORITY.—The Secretary, in approving applications under this section, shall give priority to applications which demonstrate that—

"(1) a concentration and quality of mathematics, science, and foreign languages resources which, by their distribution through the eligible telecommunications partnership, will offer significant new educational opportunities to network participants, particularly to traditionally underserved populations and areas with scarce resources and limited access to courses in mathematics, science, and foreign languages;

"(2) the eligible telecommunications partnership has secured the direct cooperation and involvement of public and private educational institutions, State and local government, and industry in planning the network and ensuring that there is not needless duplication of existing information infrastructure;

"(3) the eligible telecommunications partnership will serve the broadest range of institutions, including in the case of elementary and secondary schools, those elementary and secondary schools having a significant number of students eligible to be counted under part A of title I, programs providing instruction outside of the school setting, institutions of higher education, teacher training centers, research institutes, and private industry;

"(4) a significant number of educational institutions have agreed to participate or will participate in the use of the telecommunications system for which assistance is sought;

"(5) the eligible telecommunications partnership will have substantial academic and teaching capabilities, including the capability of training, retraining, and inservice upgrading of teaching skills and the capability to provide professional development leading to comprehensive effective instructional strategies, outcomes-based curriculum and parenting practices;

"(6) the eligible telecommunications partnership will—

"(A) provide a comprehensive range of courses for educators to teach instructional strategies for students with different skill levels;

"(B) provide training to participating educators in ways to integrate telecommunications courses into existing school curriculum; and

"(C) provide instruction for students, teachers, and parents;

"(7) the eligible telecommunications partnership will serve a multistate area;

"(8) the eligible telecommunications partnership will give priority to the provision of equipment and linkages to isolated areas;

"(9) a telecommunications entity (such as a satellite, cable, telephone, computer, or public or private television stations) will participate in the partnership and will donate equipment or in kind services for telecommunications linkages; and

"(10) the eligible telecommunications partnership will, in providing services with assistance under this part, meet the needs of groups of individuals traditionally excluded from careers in mathematics and science because of discrimination, inaccessibility, or economically disadvantaged backgrounds.

"(d) GEOGRAPHIC DISTRIBUTION.—In approving applications under this section, the Secretary shall assure an equitable geographic distribution of grants under this part.

"SEC. 3206. LEADERSHIP AND EVALUATION ACTIVITIES.

"(a) RESERVATION.—From the amount appropriated pursuant to the authority of section 3203(c)(1) in each fiscal year, the Secretary may reserve not more than 5 percent of such amount for national leadership, evaluation, and peer review activities.

"(b) METHOD OF FUNDING.—The Secretary may fund the activities described in subsection (a) directly or through grants, contracts, and cooperative agreements.

"(c) USES OF FUNDS.—

"(1) LEADERSHIP.—Funds reserved for leadership activities under subsection (a) may be used for—

"(A) disseminating information, including lists and descriptions of services available from recipients; and

"(B) other activities designed to enhance the quality of distance learning activities nationwide.

"(2) EVALUATION.—Funds reserved for evaluation activities under subsection (a) may be used to conduct independent evaluations of the activities assisted under this part and of distance learning in general, including—

"(A) analyses of distance learning efforts, including such efforts that are assisted under this

part and such efforts that are not assisted under this part; and

"(B) comparisons of the effects, including student outcomes, of different technologies in distance learning efforts.

"(3) PEER REVIEW.—Funds reserved for peer review activities under subsection (a) may be used for peer review of—

"(A) applications for grants under this part; and

"(B) activities assisted under this part.

"SEC. 3207. ADMINISTRATIVE PROVISIONS.

"(a) CONTINUING ELIGIBILITY.—

"(1) IN GENERAL.—In order to be eligible to receive a grant under section 3203 for a second 5-year grant period an eligible telecommunications partnership shall demonstrate in the application submitted pursuant to section 3205 that such partnership will—

"(A) continue to provide services in the subject areas and geographic areas assisted with funds received under this part for the previous 5-year grant period; and

"(B) use all grant funds received under this part for the second 5-year grant period to provide expanded services by—

"(i) increasing the number of students, schools or school districts served by the courses of instruction assisted under this part in the previous fiscal year;

"(ii) providing new courses of instruction; and

"(iii) serving new populations of underserved individuals, such as children or adults who are disadvantaged, have limited-English proficiency, are disabled, are illiterate, or lack secondary school diplomas or their recognized equivalent.

"(2) SPECIAL RULES.—Grant funds received pursuant to the application of paragraph (1) shall be used to supplement and not supplant services provided by the recipient under this part in the previous fiscal year.

"(b) FEDERAL ACTIVITIES.—The Secretary may assist grant recipients under section 3203 in acquiring satellite time, where appropriate, as economically as possible.

"SEC. 3208. OTHER ASSISTANCE.

"(a) SPECIAL STATEWIDE NETWORK.—

"(1) IN GENERAL.—The Secretary, through the Office of Educational Technology, may provide assistance to a statewide telecommunications network under this subsection if such network—

"(A) provides 2-way full motion interactive video and audio communications;

"(B) links together public colleges and universities and secondary schools throughout the State; and

"(C) meets any other requirements determined appropriate by the Secretary.

"(2) STATE CONTRIBUTION.—A statewide telecommunications network assisted under paragraph (1) shall contribute, either directly or through private contributions, non-Federal funds equal to not less than 50 percent of the cost of such network.

"(b) SPECIAL LOCAL NETWORK.—

"(1) IN GENERAL.—The Secretary may provide assistance, on a competitive basis, to a local educational agency or consortium thereof to enable such agency or consortium to establish a high technology demonstration program.

"(2) PROGRAM REQUIREMENTS.—A high technology demonstration program assisted under paragraph (1) shall—

"(A) include 2-way full motion interactive video, audio and text communications;

"(B) link together elementary and secondary schools, colleges, and universities;

"(C) provide parent participation and family programs;

"(D) include a staff development program; and

"(E) have a significant contribution and participation from business and industry.

"(3) SPECIAL RULE.—Each high technology demonstration program assisted under paragraph (1) shall be of sufficient size and scope to have an effect on meeting the National Education Goals.

"(4) MATCHING REQUIREMENT.—A local educational agency or consortium receiving a grant under paragraph (1) shall provide, either directly or through private contributions, non-Federal matching funds equal to not less than 50 percent of the amount of the grant.

"(c) TELECOMMUNICATIONS PROGRAMS FOR CONTINUING EDUCATION.—

"(1) AUTHORITY.—The Secretary is authorized to award grants, on a competitive basis, to eligible telecommunications partnerships to enable such partnerships to develop and operate one or more programs which provide on-line access to educational resources in support of continuing education and curriculum requirements relevant to achieving a secondary school diploma or its equivalent. The program authorized by this section shall be designed to advance adult literacy, secondary school completion and the acquisition of specified competency by the end of the 12th grade, as envisioned by the Goals 2000: Educate America Act.

"(2) APPLICATION.—Each eligible telecommunications partnership desiring a grant under this section shall submit an application to the Secretary. Each such application shall—

"(A) demonstrate that the applicant will use publicly funded or free public telecommunications infrastructure to deliver video, voice and data in an integrated service to support and assist in the acquisition of a secondary school diploma or its equivalent;

"(B) assure that the content of the materials to be delivered is consistent with the accreditation requirements of the State for which such materials are used;

"(C) incorporate, to the extent feasible, materials developed in the Federal departments and agencies and under appropriate federally funded projects and programs;

"(D) assure that the applicant has the technological and substantive experience to carry out the program; and

"(E) contain such additional assurances as the Secretary may reasonably require.

"SEC. 3209. DEFINITIONS.

"As used in this part—

"(1) the term 'educational institution' means an institution of higher education, a local educational agency, or a State educational agency;

"(2) the term 'instructional programming' means courses of instruction, training courses, and resources used in such instruction and training, which have been prepared in audio and visual form on tape, disc, film, live, and presented by means of telecommunications devices;

"(3) the term 'public broadcasting entity' has the same meaning given that term by section 397 of the Communications Act of 1934; and

"(4) the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, the Republic of Palau, and the Commonwealth of the Northern Mariana Islands.

"PART C—READY-TO-LEARN TELEVISION

"SEC. 3301. READY-TO-LEARN.

"(a) IN GENERAL.—The Secretary is authorized to enter into contracts, cooperative agreements, or grants with entities described in section 3302(b) to develop, produce, and distribute educational and instructional video programming for preschool and elementary school children and their parents in order to facilitate the achievement of the National Education Goals.

"(b) AVAILABILITY.—In making such contracts, cooperative agreements, or grants, the Secretary shall ensure that recipients make programming widely available with support materials as appropriate to young children, their parents, child care workers, and Head Start providers to increase the effective use of such programming.

"SEC. 3302. EDUCATIONAL PROGRAMMING.

"(a) AWARDS.—The Secretary shall award contracts, cooperative agreements, or grants to eligible entities to—

"(1) facilitate the development directly or through contracts with producers of children and family educational television programming, educational programming for preschool and elementary school children, and accompanying support materials and services that promote the effective use of such programming; and

"(2) contract with entities (such as public broadcasting entities and those funded under the Star Schools Act) in order that programs developed under this section are disseminated and distributed to the widest possible audience appropriate to be served by the programming by the most appropriate distribution technologies.

"(b) ELIGIBLE ENTITIES.—To be eligible to receive a contract, cooperative agreement, or grant under subsection (a), an entity shall be—

"(1) a nonprofit entity (including a public telecommunications entity) able to demonstrate a capacity for the development and distribution of educational and instructional television programming of high quality for preschool and elementary school children; and

"(2) able to demonstrate a capacity to contract with the producers of children's television programming for the purpose of developing educational television programming of high quality for preschool and elementary school children.

"(c) CULTURAL EXPERIENCES.—Programming developed under this section shall reflect the recognition of diverse cultural experiences and the needs and experiences of both boys and girls in engaging and preparing young children for schooling.

"SEC. 3303. DUTIES OF SECRETARY.

"The Secretary is authorized—

"(1) to establish and administer a Special Projects of National Significance program to award contracts, cooperative agreements, or grants to public and nonprofit private entities, or local public television stations or such public television stations that are part of a consortium with one or more State educational agencies, local educational agencies, local schools, institutions of higher education, or community-based organizations of demonstrated effectiveness, for the purpose of—

"(A) addressing the learning needs of young children in limited-English proficient households, and developing appropriate educational and instructional television programming to foster the school readiness of such children;

"(B) developing programming and support materials to increase family literacy skills among parents to assist parents in teaching their children and utilizing educational television programming to promote school readiness; and

"(C) identifying, supporting, and enhancing the effective use and outreach of innovative programs that promote school readiness;

"(2) to establish within the Department a clearinghouse to compile and provide information, referrals and model program materials and programming obtained or developed under this part to parents, child care providers, and other appropriate individuals or entities to assist such individuals and entities in accessing programs and projects under this part; and

"(3) to develop and disseminate training materials, including—

"(A) interactive programs and programs adaptable to distance learning technologies that are designed to enhance knowledge of children's

social and cognitive skill development and positive adult-child interactions; and

"(B) support materials to promote the effective use of materials developed under paragraph (2); among parents, Head Start providers, in-home and center based day care providers, early childhood development personnel, and elementary school teachers, public libraries, and after school program personnel caring for preschool and elementary school children;

"(4) coordinate activities with the Secretary of Health and Human Services in order to—

"(A) maximize the utilization of quality educational programming by preschool and elementary school children, and make such programming widely available to federally funded programs serving such populations; and

"(B) provide information to recipients of funds under Federal programs that have major training components for early childhood development, including Head Start, Even Start, and State training activities funded under the Child Care Development Block Grant Act of 1990 regarding the availability and utilization of materials developed under paragraph (3) to enhance parent and child care provider skills in early childhood development and education.

"SEC. 3304. APPLICATIONS.

"Each eligible entity desiring a contract, cooperative agreement, or grant under section 3301 or 3303 shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"SEC. 3305. REPORTS AND EVALUATION.

"(a) ANNUAL REPORT TO SECRETARY.—An entity receiving funds under section 3301 shall prepare and submit to the Secretary an annual report which contains such information as the Secretary may require. At a minimum, the report shall describe the program activities undertaken with funds received under this section, including—

"(1) the programming that has been developed directly or indirectly by the entity, and the target population of the programs developed;

"(2) the support materials that have been developed to accompany the programming, and the method by which such materials are distributed to consumers and users of the programming;

"(3) the means by which programming developed under this section has been distributed, including the distance learning technologies that have been utilized to make programming available and the geographic distribution achieved through such technologies; and

"(4) the initiatives undertaken by the entity to develop public-private partnerships to secure non-Federal support for the development and distribution and broadcast of educational and instructional programming.

"(b) REPORT TO CONGRESS.—The Secretary shall prepare and submit to the relevant committees of Congress a biannual report which includes—

"(1) a summary of the information made available under section 3302(a); and

"(2) a description of the training materials made available under section 3303(3), the manner in which outreach has been conducted to inform parents and child care providers of the availability of such materials, and the manner in which such materials have been distributed in accordance with such section.

"SEC. 3306. ADMINISTRATIVE COSTS.

"With respect to the implementation of section 3302, entities receiving a contract, cooperative agreement, or grant from the Secretary may use not more than 5 percent of the amounts received under such section for the normal and customary expenses of administering the contract, cooperative agreement, or grant.

"SEC. 3307. DEFINITION.

"For the purposes of this part, the term 'distance learning' means the transmission of educational or instructional programming to geographically dispersed individuals and groups via telecommunications.

"SEC. 3308. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this part, $30,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years. Not less than 60 percent of the amounts appropriated under this subsection for each fiscal year shall be used to carry out section 3302.

"(b) SPECIAL PROJECTS.—Of the amount appropriated under subsection (1) for each fiscal year, at least 10 percent of such amount shall be utilized in each such fiscal year for activities under section 3303(1)(C).

"PART D—ELEMENTARY MATHEMATICS AND SCIENCE EQUIPMENT PROGRAM

"SEC. 3401. SHORT TITLE.

"This part may be cited as the 'Elementary Mathematics and Science Equipment Act'.

"SEC. 3402. STATEMENT OF PURPOSE.

"It is the purpose of this part to raise the quality of instruction in mathematics and science in the Nation's elementary schools by providing equipment and materials necessary for hands-on instruction through assistance to State and local educational agencies.

"SEC. 3403. PROGRAM AUTHORIZED.

"The Secretary is authorized to make allotments to State educational agencies under section 3404 to enable such agencies to award grants to local educational agencies for the purpose of providing equipment and materials to elementary schools to improve mathematics and science education in such schools.

"SEC. 3404. ALLOTMENTS OF FUNDS.

"(a) IN GENERAL.—From the amount appropriated under section 3410 for any fiscal year, the Secretary shall reserve—

"(1) not more than one-half of 1 percent for allotment among Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau according to their respective needs for assistance under this part; and

"(2) one-half of 1 percent for programs for Indian students served by schools funded by the Secretary of the Interior which are consistent with the purposes of this part.

"(b) ALLOTMENT.—

"(1) IN GENERAL.—The remainder of the amount so appropriated (after meeting requirements in subsection (a)) shall be allotted among State educational agencies so that—

"(A) one-half of such remainder shall be distributed by allotting to each State educational agency an amount which bears the same ratio to such one-half of such remainder as the number of children aged 5 to 17, inclusive, in the State bears to the number of such children in all States; and

"(B) one-half of such remainder shall be distributed according to each State's share of allocations under part A of title I.

"(2) MINIMUM.—Except as provided in paragraph (3), no State educational agency shall receive an allotment under this subsection for any fiscal year in an amount that is—

"(A) less than one-half of 1 percent of the amount made available under this subsection for such fiscal year; or

"(B) less than the amount allotted to such State for fiscal year 1988 under title II of the Education for Economic Security Act.

"(3) RATABLE REDUCTIONS.—(A) If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all State educational agencies are eligible to receive under paragraph (2)(B) for such year, the Secretary shall ratably reduce the allotment to such agencies for such year.

"(B) If additional funds become available for making payments under paragraph (2)(B) for such fiscal year, allotments that were reduced under subparagraph (A) shall be increased on the same basis as such allotments were reduced.

"(c) REALLOTMENT OF UNUSED FUNDS.—The amount of any State educational agency's allotment under subsection (b) for any fiscal year to carry out this part which the Secretary determines will not be required for that fiscal year to carry out this part shall be available for reallotment from time to time, on such dates during that year as the Secretary may determine, to other State educational agencies in proportion to the original allotments to those State educational agencies under subsection (b) for that year but with such proportionate amount for any of those other State educational agencies being reduced to the extent it exceeds the sum the Secretary estimates that the State educational agency needs and will be able to use for that year, and the total of those reductions shall be similarly reallotted among the State educational agencies whose proportionate amounts were not so reduced. Any amounts reallotted to a State educational agency under this subsection during a year shall be deemed a part of the State educational agency's allotment under subsection (b) for that year.

"(d) DEFINITION.—For the purposes of this part the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(e) DATA.—The number of children aged 5 to 17, inclusive, in the State and in all States shall be determined by the Secretary on the basis of the most recent satisfactory data available to the Secretary.

"SEC. 3405. STATE APPLICATION.

"(a) APPLICATION.—Each State educational agency desiring to receive an allotment under this part shall file an application with the Secretary which covers a period of 5 fiscal years. Such application shall be filed at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

"(b) CONTENTS OF APPLICATION.—Each application described in subsection (a) shall—

"(1) provide assurances that—

"(A) the State educational agency shall use the allotment provided under this part to award grants to local educational agencies within the State to enable such local educational agencies to provide assistance to schools served by such agency to carry out the purpose of this part;

"(B) the State educational agency will provide such fiscal control and funds accounting as the Secretary may require;

"(C) every public elementary school in the State is eligible to receive assistance under this part once over the 5-year duration of the program assisted under this part;

"(D) funds provided under this part will supplement, not supplant, State and local funds made available for activities authorized under this part;

"(E) during the 5-year period described in the application, the State educational agency will evaluate its standards and programs for teacher preparation and inservice professional development for elementary mathematics and science;

"(F) the State educational agency will take into account the needs for greater access to and participation in mathematics and science by students and teachers from historically underrepresented groups, including females, minorities, individuals with limited-English proficiency, the economically disadvantaged, and individuals with disabilities; and

"(G) that the needs of teachers and students in areas with high concentrations of low-income students and sparsely populated areas will be given priority in awarding assistance under this part;

"(2) provide, if appropriate, a description of how funds paid under this part will be coordinated with State and local funds and other Federal resources, particularly with respect to programs for the professional development and inservice training of elementary school teachers in science and mathematics; and

"(3) describe procedures—

"(A) for submitting applications for programs described in section 3406 for distribution of assistance under this part within the State; and

"(B) for approval of applications by the State educational agency, including appropriate procedures to assure that such agency will not disapprove an application without notice and opportunity for a hearing.

"(c) STATE ADMINISTRATION.—Not more than 5 percent of the funds allotted to each State educational agency under this part shall be used for the administrative costs of such agency associated with carrying out the program assisted under this part.

"SEC. 3406. LOCAL APPLICATION.

"(a) APPLICATION.—A local educational agency that desires to receive a grant under this part shall submit an application to the State educational agency. Each such application shall contain assurances that each school served by the local educational agency shall be eligible for assistance under this part only once.

"(b) CONTENTS OF APPLICATION.—Each application described in subsection (a) shall—

"(1) describe how the local educational agency plans to set priorities on the use and distribution among schools of grant funds received under this part to meet the purpose of this part;

"(2) include assurances that the local educational agency has made every effort to match on a dollar-for-dollar basis from private or public sources the funds received under this part, except that no such application shall be penalized or denied assistance under this part based on failure to provide such matching funds;

"(3) describe, if applicable, how funds under this part will be coordinated with State, local, and other Federal resources, especially with respect to programs for the professional development and inservice training of elementary school teachers in science and mathematics; and

"(4) describe the process which will be used to determine different levels of assistance to be awarded to schools with different needs.

"(c) PRIORITY.—In awarding grants under this part, the State educational agency shall give priority to applications that—

"(1) assign highest priority to providing assistance to schools which—

"(A) are most seriously underequipped; or

"(B) serve large numbers or percentages of economically disadvantaged students;

"(2) are attentive to the needs of underrepresented groups in science and mathematics;

"(3) demonstrate how science and mathematics equipment will be part of a comprehensive plan of curriculum planning or implementation and teacher training supporting hands-on laboratory activities; and

"(4) assign priority to providing equipment and materials for students in grades 1 through 6.

"SEC. 3407. PROGRAM REQUIREMENTS.

"(a) COORDINATION.—Each State educational agency receiving an allotment under this part shall—

"(1) disseminate information to school districts and schools, including private nonprofit elementary schools, regarding the program assisted under this part;

"(2) evaluate applications of local educational agencies;

"(3) award grants to local educational agencies based on the priorities described in section 3406(c); and

"(4) evaluate local educational agencies' end-of-year summaries and submit such evaluation to the Secretary.

"(b) LIMITATIONS ON USE OF FUNDS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), grant funds and matching funds under this part only shall be used to purchase science equipment, science materials, or mathematical manipulative materials and shall not be used for computers, computer peripherals, software, textbooks, or staff development costs.

"(2) CAPITAL IMPROVEMENTS.—Grant funds under this part may not be used for capital improvements. Not more than 50 percent of any matching funds provided by the local educational agency may be used for capital improvements of classroom science facilities to support the hands-on instruction that this part is intended to support, such as the installation of electrical outlets, plumbing, lab tables or counters, or ventilation mechanisms.

"SEC. 3408. FEDERAL ADMINISTRATION.

"(a) TECHNICAL ASSISTANCE AND EVALUATION PROCEDURES.—The Secretary shall provide technical assistance and, in consultation with State and local representatives of the program assisted under this part, shall develop procedures for State and local evaluations of the programs assisted under this part.

"(b) REPORT.—The Secretary shall report to the Congress each year on the program assisted under this part in accordance with section 10701.

"SEC. 3409. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $30,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this part.

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

"SEC. 3501. PROGRAM AUTHORIZED.

"The Secretary shall award grants or make allocations for the acquisition of school library media resources for the use of students, library media specialists, and teachers in elementary and secondary schools in accordance with this part.

"SEC. 3502. FUNDING REQUIREMENTS.

"(a) IN GENERAL.—From the amount appropriated to carry out part A in each fiscal year, the Secretary shall make available at least 10 percent but not more than 20 percent of such amount to make awards in accordance with subsection (b) to States having a plan approved under section 3503.

"(b) SPECIAL RULE.—

"(1) AMOUNTS BELOW $50,000,000.—If the amount made available under subsection (a) for a fiscal year is less than $50,000,000, then the Secretary shall award grants to States, on a competitive basis, taking into account such factors as age and condition of existing school library media collections and the relative economic need of the students to be served.

"(2) AMOUNTS EQUAL TO OR EXCEEDING $50,000,000.—If the amount made available under subsection (a) for a fiscal year equals or exceeds $50,000,000, then the Secretary shall allocate to each State an amount which bears the same relationship to such amount as the amount such State received under title II for such year bears to the amount all States received under such title for such year.

"SEC. 3503. STATE PLANS.

"In order for a State to receive a grant or an allocation of funds under this part for any fiscal year, such State shall have in effect for such fiscal year a State plan. Such plan shall—

"(1) designate the State educational agency as the State agency responsible for the administration of the program assisted under this part;

"(2) set forth a program under which funds paid to the State in accordance with section 3502 will be expended solely for—

"(A) acquisition of school library media resources, including books and foreign language resources, for the use of students, school library media specialists, and teachers in elementary and secondary schools in the United States; and

"(B) administration of the State plan, including development and revision of standards, relating to school library media resources, except that the amount used for administration of the State plan in any fiscal year shall not exceed 3 percent of the amount available to such State under section 3502 for such fiscal year; and

"(3) set forth criteria to be used in allotting funds for school library media resources among the local educational agencies of the State, which allotment shall take into consideration the relative need of the students, school media specialists, and teachers to be served.

"SEC. 3504. DISTRIBUTION OF ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.

"From the funds made available under section 3502 to a State in each fiscal year, such State shall distribute not less than 97 percent of such funds for such year to local educational agencies within such State on the same basis as allocations are made available to States under section 2122.

"PART F—BUDDY SYSTEM COMPUTER EDUCATION

"SEC. 3601. SHORT TITLE.

"This part may be cited as the 'Buddy System Computer Education Act'.

"SEC. 3602. PURPOSE.

"It is the purpose of this part to award demonstration grants to develop and expand public-private partnership programs which extend the learning experience, via computers, beyond the classroom environment in order to—

"(1) enhance learning by providing students with the technological tools and guidance necessary to develop skills critical to educational growth and success in the workplace, including—

"(A) mastery of fundamental computer technology and applications;

"(B) improved written and visual communication skills;

"(C) improved critical thinking and problem solving abilities; and

"(D) improved ability to work in a collaborative, teamwork-driven environment;

"(2) encourage parental involvement in education and total family use and understanding of computers and telecommunications through at-home applications; and

"(3) establish foundations for lifelong learning through improvement in education skills and student motivation and attitudes.

"SEC. 3603. GRANT AUTHORIZATION.

"(a) GRANT PROGRAM.—

"(1) IN GENERAL.—The Secretary shall conduct a program of awarding a grant to each of 3 States to enable such States to create a computer-based education project for children in grades 4 through 6 in accordance with the requirements of section 3604.

"(2) AWARD BASIS.—The Secretary shall award grants under this part on a competitive basis.

"(3) PREFERENCE.—In awarding grants under this part, the Secretary shall give preference to applications—

"(A) from States that have a demonstrated ability or commitment to computer-based technology education; and

"(B) describing projects that serve school districts which serve a large number or percentage of economically disadvantaged students.

"(b) SITE SELECTION AND PROJECT IMPLEMENTATION.—Site selection and implementation of the computer-based education projects assisted under this part shall take place not later than 9 months after funds are appropriated to carry

out this part pursuant to the authority of section 3608.

"SEC. 3604. PROGRAM REQUIREMENTS.

"Each State receiving a grant to conduct a computer-based education project under this part shall—

"(1) provide a continuous 3-year computer-based education project to 2 consecutive groups of 4th, 5th, and 6th grade elementary school students during the period commencing with each such group's entry into 4th grade and ending the summer following each such group's completion of 6th grade;

"(2) ensure that each student in each of the classes participating in the project shall participate in the project;

"(3) conduct such project in not more than 7 public elementary schools within the State; and

"(4) ensure that each student participating in the project shall have access to a computer—

"(A) at school during the school year; and

"(B) at home during the school year and summer.

"SEC. 3605. APPLICATIONS.

"(a) APPLICATION REQUIRED.—In order to receive a grant under this part, the State educational agency shall submit an application to the Secretary in such form and containing such information as the Secretary may reasonably require. Such application shall include an assurance from the State educational agency that the State educational agency has made every effort to match on a dollar-for-dollar basis from private or public sources the funds received under this part, except that no such application shall be penalized or denied assistance under this part on the basis of the failure to provide such matching funds.

"(b) APPLICATION PERIOD.—States shall be eligible to submit applications for assistance under this part during a 3-month period determined by the Secretary.

"SEC. 3606. USE OF FUNDS.

"Grant funds under this part shall be used to provide hardware and software components to all sites, and training for classroom teachers as well as parents, administrators and technical personnel.

"SEC. 3607. EVALUATION.

"The Secretary shall evaluate the demonstration program assisted under this part and shall report to the Congress regarding the overall effectiveness of such program.

"SEC. 3608. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $5,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this part.

"TITLE IV—MAGNET SCHOOLS ASSISTANCE

"SEC. 4101. FINDINGS.

"The Congress finds that—

"(1) magnet schools are a significant part of our Nation's effort to achieve voluntary desegregation in our Nation's schools;

"(2) the use of magnet schools has increased dramatically since the date of enactment of the Magnet Schools Assistance program, with approximately 1,400,000 students nationwide now attending such schools, of which more than 60 percent of the students are nonwhite;

"(3) magnet schools offer a wide range of distinctive programs that have served as models for school improvement efforts;

"(4) in administering the Magnet Schools Assistance program, the Federal Government has learned that—

"(A) where magnet programs are implemented for only a portion of a school's student body, special efforts must be made to discourage the isolation of—

"(i) magnet students from other students in the school; and

"(ii) students by racial characteristics;

"(B) school districts can maximize their effectiveness in achieving the purposes of the Magnet Schools Assistance program if such districts have more flexibility in the administration of such program in order to serve students attending a school who are not enrolled in the magnet school program;

"(C) school districts must be creative in designing magnet schools for students at all academic levels, so that school districts do not skim off only the highest achieving students to attend the magnet schools;

"(D) consistent with desegregation guidelines, school districts must seek to enable participation in magnet school programs by students who reside in the neighborhoods where the programs operate; and

"(E) in order to ensure that magnet schools are sustained after Federal funding ends, the Federal Government must assist school districts to improve their capacity to continue to operate magnet schools at a high level of performance;

"(5) it is in the best interest of the Federal Government to—

"(A) continue the Federal Government's support of school districts implementing court-ordered desegregation plans and school districts seeking to foster meaningful interaction among students of different racial and ethnic backgrounds, beginning at the earliest stage of such students' education;

"(B) ensure that all students have equitable access to quality education that will prepare such students to function well in a culturally diverse, technologically oriented, and highly competitive, global community; and

"(C) maximize the ability of school districts to plan, develop, implement and continue effective and innovative magnet schools that contribute to State and local systemic reform.

"SEC. 4102. STATEMENT OF PURPOSE.

"The purpose of this title is to assist in the desegregation of school districts by providing financial assistance to eligible local educational agencies for—

"(1) the elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial proportions of minority students;

"(2) the development and implementation of magnet school projects that will assist local educational agencies in achieving systemic reforms and providing all students the opportunity to meet challenging State content standards and challenging State student performance standards;

"(3) the development and design of innovative educational methods and practices; and

"(4) courses of instruction within magnet schools that will substantially strengthen the knowledge of academic subjects and the grasp of tangible and marketable vocational skills of students attending such schools.

"SEC. 4103. PROGRAM AUTHORIZED.

"The Secretary, in accordance with this title, is authorized to make grants to local educational agencies, and consortia of such agencies where appropriate, to carry out the purpose of this title for magnet schools that are—

"(1) part of an approved desegregation plan; and

"(2) designed to bring students from different social, economic, ethnic, and racial backgrounds together.

"SEC. 4104. DEFINITION.

"For the purpose of this title, the term 'magnet school' means a public school or public education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

"SEC. 4105. ELIGIBILITY.

"A local educational agency, or consortium of such agencies where appropriate, is eligible to receive assistance under this title to carry out the purposes of this title if such agency or consortium—

"(1) is implementing a plan undertaken pursuant to a final order issued by a court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, and that requires the desegregation of minority-group-segregated children or faculty in the elementary and secondary schools of such agency; or

"(2) without having been required to do so, has adopted and is implementing, or will, if assistance is made available to such local educational agency or consortium of such agencies under this part, adopt and implement a plan that has been approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 for the desegregation of minority-group-segregated children or faculty in such schools.

"SEC. 4106. APPLICATIONS AND REQUIREMENTS.

"(a) APPLICATIONS.—An eligible local educational agency or consortium of such agencies desiring to receive assistance under this title shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

"(b) INFORMATION AND ASSURANCES.—Each such application shall include—

"(1) a description of—

"(A) how assistance made available under this title will be used to promote desegregation, including how the proposed magnet school project will increase interaction among students of different social, economic, ethnic, and racial backgrounds;

"(B) the manner and extent to which the magnet school project seeks to increase student achievement in the instructional area or areas offered by the school;

"(C) how an applicant will continue the magnet school project after assistance under this title may no longer be available, including, if applicable, an explanation of why magnet schools established or supported by the applicant with funds under this title cannot be continued without the use of funds under this part;

"(D) how funds under this title will be used to implement services and activities that are consistent with—

"(i) the State plan described in section 1111; and

"(ii) the local educational agency's plan described in section 1112; and

"(E) the criteria to be used in selecting students to attend the proposed magnet school projects; and

"(2) assurances that the applicant will—

"(A) use funds under this title for the purposes specified in section 4102;

"(B) employ State certified or licensed teachers in the courses of instruction assisted under this title to teach or supervise others who are teaching the subject matter of the courses of instruction;

"(C) not engage in discrimination based on race, religion, color, national origin, sex, or disability in—

"(i) the hiring, promotion, or assignment of employees of the agency or other personnel for whom the agency has any administrative responsibility;

"(ii) the assignment of students to schools, or to courses of instruction within the school, of such agency, except to carry out the approved plan; and

"(iii) designing or operating extracurricular activities for students;

"(D) carry out a high-quality education program that will encourage greater parental decisionmaking and involvement; and

"(E) give students residing in the local attendance area of the proposed magnet school

projects equitable consideration for places in those projects.

"(c) SPECIAL RULE.—No application may be approved under this section unless the Assistant Secretary of Education for Civil Rights determines that the assurances described in subsection (b)(2)(C) will be met.

"SEC. 4107. PRIORITY.

"In approving applications under this title, the Secretary shall give priority to applicants that—

"(1) demonstrate the greatest need for assistance, based on the expense or difficulty of effectively carrying out an approved desegregation plan and the projects for which assistance is sought;

"(2) propose to carry out new magnet school projects, or significantly revise existing magnet school projects, which include revisions to enable a magnet school to implement effective educational approaches that are consistent with the State's and the local educational agency's State or local improvement plans, if any;

"(3) propose to select students to attend magnet school projects on the basis of multiple criteria which may include a lottery, rather than solely academic examination; and

"(4) propose to draw on comprehensive community involvement plans.

"SEC. 4108. USE OF FUNDS.

"(a) IN GENERAL.—Grant funds made available under this title may be used by an eligible local educational agency or consortium of such agencies—

"(1) for planning and promotional activities directly related to the development, expansion, continuation, or enhancement of academic programs and services offered at magnet schools;

"(2) for the acquisition of books, materials, and equipment, including computers and the maintenance and operation thereof, necessary for the conduct of programs in magnet schools;

"(3) for the payment of, or subsidization of the compensation of, elementary and secondary school teachers who are certified or licensed by the State, and instructional staff, where applicable, and who are necessary for the conduct of programs in magnet schools; and

"(4) with respect to a magnet school program offered to less than the entire student population of a school, for instructional activities that—

"(A) are designed to make available the special curriculum that is offered by the magnet school project to students who are enrolled in the school but who are not enrolled in the magnet school program; and

"(B) further the purposes of this title.

"(b) SPECIAL RULE.—Grant funds under this title may be used in accordance with paragraphs (2) and (3) of subsection (a), only if the activities described in such paragraphs are directly related to improving the students' reading skills or knowledge of mathematics, science, history, geography, English, foreign languages, art, or music, or to improving vocational skills.

"SEC. 4109. PROHIBITIONS.

"Grants under this title may not be used for transportation, or for any activity that does not augment academic improvement.

"SEC. 4110. LIMITATION ON PAYMENTS.

"(a) DURATION OF AWARDS.—A grant under this title shall be awarded for a period that shall not exceed four fiscal years.

"(b) LIMITATION ON PLANNING FUNDS.—

"(1) IN GENERAL.—A local educational agency may expend for planning not more than 50 percent of the funds received under this title for the first year of the project, 25 percent of such funds for the second such year, and 10 percent of such funds for the third such year.

"(2) SPECIAL RULE.—A local educational agency shall not expend funds under this title for planning after the third year of a project assisted under this title.

"(c) FEDERAL SHARE.—

"(1) IN GENERAL.—The Federal share of the cost of any project assisted under this title shall not exceed 100 percent for the first and second years of the project, 90 percent for the third such year, and 70 percent for the fourth or any subsequent such year including any year for which a grant is renewed pursuant to a new grant competition under this title.

"(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of any project assisted under this title may be in cash or in kind, including planned equipment or services, fairly valued, and may include other Federal education funds.

"(d) LIMITATION ON GRANTS.—No local educational agency or consortium receiving a grant under this section shall receive more than $4,000,000 under this part in any one fiscal year.

"(e) AWARD REQUIREMENT.—To the extent practicable, for any fiscal year, the Secretary shall award grants to local educational agencies or consortia under this title not later than June 30 of the applicable fiscal year.

"SEC. 4111. INNOVATIVE PROGRAMS.

"(a) IN GENERAL.—From amounts reserved under section 4112(d) for each fiscal year, the Secretary shall award grants to local educational agencies described in section 4105 to enable such agencies to conduct innovative programs that—

"(1) carry out the purpose of this part; and

"(2) involve strategies other than magnet schools, such as neighborhood or community model schools—

"(A) organized around a special emphasis, theme or concept; and

"(B) involving extensive parent and community involvement.

"(b) APPLICABILITY.—Sections 4103, 4106, 4107, and 4108, shall not apply to grants awarded under subsection (a).

"(c) APPLICATIONS.—Each local educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

"SEC. 4112. AUTHORIZATION OF APPROPRIATIONS; RESERVATION.

"(a) AUTHORIZATION.—For the purpose of carrying out this title, there are authorized to be appropriated $120,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(b) AVAILABILITY OF FUNDS FOR GRANTS TO AGENCIES NOT PREVIOUSLY ASSISTED.—In any fiscal year for which the amount appropriated pursuant to subsection (a) exceeds $75,000,000, the Secretary shall give priority to using such amounts in excess of $75,000,000 to award grants to local educational agencies or consortia that did not receive a grant under this part in the preceding fiscal year.

"(c) EVALUATIONS.—

"(1) IN GENERAL.—The Secretary may reserve not more than two percent of the funds appropriated under subsection (a) for any fiscal year to carry out evaluations of projects assisted under this part.

"(2) CONTENTS.—Each evaluation described in paragraph (1), at a minimum, shall address—

"(A) how and the extent to which magnet school programs lead to educational quality and improvement;

"(B) the extent to which magnet school programs enhance student access to quality education;

"(C) the extent to which magnet school programs lead to the elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial proportions of minority students; and

"(D) the extent to which magnet school programs differ from other school programs in terms of the organizational characteristics and resource allocations of such magnet school programs.

"(d) INNOVATIVE PROGRAMS.—The Secretary shall reserve not more than 5 percent of the funds appropriated under subsection (a) for each fiscal year to award grants under section 4111.

"TITLE V—BETTER SCHOOLS FOR AMERICA

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

"SEC. 5101. FINDINGS.

"The Congress finds as follows:

"(1) The seventh National Education Goal provides that by the year 2000, all schools in America will be free of drugs and violence and the unauthorized presence of firearms and alcohol, and offer a disciplined environment that is conducive to learning.

"(2) The widespread use of alcohol and other drugs among the Nation's secondary school students, and increasingly by students in elementary schools as well, constitutes a grave threat to the physical and mental well-being of such students, and significantly impedes the learning process. For example, data show that students who drink tend to receive lower grades and are more likely to miss school because of illness than students who do not drink.

"(3) Our Nation's schools and communities are increasingly plagued by violence and crime. Approximately 3,000,000 thefts and violent crimes occur in or near our Nation's schools every year, the equivalent of more than 16,000 incidents per school day.

"(4) Violence that is linked to prejudice and intolerance victimizes entire communities leading to more violence and discrimination.

"(5) Violence and drug abuse have numerous personal and societal roots, and character education is an important component of any comprehensive strategy to address the serious problems of violence and drug abuse.

"(6) The tragic consequences of violence and the illegal use of alcohol and other drugs by students are felt not only by students and their families, but by such students' communities and the Nation, which can ill afford to lose such students' skills, talents, and vitality.

"(7) Alcohol and tobacco are widely used by young people. Such use can, and does, have adverse consequences for young people, their families, communities, schools, and colleges. Drug prevention programs for youth that address only controlled drugs send an erroneous message that alcohol and tobacco do not present significant problems, or that society is willing to overlook their use. To be credible, messages opposing illegal drug use by youth should address alcohol and tobacco as well.

"(8) Every day approximately 3,000 children start smoking. Thirty percent of all secondary school seniors are smokers. Half of all new smokers begin smoking before the age of 14, 90 percent of such smokers begin before the age of 21, and the average age of the first use of smokeless tobacco is under the age of 10. Use of tobacco products has been linked to serious health problems. Drug education and prevention programs that include tobacco have been effective in reducing teenage use of tobacco.

"(9) Drug and violence prevention programs are essential components of a comprehensive strategy to promote school safety and to reduce the demand for and use of drugs throughout the Nation. Schools and local organizations in communities throughout the Nation have a special responsibility to work together to combat the growing epidemic of violence and illegal drug use and should measure the success of their programs against clearly defined goals and objectives.

"(10) Students must take greater responsibility for their own well-being, health, and safety if schools and communities are to achieve the goals of providing a safe, disciplined, and drug-free learning environment.

"SEC. 5102. PURPOSE.

"The purpose of this title is to support programs to meet the seventh National Educational Goal by preventing violence in and around schools and by strengthening programs that prevent the illegal use of alcohol, tobacco, and other drugs, involve parents, and are coordinated with related Federal, State, and community efforts and resources, through the provision of Federal assistance to—

"(1) States for grants to local and intermediate educational agencies and consortia to establish, operate, and improve local programs of school drug and violence prevention, early intervention, rehabilitation referral, and education in elementary and secondary schools (including intermediate and junior high schools);

"(2) States for grants to, and contracts with, community-based organizations and other public and private nonprofit agencies and organizations for programs of drug and violence prevention, early intervention, rehabilitation referral, and education for school dropouts and other high-risk youth;

"(3) States for development, training, technical assistance, and coordination activities;

"(4) institutions of higher education to establish, operate, expand, and improve programs of school drug and violence prevention, education, and rehabilitation referral for students enrolled in colleges and universities; and

"(5) public and private nonprofit organizations to conduct training, demonstrations, research, and evaluation, and to provide supplementary services for the prevention of drug use and violence among students and youth.

"SEC. 5103. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $660,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this part, of which not more than 10 percent shall be available in each fiscal year to carry out subpart 2.

"Subpart 1—State Grants for Drug and Violence Prevention Programs

"SEC. 5111. RESERVATIONS AND ALLOTMENTS.

"(a) RESERVATIONS.—From the amount made available to carry out this subpart for each fiscal year under section 5103, the Secretary—

"(1) shall reserve 1 percent of such amount for grants under this subpart to Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau, to be allotted in accordance with the Secretary's determination of their respective needs;

"(2) shall reserve 1 percent of such amount for the Secretary of the Interior to carry out programs under this part for Indian youth;

"(3) shall reserve 0.2 percent of such amount for programs for Native Hawaiians under section 5119; and

"(4) may reserve not more than $1,000,000 for the national impact evaluation required by section 5118(a).

"(b) STATE ALLOTMENTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall, for each fiscal year, allocate among the States—

"(A) one-half of the remainder not reserved under subsection (a) according to the ratio between the school-aged population of each State and the school-aged population of all the States; and

"(B) one-half of such remainder according to the ratio between the amount each State received under section 1122 for the preceding year (or, for fiscal year 1995 only, sections 1005 and 1006 of this Act as such sections were in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994) and the sum of such amounts received by all the States.

"(2) MINIMUM.—For any fiscal year, no State shall be allotted under this subsection an amount that is less than one-half of 1 percent of the total amount allotted to all the States under this subsection.

"(3) REALLOTMENT.—The Secretary may reallot any amount of any allotment to a State if the Secretary determines that the State will be unable to use such amount within two years of such allotment. Such reallotments may be made by the Secretary in the same manner as allotments are made under paragraph (1).

"(4) DEFINITIONS.—For the purpose of this subsection—

"(A) the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico; and

"(B) the term 'local educational agency' includes intermediate school districts and consortia.

"SEC. 5112. STATE APPLICATIONS.

"(a) IN GENERAL.—In order to receive an allotment under section 5111 for any fiscal year, a State shall submit to the Secretary, at such time as the Secretary may require, an application that—

"(1) contains the results of the State's needs assessment for drug and violence prevention programs, which shall be based on the results of on-going State evaluation activities, including data on the prevalence of drug use and violence by youth in schools and communities;

"(2) contains assurances that the application was developed in consultation and coordination with appropriate State officials and others, including the chief State school officer, the head of the State alcohol and drug abuse agency, the heads of the State health and mental health agencies, the head of the State criminal justice planning agency, the head of the State child welfare agency, the head of the State board of education, or their designees, and representatives of parents, students, and community-based organizations; and

"(3) contains a description of the procedures the State educational agency will use to review applications from local educational agencies under section 5115.

"(b) STATE EDUCATIONAL AGENCY FUNDS.—A State's application under this section shall also contain a comprehensive plan for the use of funds under section 5113(a) by the State educational agency that includes—

"(1) a statement of the State educational agency's measurable goals and objectives for drug and violence prevention and a description of the procedures such agency will use for assessing and publicly reporting progress toward meeting those goals and objectives;

"(2) a plan for monitoring the implementation of, and providing technical assistance regarding, the drug and violence prevention programs conducted by local educational agencies in accordance with section 5116;

"(3) a description of how the State educational agency will use funds such agency reserves under section 5113(b);

"(4) a description of how the State educational agency will coordinate such agency's activities under this subpart with the chief executive officer's drug and violence prevention programs under this subpart and with the prevention efforts of other State agencies; and

"(5) an explanation of the criteria the State educational agency will use to identify which local educational agencies receive supplemental funds under section 5113(d)(2)(A)(ii) and how the supplemental funds will be allocated among those local educational agencies.

"(c) GOVERNOR'S FUNDS.—A State's application under this section shall also contain a comprehensive plan for the use of funds under section 5114(a) by the chief executive officer that includes—

"(1) a statement of the chief executive officer's measurable goals and objectives for drug and violence prevention and a description of the procedures to be used for assessing and publicly reporting progress toward meeting those goals and objectives;

"(2) a description of how the chief executive officer will coordinate such officer's activities under this part with the State educational agency and other State agencies and organizations involved with drug and violence prevention efforts;

"(3) a description of how funds reserved under section 5114(a) will be used so as not to duplicate the efforts of the State educational agency and local educational agencies with regard to the provision of school-based prevention efforts and services and how those funds will be used to serve populations not normally served by the State educational agency, such as school dropouts and youth in detention centers;

"(4) a description of how the chief executive officer will award funds under section 5114(a) and a plan for monitoring the performance of, and providing technical assistance to, recipients of such funds; and

"(5) a description of how funds will be used to support community-wide comprehensive drug and violence prevention planning.

"(d) PEER REVIEW.—The Secretary shall use a peer review process in reviewing State applications under this section.

"(e) INTERIM APPLICATION.—Notwithstanding any other provisions of this section, a State may submit for fiscal year 1995 a one-year interim application and plan for the use of funds under this subpart that are consistent with the requirements of this section and contain such information as the Secretary may specify in regulations. The purpose of such interim application and plan shall be to afford the State the opportunity to fully develop and review such State's application and comprehensive plan otherwise required by this section. A State may not receive a grant under this subpart for a fiscal year subsequent to fiscal year 1995 unless the Secretary has approved such State's application and comprehensive plan in accordance with this subpart.

"SEC. 5113. STATE AND LOCAL EDUCATIONAL AGENCY PROGRAMS.

"(a) USE OF FUNDS.—An amount equal to 80 percent of the total amount allocated to a State under section 5111 for each fiscal year shall be used by the State educational agency and its local educational agencies for drug and violence prevention activities in accordance with this section.

"(b) STATE LEVEL PROGRAMS.—

"(1) IN GENERAL.—A State educational agency shall use not more than 5 percent of the amount available under subsection (a) for activities such as—

"(A) training and technical assistance concerning drug and violence prevention for local and intermediate educational agencies, including teachers, administrators, coaches and athletic directors, other staff, parents, students, community leaders, health service providers, local law enforcement officials, and judicial officials;

"(B) the development, identification, dissemination and evaluation of the most readily available, accurate, and up-to-date curriculum materials, for consideration by local educational agencies;

"(C) making available to local educational agencies cost effective programs for youth violence and drug abuse prevention;

"(D) demonstration projects in drug and violence prevention;

"(E) training, technical assistance, and demonstration projects to address violence associated with prejudice and intolerance;

"(F) financial assistance to enhance resources available for drug and violence prevention in areas serving large numbers of economically disadvantaged children or sparsely populated areas, or to meet other special needs consistent with the purposes of this subpart; and

"(G) evaluation activities required by this subpart.

"(2) SPECIAL RULE.—A State educational agency may carry out activities under this subsection directly, or through grants or contracts.

"(c) STATE ADMINISTRATION.—A State educational agency may use not more than 5 percent of the amount made available under subsection (a) for the administrative costs of carrying out such agency's responsibilities under this subpart.

"(d) LOCAL EDUCATIONAL AGENCY PROGRAMS.—

"(1) IN GENERAL.—A State educational agency shall distribute not less than 90 percent of the amount made available under subsection (a) for each fiscal year to local educational agencies in accordance with this subsection.

"(2) DISTRIBUTION.—(A) Of the amount distributed under subsection (d)(1), a State educational agency shall distribute—

"(i) 70 percent of such amount to local educational agencies, based on the relative enrollments in public and private nonprofit elementary and secondary schools within the boundaries of such agencies; and

"(ii) 30 percent of such amount to local educational agencies that the State educational agency determines have the greatest need for additional funds to carry out drug and violence prevention programs authorized by this subpart.

"(B)(i) A State educational agency shall distribute funds under subparagraph (A)(ii) to not more than 10 percent of the local educational agencies in the State, or five such agencies, whichever is greater.

"(ii) In determining which local educational agencies have the greatest need for additional funds, the State educational agency shall consider factors such as—

"(I) high rates of alcohol or other drug use among youth;

"(II) high rates of victimization of youth by violence and crime;

"(III) high rates of arrests and convictions of youth for violent or drug- or alcohol-related crime;

"(IV) the extent of illegal gang activity;

"(V) high incidence of violence associated with prejudice and intolerance;

"(VI) high rates of referrals of youths to drug and alcohol abuse treatment and rehabilitation programs;

"(VII) high rates of referrals of youths to juvenile court;

"(VIII) high rates of expulsions and suspensions of students from schools; and

"(IX) high rates of reported cases of child abuse and domestic violence.

"(e) REALLOCATION OF FUNDS.—If a local educational agency chooses not to apply to receive the amount allocated to such agency under subsection (d), or if such agency's application under section 5115 is disapproved by the State educational agency, the State educational agency shall reallocate such amount to one or more of the local educational agencies determined by the State educational agency under subsection (d)(2)(B) to have the greatest need for additional funds.

"SEC. 5114. GOVERNOR'S PROGRAMS.

"(a) USE OF FUNDS.—

"(1) IN GENERAL.—An amount equal to 20 percent of the total amount allocated to a State under section 5111 for each fiscal year shall be used by the chief executive officer of such State for drug and violence prevention programs and activities in accordance with this section.

"(2) ADMINISTRATIVE COSTS.—A chief executive officer may use not more than 5 percent of the amount reserved under subsection (a)(1) for the administrative costs incurred in carrying out the duties of such officer under this section.

"(b) PROGRAMS AUTHORIZED.—

"(1) IN GENERAL.—A chief executive officer shall use funds made available under subsection (a)(1) for grants to or contracts with parent groups, community action and job training agencies, community-based organizations, and other public entities and private nonprofit organizations and consortia thereof. In making such grants and contracts, a chief executive officer shall give priority to programs and activities described in subsection (c) for—

"(A) children and youth who are not normally served by State or local educational agencies; or

"(B) populations that need special services or additional resources (such as preschoolers, youth in juvenile detention facilities, runaway or homeless children and youth, pregnant and parenting teenagers, and school dropouts).

"(2) PEER REVIEW.—Grants or contracts awarded under this subsection shall be subject to a peer review process.

"(c) AUTHORIZED ACTIVITIES.—Grants and contracts under subsection (b) shall be used for programs and activities such as—

"(1) disseminating information about drug and violence prevention;

"(2) training parents, law enforcement officials, judicial officials, social service providers, health service providers and community leaders about drug and violence prevention, comprehensive health education, early intervention, pupil services, or rehabilitation referral;

"(3) developing and implementing comprehensive, community-based drug and violence prevention programs that link community resources with schools and integrate services involving education, vocational and job skills training and placement, law enforcement, health, mental health, community service, mentoring, and other appropriate services;

"(4) planning and implementing drug and violence prevention activities that coordinate the efforts of State agencies with efforts of the State educational agency and its local educational agencies;

"(5) activities to protect students traveling to and from school;

"(6) before-and-after school recreational, instructional, cultural, and artistic programs that encourage drug- and violence-free lifestyles;

"(7) professional development workshops for teachers and curricula that promote the awareness of and sensitivity to alternatives to violence through courses of study that include related issues of intolerance and hatred in history;

"(8) developing and implementing activities to prevent and reduce violence associated with prejudice and intolerance;

"(9) developing and implementing strategies to prevent illegal gang activity;

"(10) coordinating and conducting community-wide violence and safety assessments and surveys;

"(11) age appropriate programs to prevent child abuse;

"(12) activities such as community service and service-learning projects; and

"(13) evaluating programs and activities assisted under this section.

"SEC. 5115. LOCAL APPLICATIONS.

"(a) APPLICATION REQUIRED.—

"(1) IN GENERAL.—In order to be eligible to receive a distribution under section 5113(d) for any fiscal year, a local educational agency shall submit, at such time as the State educational agency requires, an application to the State educational agency for approval. Such an application shall be amended, as necessary, to reflect changes in the local educational agency's program.

"(2) DEVELOPMENT.—(A) A local educational agency shall develop its application under subsection (a)(1) in consultation with a local or substate regional advisory council that includes, to the extent possible, representatives of local government, business, parents, students, teachers, pupil services personnel, appropriate State agencies, private schools, the medical profession, law enforcement, community-based organizations, and other groups with interest and expertise in drug and violence prevention.

"(B) In addition to assisting the local educational agency to develop an application under this section, the advisory council established or designated under paragraph (2)(A) shall, on an ongoing basis—

"(i) disseminate information about drug and violence prevention programs, projects, and activities conducted within the boundaries of the local educational agency;

"(ii) advise the local educational agency on how best to coordinate such agency's activities under this subpart with other related programs, projects, and activities and the agencies that administer such programs, projects, and activities; and

"(iii) review program evaluations and other relevant material and make recommendations to the local educational agency on how to improve such agency's drug and violence prevention programs.

"(b) CONTENTS OF APPLICATIONS.—An application under this section shall contain—

"(1) a description of the current alcohol, tobacco, and other drug problems as well as the violence, safety, prejudice, and discipline problems among students who attend the schools of the applicant (including private school students who participate in the applicant's drug and violence prevention program);

"(2) a detailed explanation of the local educational agency's comprehensive plan for drug and violence prevention, which shall include a description of—

"(A) how that plan is consistent with, and promotes the goals in, the State's application under section 5112;

"(B) the local educational agency's measurable goals for drug and violence prevention, and a description of how such agency will assess and publicly report progress toward attaining these goals;

"(C) how the local educational agency will use its distribution under this subpart;

"(D) how the local educational agency will coordinate such agency's programs and projects with community-wide efforts to achieve such agency's goals for drug and violence prevention; and

"(E) how the local educational agency will coordinate such agency's programs and projects with other Federal, State, and local programs for drug-abuse prevention, including health programs; and

"(3) such other information and assurances as the State educational agency may reasonably require.

"(c) REVIEW OF APPLICATION.—

"(1) IN GENERAL.—A State educational agency shall use a peer review process in reviewing local applications under this section.

"(2) CONSIDERATIONS.—(A) In determining whether to approve the application of a local educational agency under this section, a State educational agency shall consider the quality of the local educational agency's comprehensive plan under subsection (b)(2) and the extent to which such plan is consistent with, and supports, the State's application under section 5112 and the State's plan under section 1111.

"(B) A State educational agency may disapprove a local educational agency application under this section in whole or in part and may withhold, limit, or place restrictions on the use of funds distributed to such a local educational agency in a manner the State educational agency determines will best promote the purposes of this part or the State's plan under section 1111.

"SEC. 5116. LOCAL DRUG AND VIOLENCE PREVENTION PROGRAMS.

"(a) PROGRAM REQUIREMENTS.—A local educational agency shall use funds received under this subpart to adopt and carry out a comprehensive drug and violence prevention program which shall—

"(1) be designed, for all students and employees, to—

"(A) prevent the use, possession, and distribution of tobacco, alcohol and illegal drugs by students and to prevent the illegal use, possession, and distribution of such substances by employees;

"(B) prevent violence and promote school safety; and

"(C) create a disciplined environment conducive to learning; and

"(2) include activities to promote the involvement of parents and coordination with community groups and agencies, including the distribution of information about the local educational agency's needs, goals, and programs under this subpart.

"(b) AUTHORIZED ACTIVITIES.—A comprehensive drug and violence prevention program carried out under this subpart may include—

"(1) age-appropriate, developmentally based drug prevention and comprehensive health education programs for all students, from the preschool level through grade 12, that address the legal, social, personal and health consequences of the use of illegal drugs, promote a sense of individual responsibility, and provide information about effective techniques for resisting peer pressure to use illegal drugs;

"(2) programs of drug prevention, comprehensive health education, early intervention, pupil services, mentoring, or rehabilitation referral, which emphasize students' sense of individual responsibility and which may include—

"(A) the dissemination of information about drug prevention;

"(B) the professional development of school personnel, parents, students, law enforcement officials, judicial officials, health service providers and community leaders in prevention, education, early intervention, pupil services or rehabilitation referral; and

"(C) the implementation of strategies, including strategies to integrate the delivery of services from a variety of providers, to combat illegal alcohol, tobacco and other drug use, such as—

"(i) family counseling;

"(ii) early intervention activities that prevent family dysfunction, enhance school performance, and boost attachment to school and family; and

"(iii) activities, such as community service and service-learning projects, that are designed to increase students' sense of community;

"(3) age-appropriate, developmentally based violence prevention and education programs for all students, from the preschool level through grade 12, that address the legal, health, personal, and social consequences of violent and disruptive behavior, including sexual harassment and abuse, and victimization associated with prejudice and intolerance, and that include activities designed to help students develop a sense of individual responsibility and respect for the rights of others, and to resolve conflicts without violence;

"(4) violence prevention programs for school-aged youth, which emphasize students' sense of individual responsibility and may include—

"(A) the dissemination of information about school safety and discipline;

"(B) the professional development of school personnel, parents, students, law enforcement officials, judicial officials, and community leaders in designing and implementing strategies to prevent school violence;

"(C) the implementation of strategies, such as conflict resolution and peer mediation, and the use of mentoring programs, to combat school violence and other forms of disruptive behavior, such as sexual harassment and abuse;

"(D) the development and implementation of character education programs that are tailored by communities, parents and schools, and based on the tenets of democracy, self discipline, and personal and civic responsibility, and guided by the principles of community and national laws, in order to reduce the problems of violence and drug abuse; and

"(E) comprehensive, community-wide strategies to prevent or reduce illegal gang activities;

"(5) supporting 'safe zones of passage' for students between home and school through such measures as Drug- and Weapon-Free School Zones, enhanced law enforcement, and neighborhood patrols;

"(6) acquiring and installing metal detectors and hiring security personnel;

"(7) reimbursing law enforcement authorities for their personnel who participate in school violence prevention activities;

"(8) professional development workshops for teachers and other staff and curricula that promote the awareness of and sensitivity to alternatives to violence through courses of study that include related issues of intolerance and hatred in history;

"(9) the promotion of before-and-after school recreational, instructional, cultural, and artistic programs in supervised community settings;

"(10) drug abuse resistance education programs, designed to teach students to recognize and resist pressures to use alcohol or other drugs, which may include activities such as classroom instruction by uniformed law enforcement officers, resistance techniques, resistance to peer pressure and gang pressure, and provision for parental involvement; and

"(11) the evaluation of any of the activities authorized under this subsection.

"(c) LIMITATIONS.—

"(1) IN GENERAL.—Not more than 10 percent of the funds made available to a local educational agency under this subpart may be used to carry out the activities described in paragraphs (5), (6), and (7) of subsection (b).

"(2) SPECIAL RULE.—A local educational agency shall only be able to use funds received under this subpart for activities described in paragraphs (5), (6), and (7), of subsection (b) if funding for such activities is not received from other Federal agencies.

"SEC. 5117. EVALUATION AND REPORTING.

"(a) NATIONAL IMPACT EVALUATION.—

"(1) BIENNIAL EVALUATION.—The Secretary, in consultation with the Secretary of Health and Human Services, the Director of the Office of National Drug Control Policy, and the Attorney General, shall conduct an independent biennial evaluation of the national impact of programs assisted under this subpart and of other recent and new initiatives to combat violence in schools and submit a report of the findings of such evaluation to the President and the Congress.

"(2) DATA COLLECTION.—

"(A) COLLECTION.—The Secretary shall collect data to determine the frequency, seriousness, and incidence of violence in elementary and secondary schools in the States. The Secretary shall collect the data using, wherever appropriate, data submitted by the States pursuant to subsection (b)(2)(B).

"(B) REPORT.—Not later than January 1, 1998, the Secretary shall submit to the Congress a report on the data collected under this subsection, together with such recommendations as the Secretary determines appropriate, including estimated costs for implementing any recommendation.

"(b) STATE REPORT.—

"(1) IN GENERAL.—By October 1, 1997, and every third year thereafter, the chief executive officer of the State, in cooperation with the State educational agency, shall submit to the Secretary a report—

"(A) on the implementation and outcomes of State programs under section 5114 and section 5113(b) and local programs under section 5113(d), as well as an assessment of their effectiveness; and

"(B) on the State's progress toward attaining its goals for drug and violence prevention under subsections (b)(1) and (c)(1) of section 5112.

"(2) SPECIAL RULE.—The report required by this subsection shall be—

"(A) in the form specified by the Secretary;

"(B) based on the State's on-going evaluation activities, and shall include data on the prevalence of drug use and violence by youth in schools and communities; and

"(C) made readily available to the public.

"(c) LOCAL EDUCATIONAL AGENCY REPORT.—Each local educational agency receiving funds under this subpart shall submit to the State educational agency whatever information, and at whatever intervals, the State requires to complete the State report required by subsection (b), including information on the prevalence of drug use and violence by youth in the schools and the community. Such information shall be made readily available to the public.

"SEC. 5118. PROGRAMS FOR HAWAIIAN NATIVES.

"(a) GENERAL AUTHORITY.—From the funds made available pursuant to section 5111(a)(3) to carry out this section, the Secretary shall make grants to or enter into cooperative agreements or contracts with organizations primarily serving and representing Hawaiian natives which are recognized by the Governor of the State of Hawaii to plan, conduct, and administer programs, or portions thereof, which are authorized by and consistent with the provisions of this title for the benefit of Hawaiian natives.

"(b) DEFINITION OF 'HAWAIIAN NATIVE'.—For the purposes of this section, the term 'Hawaiian native' means any individual any of whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.

"Subpart 2—National Programs

"SEC. 5121. FEDERAL ACTIVITIES.

"(a) PROGRAM AUTHORIZED.—From funds made available to carry out this subpart under section 5103, the Secretary, in consultation with the Secretary of Health and Human Services, the Director of the Office of National Drug Control Policy, Chair of the Ounce of Prevention Council, and the Attorney General, shall carry out programs to prevent the illegal use of drugs and violence among, and promote safety and discipline for, students at all educational levels, prekindergarten through postsecondary. The Secretary shall carry out such programs directly, or through grants, contracts, or cooperative agreements with public and private nonprofit organizations and individuals, or through agreements with other Federal agencies, and shall coordinate such programs with other appropriate Federal activities. Such programs may include—

"(1) the development and demonstration of innovative strategies for training school personnel, parents, and members of the community, including the demonstration of model preservice training programs for prospective school personnel;

"(2) demonstrations and rigorous evaluations of innovative approaches to drug and violence prevention;

"(3) drug and violence prevention research that is coordinated with other Federal agencies and is directed toward improving programs and activities under this part;

"(4) program evaluations in accordance with section 10701 that address issues not addressed under section 5117(a);

"(5) direct services to schools and school systems afflicted with especially severe drug and violence problems;

"(6) activities in communities designated as empowerment zones or enterprise communities that will connect schools to community-wide efforts to reduce drug and violence problems;

"(7) the development of education and training programs, curricula, instructional materials, and professional training and development for preventing and reducing the incidence of crimes and conflicts motivated by hate in localities most directly affected by hate crimes;

"(8) developing and disseminating drug and violence prevention materials, including model curricula; and

"(9) other activities that meet unmet national needs related to the purposes of this part.

"(b) PEER REVIEW.—The Secretary shall use a peer review process in reviewing applications for funds under this section.

"SEC. 5122. GRANTS TO INSTITUTIONS OF HIGHER EDUCATION.

"(a) IN GENERAL.—From funds made available to carry out this subpart under section 5103, the Secretary is authorized to make grants to, or enter into contracts with, institutions of higher education, or consortia of such institutions, for drug and violence prevention programs under this section. Awards under this section shall support the development, implementation, validation, and dissemination of model programs and strategies to promote the safety of students attending institutions of higher education by preventing violent behavior and the illegal use of alcohol and other drugs by such students.

"(b) APPLICATIONS.—An institution of higher education, or consortium of such institutions, that desires to receive an award under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. The Secretary shall use a peer review process for reviewing applications for funds under this section.

"(c) EQUITABLE PARTICIPATION.—The Secretary shall make every reasonable effort to ensure the equitable participation in the activities assisted under this section of private and public institutions of higher education (including community and junior colleges), institutions of limited enrollment, and institutions in different geographic regions.

"Subpart 3—General Provisions

"SEC. 5131. DEFINITIONS.

"For the purposes of this part, the following terms have the following meanings:

"(1) The term 'drug and violence prevention' means—

"(A) with respect to drugs, prevention, early intervention, rehabilitation referral, or education related to the illegal use of alcohol and the use of controlled, illegal, addictive, or harmful substances, including inhalants and anabolic steroids;

"(B) prevention, early intervention, smoking cessation activities, or education, related to the use of tobacco; and

"(C) with respect to violence, the promotion of school safety, such that students and school personnel are free from violent and disruptive acts, including sexual harassment and abuse, and victimization associated with prejudice and intolerance, on school premises, going to and from school, and at school-sponsored activities, through the creation and maintenance of a school environment that is free of weapons and fosters individual responsibility and respect for the rights of others.

"(2) The term 'hate crime' means a crime as described in section 1(b) of the Hate Crime Statistics Act of 1990.

"(3) The term 'nonprofit', as applied to a school, agency, organization, or institution means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

"(4) The term 'school-aged population' means the population aged five through 17, as determined by the Secretary on the basis of the most recent satisfactory data available from the Department of Commerce.

"(5) The term 'school personnel' includes teachers, administrators, guidance counselors, social workers, psychologists, nurses, librarians, and other support staff who are employed by a school or who perform services for the school on a contractual basis.

"SEC. 5132. MATERIALS.

"(a) 'WRONG AND HARMFUL' MESSAGE.—Drug prevention programs supported under this part shall convey a clear and consistent message that the illegal use of alcohol and other drugs is wrong and harmful.

"(b) CURRICULUM.—The Secretary shall not prescribe the use of specific curricula for programs supported under this part, but may evaluate the effectiveness of such curricula and other strategies in drug and violence prevention.

"SEC. 5133. PROHIBITED USES OF FUNDS.

"No funds under this part may be used for—

"(1) construction (except for minor remodeling needed to accomplish the purposes of this part); and

"(2) medical services, except for pupil services or referral to treatment for students who are victims of or witnesses to crime or who use alcohol, tobacco, or other drugs.

"PART B—ASSISTANCE TO ADDRESS SCHOOL DROPOUT PROBLEMS

"SEC. 5201. SHORT TITLE.

"This part may be cited as the 'School Dropout Assistance Act'.

"SEC. 5202. PURPOSE.

"The purpose of this part is to reduce the number of children who do not complete their elementary and secondary education by providing grants to local educational agencies to establish—

"(1) effective programs to identify potential student dropouts, including pregnant and parenting teenagers, and prevent such students from dropping out of school;

"(2) effective programs to identify and encourage children who have already dropped out to reenter school and complete their elementary and secondary education;

"(3) effective early intervention programs designed to identify at-risk students in elementary and secondary schools; and

"(4) model systems for collecting and reporting information to local school officials on the number, ages, sex, race or ethnicity, and grade levels of the children not completing their elementary and secondary education and the reasons why such children have dropped out of school.

"SEC. 5203. GRANTS TO LOCAL EDUCATIONAL AGENCIES.

"(a) ALLOTMENT TO CATEGORIES OF LOCAL EDUCATIONAL AGENCIES.—From the amount appropriated under section 5208 for any fiscal year, the Secretary shall first reserve not more than $2,000,000 for the purposes of evaluating programs carried out with assistance under this part in accordance with section 10701. From the remaining amount, the Secretary shall allot the following percentages to each of the following categories of local educational agencies:

"(1) Local educational agencies administering schools with a total enrollment of 100,000 or more elementary and secondary school students shall be allotted 25 percent of such remaining amount.

"(2) Local educational agencies administering schools with a total enrollment of at least 20,000 but less than 100,000 elementary and secondary school students shall be allotted 40 percent of such remaining amount.

"(3) Local educational agencies administering schools with a total enrollment of less than 20,000 elementary and secondary school students shall be allotted 30 percent of such remaining amount. Grants may be made under this paragraph to educational service agencies and consortia of not more than 5 local educational agencies in any case in which the total enrollment of the largest such local educational agency is less than 20,000 elementary and secondary students. Such agencies and consortia may also apply in conjunction with the State educational agency. Not less than 20 percent of funds available under this paragraph shall be awarded to local educational agencies administering schools with a total enrollment of less than 2,000 elementary and secondary school students.

"(4) Community-based organizations shall be allotted 5 percent of such remaining amount. Grants under this category shall be made after consultation between the community-based organization and the local educational agency that is to benefit from such a grant.

"(b) SPECIAL CONSIDERATION.—

"(1) IN GENERAL.—The Secretary shall give special consideration to awarding funds available for each category described in paragraphs (1), (2), and (3) of subsection (a) to local educational agencies participating in an educational partnership.

"(2) EDUCATIONAL PARTNERSHIPS.—Educational partnerships under this subsection shall include—

"(A) a local educational agency; and

"(B) a business concern or business organization, community-based organization, nonprofit private organization, institution of higher education, State educational agency, State or local public agency, private industry council (established under the Job Training Partnership Act), museum, library, or educational television or broadcasting station.

"(c) AWARD OF GRANT.—From the amount allotted for any fiscal year to a category of local educational agencies under subsection (a), the Secretary shall award as many grants as practicable within each such category to local educational agencies and educational partnerships whose applications have been approved by the Secretary for such fiscal year under section 5204 and whose applications propose a program of sufficient size, scope, and quality to be effective. Any local educational agency, educational partnership, or community-based organization that has received a grant under this part shall be eligible for additional funds subject to the requirements under this part. The grants shall be made under such terms and conditions as the Secretary shall prescribe consistent with the provisions of this part.

"(d) USE OF FUNDS WHEN NOT FULLY ALLOTTED TO CATEGORIES UNDER SUBSECTION (a).—

"(1) IN GENERAL.—Whenever the Secretary determines that the full amount of the sums allotted under any category set forth under subsection (a) will not be required for applications of the local educational agencies in the case of categories described in paragraphs (1) through (3) of subsection (a), the Secretary shall make the amount not so required available to another

category under subsection (a). In carrying out the provisions of this subsection, the Secretary shall assure that the transfer of amounts from one category to another is made to a category in which there is the greatest need for funds.

"(2) PEER REVIEW.—In order to transfer funds under this subsection, the Secretary shall use a peer review process to determine that such excess funds are not needed to fund projects in particular categories and shall prepare a list of the categories in which funds were not fully expended and the reasons therefor, and make such list available to local educational agencies and educational partnerships, upon request. The Secretary may use the peer review process to determine grant recipients of funds transferred in accordance with this subsection.

"(e) FEDERAL SHARE.—

"(1) FEDERAL SHARE.—The Federal share of a grant under this part may not exceed—

"(A) 90 percent of the total cost of a project for the first year for which the project receives assistance under this part; and

"(B) 75 percent of such cost in each such succeeding fiscal year.

"(2) REMAINING COSTS.—The remaining cost of a project that receives assistance under this part may be paid from any source other than funds made available under this part, except that not more than 10 percent of the remaining cost in any fiscal year may be provided from Federal sources other than this part.

"(3) NON-FEDERAL SHARE.—The share of payments from sources other than funds made available under this part may be in cash or in kind fairly evaluated, including plant, equipment or services.

"SEC. 5204. APPLICATION.

"(a) APPLICATION REQUIRED.—

"(1) IN GENERAL.—A grant under this part may be made only to a local educational agency or an educational partnership which submits an application to the Secretary containing such information as may be required by the Secretary by regulation.

"(2) DURATION.—Each such application shall be for a 3-year period.

"(b) CONTENTS.—Each such application shall—

"(1) provide documentation of—

"(A) the number of children who were enrolled in the schools of the applicant for the 5 academic years prior to the date application is made who have not completed their elementary or secondary education and who are classified as school dropouts; and

"(B) the percentage that such number of children is of the total school-age population in the applicant's schools;

"(2) include a plan for the development and implementation of a school dropout information collection and reporting system for documenting the extent and nature of the dropout problem, which system shall collect and cross tabulate data, where feasible, by sex according to race or ethnicity and socioeconomic status;

"(3) include a plan for coordinated activities involving at least 1 secondary school and its feeder junior high or middle schools and elementary schools for local educational agencies that have feeder systems;

"(4) when applicable, describe how programs assisted under this part will be coordinated with, and not duplicate, programs assisted under title I;

"(5) include a description of how the program assisted under this part is consistent with the second National Education Goal and other Federal programs as appropriate; and

"(6) contain such other information as the Secretary considers necessary to determine the nature of the local needs, the quality of the proposed project, and the capability of the applicant to carry out the project.

"(c) PRIORITY.—The Secretary shall, in approving applications under this section, give priority to applications which both show the replication of successful programs conducted in other local educational agencies or the expansion of successful programs within a local educational agency and reflect very high numbers or very high percentages of school dropouts in the schools of the applicant in each category described in section 5203(a).

"(d) SPECIAL CONSIDERATION.—The Secretary shall give additional special consideration to applications that include—

"(1) provisions which emphasize early intervention services designed to identify at-risk students in elementary or early secondary schools; and

"(2) provisions for significant parental involvement.

"(e) GRANTS FOR NEW GRANTEES.—In awarding grants under this part the Secretary shall utilize only those priorities and special considerations described in subsections (c) and (d).

"SEC. 5205. AUTHORIZED ACTIVITIES.

"Grants under this part shall be used to carry out plans set forth in applications approved under section 5204. In addition, grants may be used for educational, occupational, and basic skills testing services and activities, including, but not limited to—

"(1) the establishment of systemwide or school-level policies, procedures, and plans for dropout prevention and school reentry;

"(2) the development and implementation of activities, including extended day or summer programs, designed to address poor achievement, basic skills deficiencies, language deficiencies, or course failures, in order to assist students at risk of dropping out of school and students reentering school;

"(3) the establishment or expansion of work-study, apprentice, or internship programs;

"(4) the use of resources of the community, including contracting with public or private entities or community-based organizations of demonstrated performance, to provide services to the grant recipient or the target population;

"(5) the evaluation and revision of program placement of students at risk;

"(6) the evaluation of program effectiveness of dropout programs;

"(7) the development and implementation of programs for traditionally underserved groups of students;

"(8) the implementation of activities which will improve student motivation and the school learning environment;

"(9) the provision of training for school personnel on strategies and techniques designed to—

"(A) identify children at risk of dropping out;

"(B) intervene in the instructional program with support and remedial services;

"(C) develop realistic expectations for student performance; and

"(D) improve student-staff interactions;

"(10) the study of the relationship between drugs and dropouts and between youth gangs and dropouts, and the coordination of dropout prevention and reentry programs with appropriate drug prevention and community organizations for the prevention of youth gangs;

"(11) the study of the relationship between disabling conditions and student dropouts;

"(12) the study of the relationship between the dropout rate for gifted and talented students compared to the dropout rate for the general student enrollment;

"(13) the use of educational telecommunications and broadcasting technologies and educational materials designed to extend, motivate, and reinforce school, community, and home dropout prevention and reentry activities;

"(14) the development and implementation of efforts to identify and address factors in a student's decision to drop out of school that are related to gender and family roles;

"(15) the provision of other educational, occupational and testing services and activities which directly relate to the purpose of this part;

"(16) activities which offer jobs and college admissions for successful completion of the program for which assistance is sought;

"(17) summer employment programs;

"(18) occupational training programs;

"(19) career opportunity and skills counseling;

"(20) job placement services;

"(21) the development of skill employment competency testing programs;

"(22) special school staff training projects; and

"(23) mentoring programs.

"SEC. 5206. DISTRIBUTION OF ASSISTANCE; LIMITATION ON COSTS.

"(a) DISTRIBUTION OF ASSISTANCE.—The Secretary shall ensure that, to the extent practicable, in approving grant applications under this part—

"(1) grants are equitably distributed on a geographic basis within each category set forth in section 5203(a);

"(2) the amount of a grant to a local educational agency for a fiscal year is proportionate to the extent and severity of the local school dropout problem;

"(3) not less than 30 percent of the amount available for grants in each fiscal year is used for activities relating to school dropout prevention; and

"(4) not less than 30 percent of the amount available for grants in each fiscal year is used for activities relating to persuading school dropouts to return to school and assisting former school dropouts with specialized services once school dropouts return to school.

"(b) ADMINISTRATIVE COSTS.—Not more than 5 percent of any grant made under this part may be used for administrative costs.

"SEC. 5207. REPORTS.

"(a) ANNUAL REPORTS.—The Secretary shall submit to the Congress a report by January 1 of each year, beginning on January 1, 1995, which sets forth the progress of the Commissioner of Education Statistics, established under section 14003(b), to implement a definition and data collection process for school dropouts in elementary and secondary schools, including statistical information for the number and percentage of elementary and secondary school students by race and ethnic origin who drop out of school each year including dropouts—

"(1) throughout the Nation by rural and urban location as defined by the Secretary; and

"(2) in each of the individual States and the District of Columbia.

"(b) RECOMMENDATIONS.—The report under subsection (a) shall also contain recommendations on ways in which the Federal Government, States and localities can further support the implementation of an effective methodology to accurately measure dropout and retention rates on the national, State, and local levels.

"SEC. 5208. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $50,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this part.

"TITLE VI—INDIAN EDUCATION

"SEC. 6001. FINDINGS.

"The Congress finds that—

"(1) the Federal Government has a special responsibility to ensure that educational programs for all American Indian and Alaska Native children and adults—

"(A) are based on high-quality, internationally competitive content standards and student performance standards and build on Indian culture and the Indian community;

"(B) assist local educational agencies, Indian tribes, and other entities and individuals in providing Indian students the opportunity to achieve such standards; and

"(C) meet the special educational and culturally related academic needs of American Indian and Alaska Native students;

"(2) since the date of enactment of the initial Indian Education Act in 1972, the level of involvement of Indian parents in the planning, development, and implementation of educational programs that affect such parents and their children has increased significantly, and schools should continue to foster such involvement;

"(3) although the number of Indian teachers, administrators, and university professors has increased since 1972, teacher training programs are not recruiting, training, or retraining a sufficient number of Indian individuals as educators to meet the needs of a growing Indian student population in elementary, secondary, vocational, adult, and higher education;

"(4) the dropout rate for Indian students is unacceptably high, for example, nine percent of Indian students who were eighth graders in 1988 had already dropped out of school by 1990;

"(5) during the period from 1980 to 1990, the percentage of Indian individuals living at or below the poverty level increased from 24 percent to 31 percent, and the readiness of Indian children to learn is hampered by the high incidence of poverty, unemployment, and health problems among Indian children and their families; and

"(6) research related specifically to the education of Indian children and adults is very limited, and much of the research is of poor quality or is focused on limited local or regional issues.

"SEC. 6002. PURPOSE.

"(a) PURPOSE.—It is the purpose of this title to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities to meet the special educational and culturally related academic needs of American Indians and Alaska Natives, so that such students can achieve to the same challenging State performance standards expected of all students.

"(b) PROGRAMS.—This title carries out the purpose described in subsection (a) by authorizing programs of direct assistance for—

"(1) meeting the special educational and culturally related academic needs of American Indians and Alaska Natives;

"(2) the education of Indian children and adults;

"(3) the training of Indian persons as educators and counselors, and in other professions serving Indian people; and

"(4) research, evaluation, data collection, and technical assistance.

"PART A—FORMULA GRANTS TO LOCAL EDUCATIONAL AGENCIES

"SEC. 6101. PURPOSE.

"It is the purpose of this part to support local educational agencies in their efforts to reform elementary and secondary school programs that serve Indian students in order to ensure that such programs—

"(1) are based on challenging State content standards and State student performance standards that are used for all students; and

"(2) are designed to assist Indian students meet those standards and assist the Nation in reaching the National Education Goals.

"SEC. 6102. GRANTS TO LOCAL EDUCATIONAL AGENCIES.

"(a) IN GENERAL.—A local educational agency shall be eligible for a grant under this part for any fiscal year if the number of Indian children who are eligible under section 6106 and were enrolled in the schools of such agency and to whom the agency provided a free public education, during the preceding fiscal year—

"(1) was at least 10; or

"(2) constituted not less than 25 percent of the total number of individuals enrolled in the schools of such agency.

"(b) INDIAN TRIBES.—If a local educational agency that is eligible for a grant under this part does not apply for such grant, an Indian tribe that has children who are served by such local educational agency may apply for such grant.

"SEC. 6103. AMOUNT OF GRANTS.

"(a) AMOUNT OF GRANT AWARDS.—

"(1) IN GENERAL.—Except as provided in subsection (b) and paragraph (2), the Secretary shall allocate to each local educational agency with respect to which the Secretary has approved an application under this part an amount equal to the product of—

"(A) the number of Indian children who are eligible under section 6106 and served by such agency; and

"(B) the greater of—

"(i) the average per-pupil expenditure of the State in which such agency is located; or

"(ii) 80 percent of the average per-pupil expenditure in the United States.

"(2) REDUCTION.—The Secretary shall reduce the amount of each allocation determined under paragraph (1) in accordance with subsection (e).

"(b) MINIMUM GRANT.—A local educational agency or an Indian tribe (as authorized under section 6102(b)) that is eligible for a grant under section 6102, and a school that is operated or supported by the Bureau of Indian Affairs that is eligible for a grant under subsection (d), that submits an application that is approved by the Secretary, shall, subject to appropriations, receive a grant under this part in an amount that is not less than $4,000.

"(c) DEFINITION.—For the purpose of this section, the average per-pupil expenditure of a State shall be an amount equal to—

"(1) the sum of the aggregate current expenditures of all the local educational agencies in the State, plus any direct current expenditures by the State for the operation of such agencies, without regard to the sources of funds from which such local or State expenditures were made, during the second fiscal year preceding the fiscal year for which the computation is made; divided by

"(2) the aggregate number of children who were included in average daily attendance for whom such agencies provided free public education during such preceding fiscal year.

"(d) SCHOOLS OPERATED OR SUPPORTED BY THE BUREAU OF INDIAN AFFAIRS.—

"(1) IN GENERAL.—In addition to the grants awarded under subsection (a), and subject to paragraph (2), the Secretary shall allocate to the Secretary of the Interior an amount equal to the product of—

"(A) the total number of Indian children enrolled in schools that are operated by—

"(i) the Bureau of Indian Affairs; or

"(ii) an Indian tribe, or an organization controlled or sanctioned by an Indian tribal government, for the children of such tribe under a contract with, or grant from, the Department of the Interior under the Indian Self-Determination Act or the Tribally Controlled Schools Act of 1988 (part B of title V of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988); and

"(B) the greater of—

"(i) the average per-pupil expenditure of the State in which the school is located; or

"(ii) 80 percent of the average per-pupil expenditure in the United States.

"(2) TRANSFER.— The Secretary shall transfer the amount determined under paragraph (1), subject to any reduction that may be necessary under subsection (e), to the Secretary of the Interior in accordance with, and subject to, section 10205.

"(e) RATABLE REDUCTIONS.—If the sums appropriated for any fiscal year under section 6602(a) are insufficient to pay in full the amounts determined for local educational agencies under subsection (a)(1) and for the Secretary of the Interior under subsection (d), each of those amounts shall be ratably reduced.

"SEC. 6104. APPLICATIONS.

"(a) APPLICATION REQUIRED.—Each local educational agency that desires to receive a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(b) COMPREHENSIVE PROGRAM REQUIRED.—Each application submitted under subsection (a) shall include a comprehensive program for meeting the needs of Indian children served by the local educational agency, including the language and cultural needs of the children, that—

"(1) provides programs and activities to meet the culturally related academic needs of American Indian and Alaska Native students;

"(2) explains how Federal, State, and local programs, especially programs under title I, will meet the needs of such children;

"(3) demonstrates how funds made available under this part will be used for activities described in section 6105;

"(4) describes the professional development opportunities that will be provided, as needed, to ensure that—

"(A) teachers and other school professionals who are new to the Indian community are prepared to work with Indian children; and

"(B) all teachers who will be involved in the program assisted under this part have been properly trained to carry out such program; and

"(5) describes how the local educational agency—

"(A) will periodically assess the progress of all Indian children enrolled in the schools of the local educational agency, including Indian children who do not participate in programs assisted under this part, in meeting the goals described in paragraph (2);

"(B) will provide the results of each assessment referred to in subparagraph (A) to—

"(i) the committee of parents described in subsection (c)(4); and

"(ii) the community served by the local educational agency; and

"(C) is responding to findings of any previous assessments that are similar to the assessments described in subparagraph (A).

"(c) ASSURANCES.—Each application submitted under subparagraph (a) shall include assurances that—

"(1) the local educational agency will use funds received under this part only to supplement the level of funds that, in the absence of the Federal funds made available under this part, such agency would make available for the education of Indian children, and not to supplant such funds;

"(2) the local educational agency will submit such reports to the Secretary, in such form and containing such information, as the Secretary may require to—

"(A) carry out the functions of the Secretary under this part; and

"(B) determine the extent to which funds provided to the local educational agency under this part are effective in improving the educational achievement of Indian students served by such agency;

"(3) the program for which assistance is sought—

"(A) is based on a local assessment and prioritization of the special educational and culturally related academic needs of the American Indian and Alaska Native students for whom the local educational agency is providing an education;

"(B) will use the best available talents and resources, including individuals from the Indian community; and

"(C) was developed by such agency in open consultation with parents of Indian children and teachers, and, if appropriate, Indian students from secondary schools, including public hearings held by such agency to provide the individuals described in this subparagraph a full opportunity to understand the program and to offer recommendations regarding the program; and

"(4) the local educational agency developed the program with the participation and written approval of a committee—

"(A) that is composed of, and selected by—

"(i) Indian parents of Indian children in the schools of the local educational agency, and teachers; and

"(ii) if appropriate, Indian students attending secondary schools;

"(B) the membership of which is at least three-fourths Indian parents of Indian children;

"(C) that sets forth such policies and procedures, including policies and procedures relating to the hiring of personnel, as will ensure that the program for which assistance is sought will be operated and evaluated in consultation with, and with the involvement of, parents of the children, and representatives of the area, to be served;

"(D) with respect to an application describing a schoolwide program in accordance with section 6105(c), has—

"(i) reviewed the program; and

"(ii) determined that the program will not diminish the availability of culturally related activities for American Indians and Alaskan Native students; and

"(E) has adopted reasonable bylaws for the conduct of the activities of the committee and abides by such bylaws.

"SEC. 6105. AUTHORIZED SERVICES AND ACTIVITIES.

"(a) GENERAL REQUIREMENTS.—Each local educational agency that receives a grant under this part shall use the grant funds, in a manner consistent with the purpose specified in section 6101, for services and activities that—

"(1) are designed to carry out the comprehensive plan of the local educational agency for Indian students, and described in the application of the local educational agency submitted to the Secretary under section 6104(b);

"(2) are designed with special regard for the language and cultural needs of the Indian students; and

"(3) supplement and enrich the regular school program of such agency.

"(b) PARTICULAR ACTIVITIES.—The services and activities referred to in subsection (a) may include—

"(1) culturally related activities that support the program described in the application submitted by the local educational agency;

"(2) early childhood and family programs that emphasize school readiness;

"(3) enrichment programs that focus on problem-solving and cognitive skills development and directly support the attainment of challenging State content standards and State student performance standards;

"(4) integrated educational services in combination with other programs that meet the needs of Indian children and their families;

"(5) school-to-work transition activities to enable Indian students to participate in programs such as the programs supported by the School-to-Work Opportunities Act of 1994 and the Carl D. Perkins Vocational and Applied Technology Education Act, including programs for technical preparation, mentoring, and apprenticeship;

"(6) activities to educate individuals concerning substance abuse and to prevent substance abuse; and

"(7) the acquisition of equipment, but only if the acquisition of the equipment is essential to meet the purpose described in section 6101.

"(c) SCHOOLWIDE PROGRAMS.—Notwithstanding any other provision of law, a local educational agency may use funds made available to the agency under this part to support a schoolwide program under section 1114 if—

"(1) at least 50 percent of the enrollment of the school that is the subject of the schoolwide program is comprised of Indian children;

"(2) the committee composed of parents established pursuant to section 6104(c)(4) approves the use of the funds for the schoolwide program; and

"(3) the schoolwide program is consistent with the purpose described in section 6101.

"SEC. 6106. STUDENT ELIGIBILITY AND FORMS.

"(a) IN GENERAL.—The Secretary shall require that, as part of an application for a grant under this part, each applicant shall maintain a file, with respect to each Indian child for whom the local educational agency provides a free public education, that contains a form that sets forth information establishing the status of the child as an Indian child eligible for assistance under this part and that otherwise meets the requirements of subsection (b).

"(b) FORMS.—

"(1) IN GENERAL.—The form described in subsection (a) shall include—

"(A) either—

"(i)(I) the name of the tribe or band of Indians (as defined in section 6601(4)) with respect to which the child claims membership;

"(II) the enrollment number establishing the membership of the child (if readily available); and

"(III) the name and address of the organization that maintains updated and accurate membership data for such tribe or band of Indians; or

"(ii) if the child is not a member of a tribe or band of Indians, the name, the enrollment number (if readily available), and the organization (and address thereof) responsible for maintaining updated and accurate membership rolls of any parent or grandparent of the child from whom the child claims eligibility;

"(B) a statement of whether the tribe or band of Indians with respect to which the child, parent or grandparent of the child claims membership is federally recognized;

"(C) the name and address of the parent or legal guardian of the child;

"(D) a signature of the parent or legal guardian of the child that verifies the accuracy of the information supplied; and

"(E) any other information that the Secretary considers necessary to provide an accurate program profile.

"(2) MINIMUM INFORMATION.—In order for a child to be eligible to be counted for the purpose of computing the amount of a grant award made under section 6103, an eligibility form prepared pursuant to this section for a child shall include—

"(A) the name of the child;

"(B) the name of the tribe or band of Indians (as defined in section 6601(4)) with respect to which the child claims eligibility; and

"(C) the dated signature of the parent or guardian of the child.

"(3) FAILURE.—The failure of an applicant to furnish any information described in this subsection other than the information described in paragraph (2) with respect to any child shall have no bearing on the determination of whether the child is an eligible Indian child for the purposes of determining the amount of a grant award made under section 6103.

"(c) STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to affect a definition contained in section 6601.

"(d) FORMS AND STANDARDS OF PROOF.—The forms and the standards of proof (including the standard of good faith compliance) that were in use during the 1985–1986 academic year to establish the eligibility of a child for entitlement under the Indian Elementary and Secondary School Assistance Act shall be the forms and standards of proof used—

"(1) to establish such eligibility; and

"(2) to meet the requirements of subsection (a).

"(e) DOCUMENTATION.—For purposes of determining whether a child is eligible to be counted for the purpose of computing the amount of a grant under section 6103, the membership of the child, or any parent or grandparent of the child, in a tribe or band of Indians may be established by proof other than an enrollment number, notwithstanding the availability of an enrollment number for a member of such tribe, band, or group. Nothing in subsection (b) shall be construed to require the furnishing of an enrollment number.

"(f) MONITORING AND EVALUATION REVIEW.—

"(1) IN GENERAL.—(A) For each fiscal year, in order to provide such information as is necessary to carry out the responsibility of the Secretary to provide technical assistance under this part, the Secretary shall conduct a monitoring and evaluation review of a sampling of the recipients of grants under this part. The sampling conducted under this subparagraph shall take into account size of the local educational agency and the geographic location of such agency.

"(B) Notwithstanding any other provision of law, a local educational agency may not be held liable to the United States or be subject to any penalty, by reason of the findings of an audit that relates to the date of completion, or the date of submission, of any forms used to establish, before April 28, 1988, the eligibility of a child for entitlement under the Indian Elementary and Secondary School Assistance Act.

"(2) FALSE INFORMATION.—Any local educational agency that provides false information in an application for a grant under this subpart shall—

"(A) be ineligible to apply for any other grant under this part; and

"(B) be liable to the United States for any funds provided to the local educational agency that have not been expended.

"(3) EXCLUDED CHILDREN.—A student who provides false information for the form required under subsection (d) shall not be counted for the purpose of computing the amount of a grant under section 6103.

"(g) DISTRIBUTION.—For the purposes of the distribution of funds under this part to schools that receive funding from the Bureau of Indian Affairs pursuant to—

"(1) section 1130 of the Education Amendments of 1978; and

"(2) the Act of April 16, 1934 (48 Stat. 596, chapter 147),

the Secretary shall, in lieu of meeting the requirements of this section for counting Indian children, use a count of the number of students in such schools certified by the Bureau of Indian Affairs.

"SEC. 6107. PAYMENTS.

"(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary shall pay to each local

educational agency that submits an application that is approved by the Secretary under this part the amount determined under section 6103. The Secretary shall notify the local educational agency of the amount of the payment not later than June 1 of the year for which the Secretary makes the payment.

"(b) PAYMENTS TAKEN INTO ACCOUNT BY THE STATE.—The Secretary may not make a grant under this part to a local educational agency for a fiscal year if, for such fiscal year, the State in which the local educational agency is located takes into consideration payments made under this part (or under subpart 1 of the Indian Education Act of 1988) in determining the eligibility of the local educational agency for State aid, or the amount of the State aid, with respect to the free public education of children during such fiscal year or the preceding fiscal year.

"(c) REDUCTION OF PAYMENT FOR FAILURE TO MAINTAIN FISCAL EFFORT.—

"(1) IN GENERAL.—The Secretary may not pay a local educational agency the full amount of a grant award determined under section 6103 for any fiscal year unless the State educational agency notifies the Secretary, and the Secretary determines, that with respect to the provision of free public education by the local educational agency for the preceding fiscal year, the combined fiscal effort of the local educational agency, computed on either a per student or aggregate expenditure basis was not less than 90 percent of the amount of the combined fiscal effort, computed on the same basis, for the second preceding fiscal year.

"(2) FAILURE.—If, for any fiscal year, the Secretary determines that a local educational agency failed to maintain the fiscal effort of such agency at the level specified in paragraph (1), the Secretary shall—

"(A) reduce the amount of the grant that would otherwise be made to the agency under this part in the exact proportion of such agency's failure to maintain its fiscal effort at such level; and

"(B) not use the reduced amount of the agency's expenditures for the preceding year to determine compliance with paragraph (1) for any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1).

"(3) WAIVER.—(A) The Secretary may waive the requirement of paragraph (1), for not more than one year at a time, if the Secretary determines that the failure to comply with such requirement is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the agency's financial resources.

"(B) The Secretary shall not use the reduced amount of such agency's expenditures for the fiscal year preceding the fiscal year for which a waiver is granted to determine compliance with paragraph (1) for any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1) in the absence of the waiver.

"(d) REALLOCATIONS.—The Secretary may reallocate, in a manner that the Secretary determines will best carry out the purpose of this part, any amounts that—

"(1) based on estimates made by local educational agencies or other information, the Secretary determines will not be needed by such agencies to carry out approved programs under this part; or

"(2) otherwise become available for reallocation under this part.

"PART B—SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

"SEC. 6201. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN.

"(a) PURPOSE.—

"(1) IN GENERAL.—It is the purpose of this section to support projects to develop, test, and demonstrate the effectiveness of services and programs to improve educational opportunities and achievement of Indian children.

"(2) COORDINATION.—The Secretary shall take such actions as are necessary to achieve the coordination of activities assisted under this part with—

"(A) other programs funded under this Act; and

"(B) other Federal programs operated for the benefit of American Indian and Alaska Native children.

"(b) ELIGIBLE ENTITIES.—For the purpose of this section, the term 'eligible entity' means a State educational agency, local educational agency, Indian tribe, Indian organization, federally supported elementary and secondary school for Indian students, Indian institution, including an Indian institutions of higher education, or a consortium of such institutions.

"(c) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—The Secretary shall award grants to eligible entities to enable such entities to carry out activities that meet the purpose specified in subsection (a)(1), including—

"(A) innovative programs related to the educational needs of educationally deprived children;

"(B) educational services that are not available to such children in sufficient quantity or quality, including remedial instruction, to raise the achievement of Indian children in one or more of the core academic subjects as such subjects are described in the third National Education Goal described in section 102(3) of the Goals 2000: Educate America Act;

"(C) bilingual and bicultural programs and projects;

"(D) special health and nutrition services, and other related activities, that address the special health, social, and psychological problems of Indian children;

"(E) special compensatory and other programs and projects designed to assist and encourage Indian children to enter, remain in, or reenter school, and to increase the rate of secondary school graduation;

"(F) comprehensive guidance, counseling, and testing services;

"(G) early childhood and kindergarten programs, including family-based preschool programs that emphasize school readiness and parental skills, and the provision of services to Indian children with disabilities;

"(H) partnership projects between local educational agencies and institutions of higher education that allow secondary school students to enroll in courses at the postsecondary level to aid such students in the transition from secondary school to postsecondary education;

"(I) partnership projects between schools and local businesses for school-to-work transition programs designed to provide Indian youth with the knowledge and skills the youth need to make an effective transition from school to a first job in a high-skill, high-wage career;

"(J) programs designed to encourage and assist Indian students to work toward, and gain entrance into, an institution of higher education; and

"(K) other services that meet the purpose described in subsection (a)(1).

"(2) PRESERVICE OR INSERVICE TRAINING.—Preservice or inservice training of professional and paraprofessional personnel may be a part of any program assisted under this section.

"(d) GRANT REQUIREMENTS AND APPLICATIONS.—

"(1) GRANT REQUIREMENTS.—(A) The Secretary may make multiyear grants under this section for the planning, development, pilot operation, or demonstration of any activity described in subsection (c) for a period not to exceed 5 years.

"(B) In making multiyear grants under this section, the Secretary shall give priority to applications that present a plan for combining two or more of the activities described in subsection (c) over a period of more than 1 year.

"(C) The Secretary shall make a grant payment to an eligible entity after the initial year of the multiyear grant only if the Secretary determines that the eligible entity has made substantial progress in carrying out the activities assisted under the grant in accordance with the application submitted under paragraph (2) and any subsequent modifications to such application.

"(D)(i) In addition to awarding the multiyear grants described in subparagraph (A), the Secretary may award grants to eligible entities for the dissemination of exemplary materials or programs assisted under this section.

"(ii) The Secretary may award a dissemination grant under this subparagraph if, prior to awarding the grant, the Secretary determines that the material or program to be disseminated has been adequately reviewed and has a demonstrated—

"(I) educational merit; and

"(II) the ability to be replicated.

"(2) APPLICATION.—(A) Any eligible entity that desires to receive a grant under this subsection shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

"(B) Each application submitted to the Secretary under subparagraph (A) shall contain—

"(i) a description of how parents of Indian children and representatives of Indian tribes have been, and will be, involved in developing and implementing the activities for which assistance is sought;

"(ii) assurances that the applicant will participate, at the request of the Secretary, in any national evaluation of activities assisted under this section; and

"(iii) such other assurances and information as the Secretary may reasonably require.

"SEC. 6202. PROFESSIONAL DEVELOPMENT.

"(a) PURPOSES.—The purposes of this section are—

"(1) to increase the number of qualified Indian individuals in professions that serve Indian people;

"(2) to provide training to qualified Indian individuals to enable such individuals to become teachers, administrators, teacher aides, social workers, and ancillary educational personnel; and

"(3) to improve the skills of qualified Indian individuals who serve in the capacities described in paragraph (2).

"(b) ELIGIBLE ENTITIES.—For the purpose of this section, the term 'eligible entity' means—

"(1) an institution of higher education, including an Indian institution of higher education;

"(2) a State or local educational agency, in consortium with an institutions of higher education; and

"(3) an Indian tribe or organization, in consortium with an institution of higher education.

"(c) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants to eligible entities having applications approved under this section to enable such entities to carry out the activities described in subsection (d).

"(d) AUTHORIZED ACTIVITIES.—

"(1) IN GENERAL.—Grant funds under this section shall be used to provide support and training for Indian individuals in a manner consistent with the purposes of this section. Such activities may include continuing programs, symposia, workshops, conferences, and direct financial support.

"(2) SPECIAL RULES.—(A) For education personnel, the training received pursuant to a grant under this section may be inservice or preservice training.

"(B) For individuals who are being trained to enter any field other than education, the training received pursuant to a grant under this section shall be in a program that results in a graduate degree.

"(e) APPLICATION.—

"(1) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner and accompanied by such information, as the Secretary may reasonably require.

"(2) PREFERENCE.—In awarding grants under this section, the Secretary shall give preference to applications describing programs that train Indian individuals.

"(f) SPECIAL RULE.—In making grants under this section, the Secretary—

"(1) shall consider the prior performance of the eligible entity; and

"(2) may not limit eligibility to receive a grant under this section on the basis of—

"(A) the number of previous grants the Secretary has awarded such entity; or

"(B) the length of any period during which such entity received such grants.

"(g) GRANT PERIOD.—Each grant under this section shall be awarded for a program of not more than 5 years.

"(h) SERVICE OBLIGATION.—

"(1) IN GENERAL.—The Secretary shall require, by regulation, that an individual who receives training pursuant to a grant made under this section—

"(A) perform work—

"(i) related to the training received under this section; and

"(ii) that benefits Indian people; or

"(B) repay all or a prorated part of the assistance received.

"(2) REPORTING.—The Secretary shall establish, by regulation, a reporting procedure under which a grant recipient under this section shall, not later than 12 months after the date of completion of the training, and periodically thereafter, provide information concerning the compliance of such recipient with the work requirement under paragraph (1).

"SEC. 6203. FELLOWSHIPS FOR INDIAN STUDENTS.

"(a) FELLOWSHIPS.—

"(1) AUTHORITY.—The Secretary is authorized to award fellowships to Indian students to enable such students to study in graduate and professional programs at institutions of higher education.

"(2) REQUIREMENTS.—The fellowships described in paragraph (1) shall be awarded to Indian students to enable such students to pursue a course of study—

"(A) of not more than 4 academic years; and

"(B) that leads—

"(i) toward a postbaccalaureate degree in medicine, clinical psychology, psychology, law, education, and related fields; or

"(ii) to an undergraduate or graduate degree in engineering, business administration, natural resources, and related fields.

"(b) STIPENDS.—The Secretary shall pay to Indian students awarded fellowships under subsection (a) such stipends (including allowances for subsistence of such students and dependents of such students) as the Secretary determines to be consistent with prevailing practices under comparable federally supported programs.

"(c) PAYMENTS TO INSTITUTIONS IN LIEU OF TUITION.—The Secretary shall pay to the institution of higher education at which the holder of a fellowship is pursuing a course of study, such amount as the Secretary determines to be necessary to cover the cost of education provided the fellowship recipient.

"(d) SPECIAL RULES.—

"(1) IN GENERAL.—If a fellowship awarded under subsection (a) is vacated prior to the end of the period for which the fellowship is awarded, the Secretary may award an additional fellowship for the unexpired portion of the period of the fellowship.

"(2) WRITTEN NOTICE.—Not later than 45 days before the commencement of an academic term, the Secretary shall provide to each individual who is awarded a fellowship under subsection (a) for such academic term written notice of—

"(A) the amount of the fellowship; and

"(B) any stipends or other payments that will be made under this section to, or for the benefit of, the individual for the academic term.

"(3) PRIORITY.—In awarding fellowships under subsection (a), the Secretary shall give priority to awarding not more than 10 percent of such fellowships to Indian students who are receiving training in guidance counseling with a specialty in the area of alcohol and substance abuse counseling and education.

"(e) SERVICE OBLIGATION.—

"(1) IN GENERAL.—The Secretary shall require, by regulation, that an individual who receives financial assistance under this section—

"(A) perform work—

"(i) related to the training for which the individual receives assistance under this section; and

"(ii) that benefits Indian people; or

"(B) repay all or a prorated portion of such assistance.

"(2) REPORTING PROCEDURE.—The Secretary shall establish, by regulation, a reporting procedure under which the recipient of training assistance under this section, not later than 12 months after the date of completion of the training and periodically thereafter, shall provide information concerning the compliance of such recipient with the work requirement under paragraph (1).

"(f) ADMINISTRATION OF FELLOWSHIPS.—The Secretary may administer the fellowships authorized under this section through a grant to, or contract or cooperative agreement with, an Indian organization with demonstrated qualifications to administer all facets of the program assisted under this section.

"SEC. 6204. GIFTED AND TALENTED.

"(a) PROGRAM AUTHORIZED.—The Secretary is authorized to—

"(1) establish two centers for gifted and talented Indian students at tribally controlled community colleges in accordance with this section; and

"(2) support demonstration projects described in subsection (c).

"(b) ELIGIBLE ENTITIES.—The Secretary shall make grants to, or enter into contracts, for the activities described in subsection (a), with—

"(1) two tribally controlled community colleges that—

"(A) are eligible for funding under the Tribally Controlled Community College Assistance Act of 1978; and

"(B) are accredited by a State or regional accrediting agency or organization; or

"(2) if the Secretary does not receive applications that the Secretary determines to be approvable from two colleges that meet the requirements of paragraph (1), the American Indian Higher Education Consortium.

"(c) USE OF FUNDS.—

"(1) IN GENERAL.—The grants made, or contracts entered into, by the Secretary under subsection (a) shall be used for—

"(A) the establishment of centers described in subsection (a); and

"(B) carrying out demonstration projects designed to—

"(i) address the special needs of Indian students in elementary and secondary schools who are gifted and talented; and

"(ii) provide such support services to the families of the students described in clause (i) as are needed to enable such students to benefit from the projects.

"(2) SUBCONTRACTS.—Each recipient of a grant or contract under subsection (a) may enter into a contract with any other entity, including the Children's Television Workshop, to carry out the demonstration project under this subsection.

"(3) DEMONSTRATION PROJECTS.—Demonstration projects assisted under subsection (a) may include—

"(A) the identification of the special needs of gifted and talented Indian students, particularly at the elementary school level, giving attention to—

"(i) the emotional and psychosocial needs of such students; and

"(ii) providing such support services to the families of such students as are needed to enable such students to benefit from the project;

"(B) the conduct of educational, psychosocial, and developmental activities that the Secretary determines holds a reasonable promise of resulting in substantial progress toward meeting the educational needs of such gifted and talented children, including—

"(i) demonstrating and exploring the use of Indian languages and exposure to Indian cultural traditions; and

"(ii) mentoring and apprenticeship programs;

"(C) the provision of technical assistance and the coordination of activities at schools that receive grants under subsection (d) with respect to the activities assisted under such grants, the evaluation of programs assisted under such grants, or the dissemination of such evaluations;

"(D) the use of public television in meeting the special educational needs of such gifted and talented children;

"(E) leadership programs designed to replicate programs for such children throughout the United States, including disseminating information derived from the demonstration projects conducted under subsection (a); and

"(F) appropriate research, evaluation, and related activities pertaining to the needs of such children and to the provision of such support services to the families of such children that are needed to enable such children to benefit from the project.

"(4) APPLICATION.—Each entity desiring a grant under subsection (a) shall submit an application to the Secretary at such time and in such manner as the Secretary may prescribe.

"(d) ADDITIONAL GRANTS.—

"(1) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior, shall award 5 grants to schools funded by the Bureau of Indian Affairs (hereafter in this section referred to as 'Bureau schools') for program research and development and the development and dissemination of curriculum and teacher training material, regarding—

"(A) gifted and talented students;

"(B) college preparatory studies (including programs for Indian students with an interest in pursuing teaching careers);

"(C) students with special culturally related academic needs, including students with social, lingual, and cultural needs; or

"(D) mathematics and science education.

"(2) APPLICATIONS.—Each Bureau school desiring a grant under this subsection shall submit an application to the Secretary in such form and at such time as the Secretary may prescribe.

"(3) SPECIAL RULE.—Each application described in paragraph (2) shall be developed, and each grant under this subsection shall be administered, jointly by the supervisor of the Bureau school and the local educational agency serving such school.

"(4) REQUIREMENTS.—In awarding grants under paragraph (1), the Secretary shall achieve a mixture of the programs described in paragraph (1) that ensures that Indian students at all grade levels and in all geographic areas of the United States are able to participate in a program assisted under this subsection.

"(5) GRANT PERIOD.—Subject to the availability of appropriations, grants under paragraph (1) shall be awarded for a 3-year period and may be renewed by the Secretary for additional 3-year periods if the Secretary determines that the performance of the grant recipient has been satisfactory.

"(6) DISSEMINATION.—The dissemination of any materials developed from activities assisted under paragraph (1) shall be carried out in cooperation with entities that receive funds pursuant to subsection (b).

"(7) EVALUATION COSTS.—(A) The costs of evaluating any activities assisted under paragraph (1) shall be divided between the Bureau schools conducting such activities and the recipients of grants or contracts under subsection (b) who conduct demonstration projects under such subsection.

"(B) If no funds are provided under subsection (b) for—

"(i) the evaluation of activities assisted under paragraph (1);

"(ii) technical assistance and coordination with respect to such activities; or

"(iii) the dissemination of the evaluations referred to in clause (i),

then the Secretary shall make such grants, or enter into such contracts, as are necessary to provide for the evaluations, technical assistance, and coordination of such activities, and the dissemination of the evaluations.

"(e) INFORMATION NETWORK.—The Secretary shall encourage each recipient of a grant or contract under this section to work cooperatively as part of a national network to ensure that the information developed by the grant or contract recipient is readily available to the entire educational community of the United States.

"SEC. 6205. GRANTS FOR EVALUATION AND TECHNICAL ASSISTANCE.

"(a) IN GENERAL.—The Secretary may award grants to, and enter into contracts with, public agencies, State educational agencies in States in which more than 5,000 Indian children are enrolled in public elementary and secondary schools, Indian tribes, Indian institutions, Indian organizations, and private institutions and organizations, to establish, on a regional basis, information centers that shall—

"(1) evaluate programs that receive assistance under this title and evaluate other Indian education programs in order to—

"(A) determine the effectiveness of the programs in meeting the special educational and culturally related academic needs of Indian children and adults; and

"(B) conduct research to determine the needs described in subparagraph (A);

"(2) provide technical assistance in the form of materials and personnel resources, upon request, to local educational agencies and Indian tribes, Indian organizations, Indian institutions, and committees described in section 6104(c)(4) in evaluating and carrying out activities assisted under this title; and

"(3) disseminate information, upon request, to the entities described in paragraph (1) concerning all Federal education programs that affect the education of Indian children and adults, including information concerning successful models and programs designed to meet the special educational needs of Indian children.

"(b) PERIOD OF GRANT OR CONTRACT.—Each grant or contract under this section may be for a period of not more than 3 years, and may be renewed for an additional 3-year period if the Secretary annually reviews the performance of the grant recipient and determines that satisfactory progress has been made.

"(c) USE OF FUNDS.—The Secretary may award grants and enter into contracts with Indian tribes, institutions, and organizations, and public agencies and institutions for—

"(1) the dissemination, on a national basis, of information concerning education programs, services, and resources available to Indian children and adults, including evaluations of such programs, services, and resources; and

"(2) the evaluation of the effectiveness of federally assisted programs in which Indian children and adults may participate in achieving the purposes of such programs relating to Indian children and adults.

"(d) STATE AGENCY GRANTS AND CONTRACTS.—The Secretary shall award not more than 15 percent of the funds appropriated under subsection (g) for each fiscal year to State educational agencies.

"(e) APPLICATION.—

"(1) IN GENERAL.—Each entity desiring assistance under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(2) PRIORITY.—In approving applications under this section, the Secretary shall give priority to Indian educational agencies, organizations, and institutions.

"(3) APPROVAL.—The Secretary may approve an application under this section, only if the Secretary determines that the funds made available under this section will be used to supplement the level of funds from State, local, and other Federal sources that would, in the absence of Federal funds provided under this section, be made available by the State or local educational agency for the activities described in this section, and in no case will be used to supplant such funds.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Education $8,000,000 for each of the fiscal years 1995 through 1999 to carry out this section.

"SEC. 6206. GRANTS TO TRIBES FOR EDUCATION ADMINISTRATIVE PLANNING AND DEVELOPMENT.

"(a) IN GENERAL.—The Secretary may make grants to Indian tribes, and tribal organizations approved by Indian tribes, to plan and develop a centralized tribal administrative entity to—

"(1) coordinate all education programs operated by the tribe or within the territorial jurisdiction of the tribe;

"(2) develop education codes for schools within the territorial jurisdiction of the tribe;

"(3) provide support services and technical assistance to schools serving children of the tribe; and

"(4) perform child-find screening services for the preschool-aged children of the tribe to—

"(A) ensure placement in appropriate educational facilities; and

"(B) coordinate the provision of any needed special services for conditions such as disabilities and English language skill deficiencies.

"(b) PERIOD OF GRANT.—Each grant under this section may be awarded for a period of not more than 3 years, except that such grant may be renewed upon the termination of the initial period of the grant if the grant recipient demonstrates to the satisfaction of the Secretary that renewing the grant for an additional 3-year period is necessary to carry out the objectives of the grant described in subsection (c)(2)(A).

"(c) APPLICATION FOR GRANT.—

"(1) IN GENERAL.—Each Indian tribe and tribal organization desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, containing such information, and consistent with such criteria, as the Secretary may prescribe in regulations.

"(2) CONTENTS.—Each application described in paragraph (1) shall contain—

"(A) a statement describing the activities to be conducted, and the objectives to be achieved, under the grant; and

"(B) a description of the method to be used for evaluating the effectiveness of the activities for which assistance is sought and determining whether such objectives are achieved.

"(3) APPROVAL.—The Secretary may approve an application submitted by a tribe or tribal organization pursuant to this section only if the Secretary is satisfied that such application, including any documentation submitted with the application—

"(A) demonstrates that the applicant has consulted with other education entities, if any, within the territorial jurisdiction of the applicant who will be affected by the activities to be conducted under the grant;

"(B) provides for consultation with such other education entities in the operation and evaluation of the activities conducted under the grant; and

"(C) demonstrates that there will be adequate resources provided under this section or from other sources to complete the activities for which assistance is sought, except that the availability of such other resources shall not be a basis for disapproval of such application.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Education $3,000,000 for each of the fiscal years 1995 through 1999 to carry out this section.

"PART C—SPECIAL PROGRAMS RELATING TO ADULT EDUCATION FOR INDIANS

"SEC. 6301. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR ADULT INDIANS.

"(a) IN GENERAL.—The Secretary shall award grants to State and local educational agencies, and to Indian tribes, institutions, and organizations—

"(1) to support planning, pilot, and demonstration projects that are designed to test and demonstrate the effectiveness of programs for improving employment and educational opportunities for adult Indians;

"(2) to assist in the establishment and operation of programs that are designed to stimulate—

"(A) basic literacy opportunities for all nonliterate Indian adults; and

"(B) the provision of opportunities to all Indian adults to qualify for a secondary school diploma, or its recognized equivalent, in the shortest period of time feasible;

"(3) to support a major research and development program to develop more innovative and effective techniques for achieving literacy and secondary school equivalency for Indians;

"(4) to provide for basic surveys and evaluations to define accurately the extent of the problems of illiteracy and lack of secondary school completion among Indians; and

"(5) to encourage the dissemination of information and materials relating to, and the evaluation of, the effectiveness of education programs that may offer educational opportunities to Indian adults.

"(b) EDUCATIONAL SERVICES.—The Secretary may make grants to Indian tribes, institutions, and organizations to develop and establish educational services and programs specifically designed to improve educational opportunities for Indian adults.

"(c) INFORMATION AND EVALUATION.—The Secretary may make grants to, and enter into contracts with, public agencies and institutions and Indian tribes, institutions, and organizations, for—

"(1) the dissemination of information concerning educational programs, services, and resources available to Indian adults, including evaluations of the programs, services, and resources; and

"(2) the evaluation of federally assisted programs in which Indian adults may participate to determine the effectiveness of the programs in achieving the purposes of the programs with respect to Indian adults.

"(d) APPLICATIONS.—

"(1) IN GENERAL.—Each entity desiring a grant under this section shall submit to the Secretary an application at such time, in such manner, containing such information, and consistent with such criteria, as the Secretary may prescribe in regulations.

"(2) CONTENTS.—Each application described in paragraph (1) shall contain—

"(A) a statement describing the activities to be conducted, and the objectives to be achieved, under the grant; and

"(B) a description of the method to be used for evaluating the effectiveness of the activities for which assistance is sought and determining whether the objectives of the grant are achieved.

"(3) APPROVAL.—The Secretary shall not approve an application described in paragraph (1) unless the Secretary determines that such application, including any documentation submitted with the application, indicates—

"(A) there has been adequate participation, by the individuals to be served and appropriate tribal communities, in the planning and development of the activities to be assisted; and

"(B) the individuals and tribal communities referred to in subparagraph (A) will participate in the operation and evaluation of the activities to be assisted.

"(4) PRIORITY.—In approving applications under paragraph (1), the Secretary shall give priority to applications from Indian educational agencies, organizations, and institutions.

"PART D—NATIONAL RESEARCH ACTIVITIES

"SEC. 6401. NATIONAL ACTIVITIES.

"(a) AUTHORIZED ACTIVITIES.—The Secretary may use funds made available under section 6602(b) for each fiscal year to—

"(1) conduct research related to effective approaches for the education of Indian children and adults;

"(2) evaluate federally assisted education programs from which Indian children and adults may benefit;

"(3) collect and analyze data on the educational status and needs of Indians; and

"(4) carry out other activities that are consistent with the purpose of this title.

"(b) ELIGIBILITY.—The Secretary may carry out any of the activities described in subsection (a) directly or through grants to, or contracts or cooperative agreements with Indian tribes, Indian organizations, State educational agencies, local educational agencies, institutions of higher education, including Indian institutions of higher education, and other public and private agencies and institutions.

"(c) COORDINATION.—Research activities supported under this section—

"(1) shall be carried out in consultation with the Assistant Secretary for Educational Research and Improvement to ensure that such activities are coordinated with and enhance the research and development activities supported by the Office of Educational Research and Improvement; and

"(2) may include collaborative research activities that are jointly funded and carried out by the Office of Indian Education and the Office of Educational Research and Improvement.

"PART E—FEDERAL ADMINISTRATION

"SEC. 6501. NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION.

"(a) MEMBERSHIP.—There is established a National Advisory Council on Indian Education (hereafter in this section referred to as the 'Council'), which shall—

"(1) consist of 15 Indian members, who shall be appointed by the President from lists of nominees furnished, from time to time, by Indian tribes and organizations; and

"(2) represent different geographic areas of the United States.

"(b) DUTIES.—The Council shall—

"(1) advise the Secretary concerning the funding and administration (including the development of regulations and administrative policies and practices) of any program, including any program established under this title—

"(A) with respect to which the Secretary has jurisdiction; and

"(B)(i) that includes Indian children or adults as participants; or

"(ii) that may benefit Indian children or adults;

"(2) make recommendations to the Secretary for filling the position of Director of Indian Education whenever a vacancy occurs; and

"(3) submit to the Congress, not later than June 30 of each year, a report on the activities of the Council, including—

"(A) any recommendations that the Council considers appropriate for the improvement of Federal education programs that include Indian children or adults as participants, or that may benefit Indian children or adults; and

"(B) recommendations concerning the funding of any program described in subparagraph (A).

"SEC. 6502. PEER REVIEW.

"The Secretary may use a peer review process to review applications submitted to the Secretary under part B, C, or D.

"SEC. 6503. PREFERENCE FOR INDIAN APPLICANTS.

"In making grants under part B, C, or D, the Secretary shall give a preference to Indian tribes, organizations, and institutions of higher education under any program with respect to which Indian tribes, organizations, and institutions are eligible to apply for grants.

"SEC. 6504. MINIMUM GRANT CRITERIA.

"The Secretary may not approve an application for a grant under part B or C unless the application is for a grant that is—

"(1) of sufficient size, scope, and quality to achieve the purpose or objectives of such grant; and

"(2) based on relevant research findings.

"PART F—DEFINITIONS; AUTHORIZATIONS OF APPROPRIATIONS

"SEC. 6601. DEFINITIONS.

"As used in this title:

"(1) ADULT.—The term 'adult' means an individual who—

"(A) has attained the age of 16 years; or

"(B) has attained an age that is greater than the age of compulsory school attendance under an applicable State law.

"(2) ADULT EDUCATION.—The term 'adult education' has the meaning given such term in section 312(2) of the Adult Education Act.

"(3) FREE PUBLIC EDUCATION.—The term 'free public education' means education that is—

"(A) provided at public expense, under public supervision and direction, and without tuition charge; and

"(B) provided as elementary or secondary education in the applicable State or to preschool children.

"(4) INDIAN.—The term 'Indian' means an individual who is—

"(A) a member of an Indian tribe or band, as membership is defined by the tribe or band, including—

"(i) any tribe or band terminated since 1940; and

"(ii) any tribe or band recognized by the State in which the tribe or band resides;

"(B) a descendant, in the first or second degree, of an individual described in subparagraph (A);

"(C) considered by the Secretary of the Interior to be an Indian for any purpose;

"(D) an Eskimo, Aleut, or other Alaska Native; or

"(E) a member of an organized Indian group that received a grant under this title prior to the date of enactment of the Act entitled the 'Improving America's Schools Act of 1994'.

"SEC. 6602. AUTHORIZATIONS OF APPROPRIATIONS.

"(a) PART A.—For the purpose of carrying out part A of this title, there are authorized to be appropriated to the Department of Education $61,300,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(b) PARTS B THROUGH D.—For the purpose of carrying out parts B, C, and D of this title, there are authorized to be appropriated to the Department of Education $31,925,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(c) PART E.—For the purpose of carrying out part E of this title, there are authorized to be appropriated to the Department of Education $3,775,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"SEC. 6603. CROSS REFERENCES.

"The Tribally Controlled Schools Act of 1988 is amended—

"(1) in subparagraph (C) of section 5204(a)(3) (20 U.S.C. 2503(a)(3)(C)), by striking "chapter 1 of"; and

"(2) in section 5205 (20 U.S.C. 2504)—

"(A) in subsection (a)(3), by striking "chapter 1 of"; and

"(B) in subsection (b)—

"(i) in paragraph (2), by striking "chapter 1 of"; and

"(ii) in paragraph (3)(A), by striking "chapter 1 of".

"TITLE VII—LANGUAGE ENHANCEMENT AND ACQUISITION PROGRAMS

"PART A—BILINGUAL EDUCATION PROGRAMS

"SEC. 7101. SHORT TITLE.

"This part may be cited as the 'Bilingual Education Act'.

"SEC. 7102. FINDINGS.

"The Congress finds that—

"(1) there are large and growing numbers of children and youth of limited-English proficiency, many of whom have a cultural heritage that differs from that of their English proficient peers;

"(2) limited-English proficient children and youth face a number of challenges in receiving an education that will enable such children and youth to participate fully in American society, including—

"(A) segregated education programs;

"(B) disproportionate and improper placement in special education and other special programs due to the use of inappropriate evaluation procedures;

"(C) the limited-English proficiency of their own parents, which hinders the parents' ability to fully participate in the education of their children; and

"(D) a shortage of teachers and other staff who are professionally trained and qualified to serve such children and youth;

"(3) the Federal Government, as exemplified by title VI of the Civil Rights Act of 1964 and section 204(f) of the Equal Education Opportunities Act of 1974, has a special and continuing obligation to ensure that States and local school districts take appropriate action to provide equal educational opportunities to children and youth of limited-English proficiency;

"(4) the Federal Government also, as exemplified by the Federal Government's efforts under this title, has a special and continuing obligation to assist States and local school districts in developing the capacity to provide programs of instruction that offer limited-English proficient children and youth an equal educational opportunity;

"(5) in carrying out the Federal Government's responsibilities with respect to ensuring equal educational opportunity for children and youth of limited-English proficiency, the Federal Government has learned that—

"(A) large numbers of such children and youth have needs that must be met by a program of instruction designed specifically for such children and youth;

"(B) a primary purpose of such programs must be developing the English language skills of such children and youth;

"(C) the use of a child or youth's native language and culture in classroom instruction can—

"(i) promote self-esteem and contribute to academic achievement and learning English by limited-English proficient children and youth;

"(ii) benefit English proficient children and youth who also participate in such programs; and

"(iii) develop our Nation's national language resources, thus promoting our Nation's competitiveness in the global economy;

"(D) parent and community participation in bilingual education programs contributes to program effectiveness; and

"(E) research, evaluation, and data-collection capabilities in the field of bilingual education need to be strengthened so that educators and other staff can better identify and promote those programs, program implementation strategies, and instructional practices that result in effective education; and

"(6) Native Americans and Native American languages (as such terms are defined in section 103 of the Native American Languages Act) have a unique status under Federal law that requires special policies within the broad purposes of this Act to serve the education needs of language minority students in the United States.

"SEC. 7103. POLICY; AUTHORIZATION OF APPROPRIATIONS.

"(a) POLICY.—The Congress declares it to be the policy of the United States, in order to ensure equal educational opportunity for all children and youth and to promote educational excellence, to assist State and local educational agencies and consortia of local educational agencies, institutions of higher education and community based organizations to build their capacity to establish, implement, and sustain programs of instruction for children and youth of limited-English proficiency that—

"(1) develop the English of such children and youth and, to the extent possible, the native language skills of such children and youth;

"(2) educate such children and youth to meet the same rigorous standards for academic performance expected of all children and youth, including meeting challenging State content standards and challenging State student performance standards in academic areas;

"(3) develop bilingual skills and multicultural understanding; and

"(4) provide similar assistance to Native Americans with certain modifications relative to the unique status of Native American languages under Federal law.

"(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this part, there are authorized to be appropriated $215,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"SEC. 7104. DEFINITIONS.

"For the purpose of this title:

"(1) BILINGUAL EDUCATION PROGRAM.—(A) The term 'bilingual education program'—

"(i) means a program of instruction designed specifically for children and youth of limited-English proficiency at any grade level, including the preschool, elementary, or secondary school levels, that is intended—

"(I) to help such children and youth develop proficiency in English and, to the extent possible, the native language of such children and youth; and

"(II) to achieve to high academic standards in all courses of study; and

"(ii) may include activities to assist the parents of such children and youth enrolled in bilingual education programs to participate in the education of their children.

"(B)(i) A bilingual education program may be conducted in English, the native language, or both languages, except that all bilingual education programs shall develop proficiency in the English language. The native language may be used in the instructional program to facilitate the acquisition of English, to develop overall linguistic competence, and to develop competence in the academic curriculum.

"(ii) A bilingual education program shall, to the extent possible, incorporate the cultural heritage of the children or youth of limited-English proficiency served by the program, as well as the cultural heritage of other children in American society.

"(C) Children and youth proficient in English may participate in a bilingual education program to enable all children and youth participating in a bilingual education program to become proficient in English and a second language.

"(2) CHILDREN AND YOUTH.—The term 'children and youth' means individuals aged three through 21.

"(3) DIRECTOR.—The term 'Director' means the Director of the Office of Bilingual Education and Minority Languages Affairs established under section 210 of the Department of Education Organization Act.

"(4) JURISDICTION WHERE A NATIVE AMERICAN LANGUAGE HAS OFFICIAL STATUS.—The term 'jurisdiction where a Native American language has official status' refers to States, territories, commonwealths, cities, counties, reservations, Alaska Native villages, school districts, and other jurisdictions similar to those described in this paragraph that have legally recognized a Native American language for conducting an aspect of their official business.

"(5) LIMITED-ENGLISH PROFICIENCY AND LIMITED-ENGLISH PROFICIENT.—The terms 'limited-English proficiency' and 'limited-English proficient', when used with reference to an individual, mean an individual—

"(A) who—

"(i) was not born in the United States or whose native language is a language other than English and comes from an environment where a language other than English is dominant; or

"(ii) is a Native American or Alaska Native and comes from an environment where a language other than English has had a significant impact on such individual's level of English language proficiency; or

"(iii) is migratory and whose native language is other than English and comes from an environment where a language other than English is dominant; and

"(B) who, by reason thereof, has sufficient difficulty speaking, reading, writing, or understanding the English language to deny such individual the opportunity to learn successfully in classrooms where the language of instruction is English or to participate fully in our society.

"(6) NATIVE AMERICAN AND NATIVE AMERICAN LANGUAGE.—The terms 'Native American' and 'Native American language' shall have the same meaning given such terms in section 103 of the Native American Languages Act of 1990.

"(7) NATIVE HAWAIIAN OR NATIVE AMERICAN PACIFIC ISLANDER NATIVE LANGUAGE EDUCATIONAL ORGANIZATION.—The term 'Native Hawaiian or Native American Pacific Islander native language educational organization' means a nonprofit organization with a majority of its governing board and employees consisting of fluent speakers of the traditional Native American languages used in their educational programs and with at least five years successful experience in providing educational services in traditional Native American languages.

"(8) NATIVE LANGUAGE.—The term 'native language', when used with reference to an individual of limited-English proficiency, means the language normally used by such individual, or in the case of a child or youth, the language normally used by the parents of the child or youth.

"(9) OTHER PROGRAMS FOR PERSONS OF LIMITED-ENGLISH PROFICIENCY.—The term 'other programs for persons of limited-English proficiency' means any programs administered by the Secretary that directly involve bilingual education activities serving persons of limited-English proficiency.

"SEC. 7105. NATIVE AMERICAN AND ALASKA NATIVE CHILDREN IN SCHOOL.

"(a) ELIGIBLE ENTITIES.—For the purpose of carrying out programs under this part for individuals served by elementary and secondary schools operated predominately for Native American or Alaska Native children and youth, an Indian tribe, a tribally sanctioned educational authority, a Native Hawaiian or Native American Pacific Islander native language education organization, or an elementary or secondary school that is operated or funded by the Bureau of Indian Affairs shall be considered to be a local educational agency as such term is used in this part, subject to the following qualifications:

"(1) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized for the special programs and services provided by the United States to Indians because of their status as Indians.

"(2) TRIBALLY SANCTIONED EDUCATIONAL AUTHORITY.—The term 'tribally sanctioned educational authority' means—

"(A) any department or division of education operating within the administrative structure of the duly constituted governing body of an Indian tribe; and

"(B) any nonprofit institution or organization that is—

"(i) chartered by the governing body of an Indian tribe to operate any such school or otherwise to oversee the delivery of educational services to members of that tribe; and

"(ii) approved by the Secretary for the purpose of this section.

"(b) ELIGIBLE ENTITY APPLICATION.—Notwithstanding any other provision of this part, each eligible entity described in subsection (a) shall submit any application for assistance under this part directly to the Secretary along with timely comments on the need for the proposed program.

"Subpart 1—Financial Assistance for Bilingual Education

"SEC. 7111. FINANCIAL ASSISTANCE FOR BILINGUAL EDUCATION.

"(a) PURPOSE.—The purpose of this subpart is to assist local educational agencies, through the grants authorized by subsections (b), (c), and (d), to—

"(1) develop and enhance their capacity to provide high-quality instruction to children and youth of limited-English proficiency; and

"(2) to help such children and youth—

"(A) develop proficiency in English, and to the extent possible, their native language; and

"(B) meet the same challenging State content standards and challenging State student performance standards expected for all children and youth as required by section 1111(b).

"(b) DEVELOPMENT AND ENHANCEMENT GRANTS.—

"(1) IN GENERAL.—The Secretary is authorized to make grants to local educational agencies, or community based organizations in consortia with one or more local educational agencies and an institution of higher education, to—

"(A) develop new bilingual education programs;

"(B) enhance or expand existing bilingual education programs to meet new conditions, such as the need to serve additional language groups or different age or grade levels; and

"(C) meet the short-term needs of local educational agencies without bilingual education programs to serve children and youth of limited-English proficiency.

"(2) DURATION.—Grants awarded under this subsection shall be for a period of not more than 2 years, except that grants to carry out paragraph (1)(A) shall be awarded for a period of not more than 3 years.

"(c) COMPREHENSIVE SCHOOL GRANTS.—

"(1) IN GENERAL.—The Secretary is authorized to make grants to local educational agencies for the purpose of implementing schoolwide bilingual education programs that serve all (or virtually all) children and youth of limited-English proficiency in schools with significant concentrations of such children and youth.

"(2) DURATION.—Grants awarded under this subsection shall be for a period of not more than 5 years, except that the Secretary shall terminate grants to local educational agencies if the Secretary determines that—

"(A) the program evaluation required by section 7126 indicates that students in the schoolwide program are not being taught to and achieving challenging State content standards and challenging State student performance standards; or

"(B) in the case of a program to promote dual language facility, such program is not promoting such facility.

"(d) COMPREHENSIVE DISTRICT GRANTS.—

"(1) IN GENERAL.—The Secretary is authorized to make grants to local educational agencies for the purpose of implementing district-wide bilingual education programs that serve a significant number of children and youth of limited-English proficiency in districts with significant concentrations of such children and youth.

"(2) DURATION.—Grants awarded under this subsection shall be for a period of not more than 5 years, except that the Secretary shall terminate grants to local educational agencies where the Secretary determines that—

"(A) the program evaluation required by section 7126 indicates that students in the program are not being taught to and achieving challenging State content standards and challenging State student performance standards; or

"(B) in the case of a program to promote dual language facility, such program is not promoting such facility.

"(e) USE OF FUNDS.—

"(1) IN GENERAL.—Recipients of grant funds under subsections (b), (c), and (d) may use such funds for—

"(A) identification and acquisition of curricular materials, educational software, and technologies to advance the education of children and youth of limited-English proficiency;

"(B) parent outreach and training activities designed to assist parents to become active participants in the education of their children;

"(C) salaries of personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to children and youth of limited-English proficiency;

"(D) tutorials and academic or career counseling for children and youth of limited-English proficiency; and

"(E) such other activities, related to the purposes of this part, as the Secretary may approve.

"(2) ADDITIONAL ACTIVITIES.—Recipients of funds under subsections (c) and (d) may—

"(A) use such funds for preservice and inservice professional development of staff participating, or preparing to participate, in the program, including staff who will not directly participate in the bilingual instructional program (which in the case of teachers who are participating in the program may include release time with pay), if such activities are directly related to serving children and youth of limited-English proficiency and will help accomplish the purposes of this subpart; and

"(B) during the first 12 months of such a grant, engage exclusively in activities preparatory to the delivery of services, which may include program design, the development of materials and procedures, and activities to involve parents in the educational program and to enable parents and family members to assist in the education of children and youth of limited-English proficiency.

"(f) GEOGRAPHIC DISTRIBUTION OF FUNDS.—To the extent possible, the Secretary shall award grants under this section throughout the Nation in a manner that—

"(1) reflects the geographic distribution of children and youth of limited-English proficiency throughout the Nation;

"(2) takes into account significant increases in limited-English proficient children and youth in areas with low concentrations of such children and youth; and

"(3) ensures that activities assisted under this part address the full needs of school systems of all sizes and geographic areas, including rural schools.

"(g) CONSTRUCTION.—Nothing in this subpart shall be construed to prohibit a local educational agency from serving limited-English proficient children and youth simultaneously with students with similar educational needs, in the same educational settings where appropriate.

"(h) APPLICATIONS.—

"(1) IN GENERAL.—Any local educational agency or community based organization that desires a grant under this section shall submit, through its State educational agency, an application to the Secretary, in such form, at such time, and containing such information and assurances as the Secretary may require.

"(2) CONTENTS.—Each such application shall—

"(A) describe—

"(i) the need for the proposed program, including data on the number of the children and youth of limited-English proficiency in the school or district to be served and the characteristics of such children and youth, such as language spoken, dropout rates, proficiency in English and the native language, academic standing in relation to English proficient peers, and, where applicable, the recency of immigration; and

"(ii) the program to be implemented and how such program's design—

"(I) relates to the linguistic and academic needs of the children and youth of limited-English proficiency to be served; and

"(II) is consistent with, and promotes the goals in, the local educational agency's improvement plan under section 1112, particularly as such plan relates to the education of children and youth of limited-English proficiency;

"(B) provide an assurance that the applicant will not reduce the level of State and local funds that the applicant expends for bilingual education programs if the applicant receives an award under this subpart; and

"(C) provide an assurance that the applicant will employ teachers in the proposed program that, individually or in combination, are proficient in English, including written, as well as oral, communication skills.

"(3) ADDITIONAL INFORMATION.—Each application for a grant under subsection (c) or (d) shall—

"(A) describe—

"(i) current services the applicant provides to children and youth of limited-English proficiency;

"(ii) what services children and youth of limited-English proficiency will receive under the grant that such children or youth will not otherwise receive;

"(iii) how funds received under this subpart will be integrated with all other Federal, State, local, and private resources that may be used to serve children and youth of limited-English proficiency; and

"(iv) specific achievement and school retention goals for the children and youth to be served by the proposed program and how progress toward achieving such goals will be measured; and

"(B) provide assurances that—

"(i) the program funded will be integrated with the overall educational program; and

"(ii) the application has been developed in consultation with an advisory council, the majority of whose members are parents and other representatives of the children and youth to be served in such programs.

"(i) LIMITATION ON FUNDING.—

"(1) DEVELOPMENT AND ENHANCEMENT GRANTS.—Not more than 25 percent of the total amount of funds that the Secretary awards under subsection (b) for any fiscal year shall be used to provide funding to bilingual education programs that do not use the native language.

"(2) COMPREHENSIVE SCHOOL GRANTS.—Not more than 25 percent of the total amount of funds that the Secretary awards under subsection (c) for any fiscal year shall be used to provide funding to bilingual education programs that do not use the native language.

"(3) SPECIAL RULE.—Notwithstanding paragraphs (1) and (2), the Secretary is authorized to award grants for bilingual education programs that are not conducted in the native language if an applicant has demonstrated that the applicant cannot develop and implement a bilingual education program that is conducted in the native language because—

"(A) the diversity of limited-English proficient students' native languages and the small number of students speaking each respective language make instruction in the native language impractical; or

"(B) despite documented efforts, the applicant has not been able to hire qualified instructional personnel who are able to communicate in the students' native language.

"(j) STATE REVIEW OF APPLICATIONS UNDER PART A.—In order for an eligible applicant to apply for funds under this subpart, such applicant shall submit the application to the State educational agency for review. The State educational agency shall transmit such application

to the Secretary along with such agency's timely comments on the need within the State for the proposed program and whether the proposed program is consistent with the State plan under section 1111.

"(k) CAPACITY BUILDING.—

"(1) IN GENERAL.—Each recipient of a grant under this section shall use the grant funds in ways that will build such recipient's capacity to continue to offer high quality bilingual education programs and services to children and youth of limited-English proficiency once Federal assistance is reduced or eliminated.

"(2) SPECIAL RULE.—In making awards under this subpart for any fiscal year, the Secretary shall, consistent with the quality of applications and the funds available under this part, increase the amount of funds used to support grants under subsections (c) and (d) over the amount used to support grants under subsections (c) and (d) in the previous fiscal year.

"(l) CONSORTIA.—A local educational agency that receives a grant under this subpart may collaborate or form a consortium with one or more local education agencies, institutions of higher education, and nonprofit organizations to carry out a program described in an application approved under this subpart.

"(m) SUBGRANTS.—A local educational agency that receives a grant under this subpart may, with the approval of the Secretary, make a subgrant to, or enter into a contract with, an institution of higher education, a nonprofit organization, or a consortium of such entities to carry out a program described in an application approved under this subpart, including a program to serve out-of-school youth.

"(n) PARENTAL NOTIFICATION.—

"(1) IN GENERAL.—Parents of a child or youth of limited-English proficiency identified for enrollment in bilingual education programs shall be informed of the—

"(A) benefits, nature, and past academic results of the bilingual educational program and of the instructional alternatives; and

"(B) reasons for the selection of their child as being in need of bilingual education.

"(2) OPTION TO DECLINE.—(A) Parents of a child or youth of limited-English proficiency identified for enrollment in bilingual education programs shall be informed that such parents have the option of declining enrollment of their children in such programs and shall be given an opportunity to do so if such parents so choose.

"(B) Nothing in this section shall be construed to relieve a local educational agency, community based organization or consortium receiving assistance under this part of any of their obligations under title VI of the Civil Rights Act of 1964 because parents choose not to enroll their children in bilingual education programs.

"(3) INFORMATION.—Parents of a child or youth of limited-English proficiency identified for enrollment in bilingual education programs shall receive, in a manner and form understandable to such parents, including, if necessary and to the extent feasible, in the native language of such parents, the information required by this subsection. At a minimum, such parents shall receive—

"(A) timely information about projects funded under this subpart; and

"(B) if the parents of participating children so desire, notice of opportunities for regular meetings for the purpose of formulating and responding to recommendations from such parents.

"(o) PROGRAMS FOR NATIVE AMERICANS AND PUERTO RICO.—Programs authorized under this title that serve Native American children, and children in the Commonwealth of Puerto Rico, notwithstanding any other provision of this title, may include programs of instruction, teacher training, curriculum development, evaluation, and testing designed for Native American children and youth learning and studying Native American languages and children and youth of limited-Spanish proficiency, except that one outcome of such programs serving Native American children shall be increased English proficiency among such children.

"Subpart 2—Research and Evaluation

"SEC. 7121. AUTHORITY.

"The Secretary is authorized to conduct data collection, dissemination, research, and evaluation activities for the purpose of improving bilingual education programs for children and youth of limited-English proficiency.

"SEC. 7122. RESEARCH.

"(a) AWARDS.—The Secretary may award grants and enter into contracts and cooperative agreements for research and evaluation activities related to improving and maintaining high quality bilingual educational programs for persons of limited-English proficiency.

"(b) CONSULTATION.—The Secretary shall consult with agencies and organizations that are engaged in bilingual education research and practice, or related research, and bilingual education researchers and practitioners to identify areas of study and activities to be funded under this section.

"(c) RESEARCH AND DISSEMINATION.—The Secretary, through the Office of Educational Research and Improvement, if appropriate, shall—

"(1) conduct research on effective instruction practices for multilingual classes, and on effective instruction strategies to be used by teachers and other staff who do not know the native language of a limited-English proficient child in their classrooms; and

"(2) disseminate the findings of such research.

"SEC. 7123. ACADEMIC EXCELLENCE AWARDS.

"(a) AWARDS.—The Secretary may award grants to, and enter into contracts and cooperative agreements with, State and local educational agencies, nonprofit organizations, and institutions of higher education to promote the adoption and implementation of bilingual education programs that demonstrate great promise of assisting children and youth of limited-English proficiency to meet challenging State content standards and challenging State student performance standards.

"(b) APPLICATIONS.—

"(1) IN GENERAL.—Each entity desiring an award under this section shall submit an application to the Secretary in such form, at such time, and containing such information and assurances as the Secretary may require.

"(2) PEER REVIEW.—The Secretary shall use a peer review process, using effectiveness criteria that the Secretary shall establish, to review applications under this section.

"(c) USE OF FUNDS.—Funds under this section shall be used to enhance the capacity of States and local education agencies to provide high quality academic programs for children and youth of limited-English proficiency, which may include—

"(1) completing the development of such programs;

"(2) professional development of staff participating in bilingual education programs;

"(3) sharing strategies and materials; and

"(4) supporting professional networks.

"(d) COORDINATION.—Recipients of funds under this section shall coordinate the activities assisted under this section with activities carried out by comprehensive regional centers assisted under subpart 1 of part C of title II.

"SEC. 7124. STATE GRANT PROGRAM.

"(a) STATE GRANT PROGRAM.—The Secretary is authorized to make an award to a State educational agency that demonstrates, to the satisfaction of the Secretary, that such agency effectively provides for the education of children and youth of limited-English proficiency within the State.

"(b) PAYMENTS.—The amount paid to a State educational agency under subsection (a) shall not exceed 5 percent of the total amount awarded to local educational agencies within the State under subpart 1 for the previous fiscal year, except that in no case shall the amount paid by the Secretary to any State educational agency under this subsection for any fiscal year be less than $100,000.

"(c) USE OF FUNDS.—

"(1) IN GENERAL.—A State educational agency may use funds for programs authorized by this section to—

"(A) assist local educational agencies in the State with program design, capacity building, assessment of student performance, and program evaluation;

"(B) operate a bilingual education advisory panel under subsection (d); and

"(C) collect data concerning children and youth of limited-English proficiency.

"(2) SPECIAL RULE.—Recipients of awards under this section shall not restrict the provision of services under this section to federally funded programs.

"(d) STATE BILINGUAL EDUCATION ADVISORY PANEL.—Each State educational agency that receives funds under this section shall appoint a broad-based bilingual education advisory panel, with substantial representation from persons knowledgeable about the education of limited-English proficient students, to develop and recommend to the State educational agency guidelines for reviewing, and providing the Secretary with comments regarding, applications for funds under subparts 1 and 3 that come from within the State.

"(e) APPLICATIONS.—A State educational agency desiring to receive an award under this section shall submit an application to the Secretary in such form, at such time, containing such information and assurances as the Secretary may require.

"SEC. 7125. NATIONAL CLEARINGHOUSE FOR BILINGUAL EDUCATION.

"(a) ESTABLISHMENT.—The Secretary shall establish and support the operation of a National Clearinghouse for Bilingual Education, which shall collect, analyze, synthesize, and disseminate information about bilingual education and related programs.

"(b) FUNCTIONS.—The National Clearinghouse for Bilingual Education shall—

"(1) coordinate its activities with Federal data and information clearinghouses and dissemination networks and systems;

"(2) develop a data base management and monitoring system for improving the operation and effectiveness of programs assisted under this part; and

"(3) develop, maintain, and disseminate, through comprehensive regional centers described in section 2303(a) if appropriate, a listing by geographical area of education professionals, parents, teachers, administrators, community members and others who are native speakers of languages other than English for use as a resource by local educational agencies and schools in the development and implementation of bilingual education programs.

"SEC. 7126. EVALUATIONS.

"(a) PROGRAM EVALUATIONS UNDER SUBPART 1.—

"(1) IN GENERAL.—Each recipient of funds under subpart 1 shall provide the Secretary with an evaluation, in the form prescribed by the Secretary, of the program assisted under such subpart every 2 years.

"(2) USE.—Such evaluation shall be used by a recipient of funds under subpart 1—

"(A) to improve such program;

"(B) to further define such program's goals and objectives; and

"(C) to determine program effectiveness.

"(3) CONTENTS.—Such evaluation shall include—

"(A) student outcome indicators that measure progress toward the challenging State student performance standards set out in the State plan approved or being developed under section 1111, including data comparing children and youth of limited-English proficiency with nonlimited-English proficient children and youth with regard to school retention, academic achievement, and gains in English (and, where applicable, native language) proficiency;

"(B) program implementation indicators that provide information for informing and improving program management and effectiveness, including data on appropriateness of curriculum in relationship to grade and course requirements, appropriateness of program management, appropriateness of the professional development of the program staff, and appropriateness of the language of instruction;

"(C) program context indicators that describe the relationship of the activities funded under the grant to the overall school program and other Federal, State, or local programs serving children and youth of limited-English proficiency; and

"(D) such other information as the Secretary may require.

"(b) PROGRAM EVALUATIONS UNDER SUBPART 3.—

"(1) IN GENERAL.—Each recipient of funds under subpart 3 shall provide the Secretary with an evaluation of the program assisted under such subpart every 2 years.

"(2) DATA.—Such evaluation shall include data on—

"(A) post-program placement of persons trained;

"(B) how the training relates to the employment of persons served by the program;

"(C) program completion; and

"(D) such other information as the Secretary may require.

"Subpart 3—Professional Development

"SEC. 7131. PURPOSE.

"The purpose of this subpart is to improve the quality of instruction for children and youth of limited-English proficiency—

"(1) through professional development programs designed—

"(A) for persons preparing to provide services for children and youth of limited-English proficiency;

"(B) to improve the skills of persons providing services to children and youth of limited-English proficiency; and

"(C) for other staff in schools serving children and youth of limited-English proficiency; and

"(2) by disseminating information on appropriate instructional practices and activities for children and youth of limited-English proficiency to other school personnel, including teachers not serving such children and youth.

"SEC. 7132. PROFESSIONAL DEVELOPMENT GRANTS.

"(a) GRANTS TO INSTITUTIONS OF HIGHER EDUCATION.—The Secretary is authorized to make grants to institutions of higher education for—

"(1) preservice and inservice professional development for individuals who are either involved in, or preparing to be involved in, the provision of educational services for children and youth of limited-English proficiency, which in the case of teachers who are involved in the provision of such services may include release time with pay; and

"(2) national professional development institutes that assist schools or departments of education in institutions of higher education to improve the quality of professional development programs for personnel serving, preparing to serve, or who may serve, children and youth of limited-English proficiency.

"(b) GRANTS TO STATE AND LOCAL EDUCATIONAL AGENCIES.—The Secretary may make grants to State and local educational agencies for inservice professional development programs that prepare school personnel to provide effective services to limited-English proficient students.

"(c) USE OF FUNDS FOR SECOND LANGUAGE COMPETENCE.—Awards under this section may be used to develop a program participant's competence in a second language.

"(d) APPLICATIONS.—

"(1) IN GENERAL.—An institution of higher education, or a State or local educational agency desiring to receive an award under this section shall submit, through its State educational agency, an application to the Secretary, in such form, at such time, and containing such information and assurances as the Secretary may require.

"(2) CONSULTATION AND ASSESSMENT.—Each such application shall contain a description of how the applicant has consulted with, and assessed the needs of, public and private schools serving children and youth of limited-English proficiency to determine such school's need for, and the design of, the program for which funds are sought.

"(3) SPECIAL RULE.—(A) An application for a grant under subsection (a) from an applicant who proposes to conduct a masters or doctoral-level program with funds received under this section shall provide an assurance that such program will include, as a part of the program, a training practicum in a local school program serving children and youth of limited-English proficiency.

"(B) A recipient of a grant under subsection (a) may waive the requirement of a training practicum for a degree candidate with significant experience in a local school program serving children and youth of limited-English proficiency.

"(4) REVIEW.—In order for an institution of higher education or a local educational agency to apply for funds under this section, the State educational agency serving such institution shall review the application and provide the Secretary with timely comments on the need within the State for the proposed program and whether the proposed program is consistent with the State plan under section 1111 and section 2125(b)(1).

"SEC. 7133. FELLOWSHIPS.

"(a) ACADEMIC FELLOWSHIPS.—The Secretary may award fellowships for masters, doctoral, and post-doctoral study related to instruction of children and youth of limited-English proficiency in such areas as teacher training, program administration, research and evaluation, and curriculum development, and for the support of dissertation research related to such study.

"(b) REPAYMENT.—

"(1) IN GENERAL.—Any person receiving a fellowship under this section shall agree to—

"(A) work in an activity related to the area for which the assistance was awarded or in an activity such as those authorized under this part for a period of time equivalent to the period of time during which such person receives assistance under this section; or

"(B) repay such assistance.

"(2) TERMS AND CONDITIONS.—The Secretary shall establish in regulations such terms and conditions for such agreement as the Secretary deems reasonable and necessary and may waive the requirement of paragraph (1) in extraordinary circumstances.

"SEC. 7134. STIPENDS.

"The Secretary shall provide for the payment of such stipends (including allowances for subsistence and other expenses for such persons and their dependents), as the Secretary determines to be appropriate, to persons participating in training programs under this subpart.

"PART B—FOREIGN LANGUAGE ASSISTANCE PROGRAM

"SEC. 7201. SHORT TITLE.

"This part may be cited as the 'Foreign Language Assistance Act of 1994'.

"SEC. 7202. FINDINGS.

"The Congress finds as follows:

"(1) Foreign language proficiency is crucial to our Nation's economic competitiveness and national security. Significant improvement in the quantity and quality of foreign language instruction offered in our Nation's elementary and secondary schools is necessary.

"(2) All Americans need a global perspective. To understand the world around us, we must acquaint ourselves with the languages, cultures, and history of other nations.

"(3) Proficiency in two or more languages should be promoted for all American students. Multilingualism enhances cognitive and social growth, competitiveness in the global marketplace, national security, and understanding of diverse people and cultures.

"(4) The United States lags behind other developed countries in offering foreign language study to elementary and secondary school students.

"(5) Four out of five new jobs in the United States are created from foreign trade.

"(6) The optimum time to begin learning a second language is in elementary school, when children have the ability to learn and excel in several foreign language acquisition skills, including pronunciation, and when children are most open to appreciating and valuing a culture other than their own.

"(7) Foreign language study can increase children's capacity for critical and creative thinking skills and children who study a second language show greater cognitive development in areas such as mental flexibility, creativity, tolerance, and higher order thinking skills.

"(8) Children who have studied a foreign language in elementary school achieve expected gains and score higher on standardized tests of reading, language arts, and mathematics than children who have not studied a foreign language.

"SEC. 7203. PROGRAM AUTHORIZED.

"(a) PROGRAM AUTHORITY.—

"(1) IN GENERAL.—The Secretary shall make grants, on a competitive basis, to State educational agencies or local educational agencies to pay the Federal share of the cost of innovative model programs providing for the establishment, improvement or expansion of foreign language study for elementary and secondary school students.

"(2) DURATION.—Each grant under paragraph (1) shall be awarded for a period of 3 years.

"(b) REQUIREMENTS.—

"(1) GRANTS TO STATE EDUCATIONAL AGENCIES.—In awarding a grant under subsection (a) to a State educational agency, the Secretary shall support programs that promote systemic approaches to improving foreign language learning in the State.

"(2) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—In awarding a grant under subsection (a) to a local educational agency, the Secretary shall support programs that—

"(A) show the promise of being continued beyond the grant period;

"(B) demonstrate approaches that can be disseminated and duplicated in other local educational agencies; and

"(C) may include a professional development component.

"(c) FEDERAL SHARE.—

"(1) IN GENERAL.—The Federal share for each fiscal year shall be 50 percent.

"(2) WAIVER.—The Secretary may waive the requirement of paragraph (1) for any local educational agency which the Secretary determines does not have adequate resources to pay the non-Federal share of the cost of the activities assisted under this part.

"(3) SPECIAL RULE.—Not less than three-fourths of the funds appropriated under section 7206 shall be used for the expansion of foreign language learning in the elementary grades.

"(4) RESERVATION.—The Secretary may reserve not more than 5 percent of funds appropriated under section 7206 to evaluate the efficacy of programs under this part.

"SEC. 7204. APPLICATIONS.

"(a) IN GENERAL.—Any State educational agency or local educational agency desiring a grant under this part shall submit an application to the Secretary at such time, in such form, and containing such information and assurances as the Secretary may require.

"(b) SPECIAL CONSIDERATION.—The Secretary shall give special consideration to applications describing programs that—

"(1) include intensive summer foreign language programs for professional development;

"(2) link non-native English speakers in the community with the schools in order to promote two-way language learning; or

"(3) promote the sequential study of a foreign language for students, beginning in elementary schools.

"SEC. 7205. ELEMENTARY SCHOOL FOREIGN LANGUAGE INCENTIVE PROGRAM.

"(a) INCENTIVE PAYMENTS.—From amounts appropriated under section 7206 the Secretary shall make an incentive payment for each fiscal year to each public elementary school that provides to students attending such school a program designed to lead to communicative competency in a foreign language.

"(b) AMOUNT.—The Secretary shall determine the amount of the incentive payment under subsection (a) for each public elementary school for each fiscal year on the basis of the number of students participating in a program described in such subsection at such school for such year compared to the total number of such students at all such schools in the United States for such year.

"(c) REQUIREMENT.—The Secretary shall consider a program to be designed to lead to communicative competency in a foreign language if such program is comparable to a program that provides at least 45 minutes of instruction in a foreign language at least 4 days per week throughout an academic year.

"SEC. 7206. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $35,000,000 for the fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this part, of which not more than $20,000,000 may be used in each fiscal year to carry out section 7205.

"PART C—ADMINISTRATION

"SEC. 7301. COORDINATION WITH RELATED PROGRAMS.

"In order to maximize the effectiveness of Federal efforts aimed at serving the educational needs of children and youth of limited-English proficiency, the Secretary shall coordinate and ensure close cooperation with other programs administered by the Department, including programs in such areas as teacher training, program content, research, and curriculum.

"SEC. 7302. REPORT ON BILINGUAL EDUCATION.

"The Secretary shall, within three years of the date of enactment of the Improving America's Schools Act of 1994, and every third year thereafter, submit to the Congress a report on the condition of bilingual education. The report shall include—

"(1) information regarding—

"(A) the grants, contracts, and cooperative agreements made pursuant to this title in the preceding 3 fiscal years;

"(B) the number of individuals benefiting from the programs assisted under this title;

"(C) the evaluation of activities carried out under this title during the preceding 3 fiscal years and the extent to which each such activity achieves the policy set forth in section 7103(a);

"(D) an estimate of the number of teachers and other school personnel for bilingual education that will be necessary for the 3 succeeding fiscal years; and

"(E) the research activities carried out under this title during the preceding 3 fiscal years and the major findings of such research activities; and

"(2) an analysis and synthesis of such information.

"SEC. 7303. STATE EDUCATIONAL AGENCY RECOMMENDATIONS; PEER REVIEW.

"(a) STATE EDUCATIONAL AGENCY RECOMMENDATIONS.—In making awards under part A, the Secretary shall take State educational agency recommendations into account.

"(b) PEER REVIEW.—

"(1) IN GENERAL.—In making awards under part A and in making funding decisions for continuation grants under such parts, the Secretary may solicit recommendations from peer review panels composed of individuals experienced in aspects of the education of limited-English proficient students.

"(2) FUNDING.—The Secretary may use not more than 0.2 percent of the total amount of funds appropriated for each fiscal year for programs authorized under this title for peer review of applications for assistance under such programs.

"PART D—SPECIAL RULE

"SEC. 7401. SPECIAL RULE.

"Notwithstanding any other provision of law, no recipient of a grant under title VII of this Act (as such title was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994) shall be eligible for fourth- and fifth-year renewals authorized by section 7021(d)(1)(C) of such title (as such section was in effect on the day preceding the date of enactment of such Act).

"TITLE VIII—PROGRAMS OF NATIONAL SIGNIFICANCE

"PART A—ARTS IN EDUCATION

"SEC. 8101. SUPPORT FOR ARTS EDUCATION.

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

"(1) the arts are forms of understanding and ways of knowing that are fundamentally important to education;

"(2) the arts are important to excellent education and to effective school reform;

"(3) the most significant contribution of the arts to education reform is the transformation of teaching and learning;

"(4) such transformation is best realized in the context of comprehensive, systemic education reform;

"(5) demonstrated competency in the arts for American students is among the National Education Goals;

"(6) arts education should be an integral part of the elementary and secondary school curriculum;

"(7) participation in performing arts activities has proven to be an effective strategy for promoting the inclusion of persons with disabilities in mainstream settings; and

"(8) opportunities in the arts have enabled persons of all ages with disabilities to participate more fully in school and community activities.

"(b) PURPOSE.—The purposes of this part are to—

"(1) support systemic education reform by strengthening arts education as an integral part of the elementary and secondary school curriculum;

"(2) help ensure that all students have the opportunity to learn to challenging State content standards and challenging State student performance standards in the arts; and

"(3) support the national effort to enable all students to demonstrate competence in the arts in accordance with the National Education Goals.

"(c) ELIGIBLE RECIPIENTS.—In order to carry out the purposes of this part, the Secretary is authorized to award grants to, or enter into contracts or cooperative agreements with—

"(1) State educational agencies;

"(2) local educational agencies;

"(3) institutions of higher education;

"(4) museums and other cultural institutions; and

"(5) other public and private agencies, institutions, and organizations.

"(d) AUTHORIZED ACTIVITIES.—Funds under this part may be used for—

"(1) research on arts education;

"(2) the development of, and dissemination of information about, model arts education programs;

"(3) the development of model arts education assessments based on high standards;

"(4) the development and implementation of curriculum frameworks for arts education;

"(5) the development of model preservice and inservice professional development programs for arts educators and other instructional staff;

"(6) supporting collaborative activities with other Federal agencies or institutions involved in arts education, such as the National Endowment for the Arts, the Institute of Museum Services, the John F. Kennedy Center for the Performing Arts, Very Special Arts, and the National Gallery of Art;

"(7) supporting model projects and programs in the performing arts for children and youth through arrangements made with the John F. Kennedy Center for the Performing Arts;

"(8) supporting model projects and programs developed by Very Special Arts which assure the participation in mainstream settings in arts and education programs of persons of all ages with disabilities;

"(9) supporting model projects and programs to integrate arts education into the regular elementary and secondary school curriculum; and

"(10) other activities that further the purposes of this part.

"(e) COORDINATION.—

"(1) IN GENERAL.—A recipient of funds under this part shall, to the extent possible, coordinate projects assisted under this part with appropriate activities of public and private cultural agencies, institutions, and organizations, including museums, arts education associations, libraries, and theaters.

"(2) SPECIAL RULE.—In carrying out this part, the Secretary shall coordinate with the National Endowment for the Arts, the Institute of Museum Services, the John F. Kennedy Center for the Performing Arts, Very Special Arts, and the National Gallery of Art.

"(f) AUTHORIZATION.—

"(1) IN GENERAL.—For the purpose of carrying out this part, there are authorized to be appropriated $11,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(2) SPECIAL RULE.—If the amount appropriated under paragraph (1) for any fiscal year is $9,000,000 or less, then such amount shall only be available to carry out the activities described in paragraphs (7) and (8) of subsection (d).

"PART B—INEXPENSIVE BOOK DISTRIBUTION PROGRAM

"SEC. 8151. INEXPENSIVE BOOK DISTRIBUTION PROGRAM FOR READING MOTIVATION.

"(a) AUTHORIZATION.—The Secretary is authorized to enter into a contract with Reading is Fundamental (RIF) (hereafter in this section referred to as 'the contractor') to support and promote programs, which include the distribution of inexpensive books to students, that motivate children to read.

"(b) REQUIREMENTS OF CONTRACT.—Any contract entered into under subsection (a) shall—

"(1) provide that the contractor will enter into subcontracts with local private nonprofit groups or organizations or with public agencies under which each subcontractor will agree to establish, operate, and provide the non-Federal share of the cost of reading motivation programs that include the distribution of books, by gift, to the extent feasible, or loan, to children from birth through secondary school age;

"(2) provide that funds made available to subcontractors will be used only to pay the Federal share of the cost of such programs;

"(3) provide that in selecting subcontractors for initial funding, the contractor will give priority to programs that will serve a substantial number or percentage of children with special needs, such as—

"(A) low-income children, particularly in high-poverty areas;

"(B) children at risk of school failure;

"(C) children with disabilities;

"(D) foster children;

"(E) homeless children;

"(F) migrant children;

"(G) children without access to libraries;

"(H) institutionalized or incarcerated children; and

"(I) children whose parents are institutionalized or incarcerated;

"(4) provide that the contractor will provide such technical assistance to subcontractors as may be necessary to carry out the purpose of this section;

"(5) provide that the contractor will annually report to the Secretary the number of, and describe, programs funded under paragraph (3); and

"(6) include such other terms and conditions as the Secretary determines to be appropriate to ensure the effectiveness of such programs.

"(c) RESTRICTION ON PAYMENTS.—The Secretary shall make no payment of the Federal share of the cost of acquiring and distributing books under any contract under this section unless the Secretary determines that the contractor or subcontractor, as the case may be, has made arrangements with book publishers or distributors to obtain books at discounts at least as favorable as discounts that are customarily given by such publisher or distributor for book purchases made under similar circumstances in the absence of Federal assistance.

"(d) DEFINITION OF 'FEDERAL SHARE'.—For the purpose of this section, the term 'Federal share' means, with respect to the cost to a subcontractor of purchasing books to be paid under this section, 75 percent of such costs to the subcontractor, except that the Federal share for programs serving children of migrant or seasonal farmworkers shall be 100 percent of such costs to the subcontractor.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $11,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"PART C—PUBLIC CHARTER SCHOOLS

"SEC. 8201. FINDINGS AND PURPOSE.

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

"(1) enhancement of parent and student choices among public schools can assist in promoting comprehensive educational reform and give more students the opportunity to learn to challenging State content standards and challenging State student performance standards, if sufficiently diverse and high-quality choices, and genuine opportunities to take advantage of such choices, are available to all students;

"(2) useful examples of such choices can come from States and communities that experiment with methods of offering teachers and other educators, parents, and other members of the public the opportunity to design and implement new public schools and to transform existing public schools;

"(3) the new schools developed through such process should be free to test a variety of educational approaches and should, therefore, be exempted from restrictive rules and regulations if the leadership of such schools commits to attaining specific and ambitious educational results for students consistent with challenging State content standards and challenging State student performance standards for all students;

"(4) charter schools, as such schools have been implemented in a few States, can embody the necessary mixture of enhanced choice, exemption from restrictive regulations, and a focus on learning gains;

"(5) charter schools, including charter schools that are schools-within-schools, can help reduce school size, which reduction can have a significant effect on student achievement;

"(6) the Federal Government should test, evaluate, and disseminate information on a variety of charter school models in order to help demonstrate the benefits of this promising educational reform; and

"(7) there is a strong documented need for cash flow assistance to charter schools that are starting up, because State and local operating revenue streams are not immediately available.

"(b) PURPOSE.—It is the purpose of this part to increase national understanding of the charter schools model by—

"(1) providing financial assistance for the design and initial implementation of charter schools; and

"(2) evaluating the effects of such schools, including the effects on students, staff, and parents.

"SEC. 8202. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—The Secretary may award grants to State educational agencies having applications approved pursuant to section 8203 to enable such agencies to conduct a charter school grant program in accordance with this part.

"(b) SPECIAL RULE.—If a State educational agency elects not to participate in the program authorized by this part or does not have an application approved under section 8203, the Secretary may award a grant to an eligible applicant that serves such State and has an application approved pursuant to section 8203(c).

"(c) PROGRAM PERIODS.—

"(1) GRANTS TO STATES.—Grants awarded to State educational agencies under this part shall be awarded for a period of not more than 3 years.

"(2) GRANTS TO ELIGIBLE APPLICANTS.—Grants awarded by the Secretary to eligible applicants or subgrants awarded by State educational agencies to eligible applicants under this part shall be awarded for a period of not more than 3 years, of which the eligible applicant may use—

"(A) not more than 18 months for planning and program design; and

"(B) not more than 2 years for the initial implementation of a charter school.

"(d) LIMITATION.—The Secretary shall not award more than one grant and State educational agencies shall not award more than one subgrant under this part to support a particular charter school.

"(e) USE OF FUNDS.—

"(1) STATE EDUCATIONAL AGENCIES.—Each State educational agency receiving a grant under this part shall use such grant funds to award subgrants to one or more eligible applicants in the State to enable such applicant to plan and implement a charter school in accordance with this part.

"(2) ELIGIBLE APPLICANTS.—Each eligible applicant receiving funds from the Secretary or a State educational agency shall use such funds to plan and implement a charter school in accordance with this part.

"(3) ALLOWABLE ACTIVITIES.—An eligible applicant receiving a grant or subgrant under this part may use the grant or subgrant funds only for—

"(A) post-award planning and design of the educational program, which may include—

"(i) refinement of the desired educational results and of the methods for measuring progress toward achieving those results; and

"(ii) professional development of teachers and other staff who will work in the charter school; and

"(B) initial implementation of the charter school, which may include—

"(i) informing the community about the school;

"(ii) acquiring necessary equipment and educational materials and supplies;

"(iii) acquiring or developing curriculum materials;

"(iv) minor remodeling or renovation of facilities needed to meet State or local health or safety laws or regulations; and

"(v) other initial operational costs that cannot be met from State or local sources.

"(4) ADMINISTRATIVE EXPENSES.—Each State educational agency receiving a grant pursuant to this part may reserve not more than 5 percent of such grant funds for administrative expenses associated with the charter school grant program assisted under this part.

"(5) REVOLVING LOAN FUNDS.—Each State educational agency receiving a grant pursuant to this part may reserve not more than 20 percent of the grant amount for the establishment of a revolving loan fund. Such fund may be used to make loans to eligible applicants that have received a subgrant under this part, under such terms as may be determined by the State educational agency, for the initial operation of the charter school grant program of such recipient until such time as the recipient begins receiving ongoing operational support from State or local financing sources.

"SEC. 8203. APPLICATIONS.

"(a) APPLICATIONS FROM STATE AGENCIES.—Each State educational agency desiring a grant under this part shall submit to the Secretary an application at such time, in such manner, and containing or accompanied by such information as the Secretary may require.

"(b) CONTENTS OF A STATE EDUCATIONAL AGENCY APPLICATION.—Each application submitted pursuant to subsection (a) shall—

"(1) describe the objectives of the State educational agency's charter school grant program and a description of how such objectives will be fulfilled, including steps taken by the State educational agency to inform teachers, parents, and communities of the State educational agency's charter school grant program;

"(2) contain assurances that the State educational agency—

"(A) will grant, or will obtain, waivers of State statutory or regulatory requirements provided for in the State's charter schools law; and

"(B) will assist each subgrantee in the State in receiving a waiver under section 8204(e);

"(3) contain assurances that the State educational agency will require each eligible applicant desiring to receive a subgrant to submit an application to the State educational agency containing—

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

"(i) how the program will enable all students to meet challenging State student performance standards;

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

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

"(B) a description of how the charter school will be managed;

"(C) a description of—

"(i) the objectives of the charter school; and

"(ii) the methods by which the charter school will determine its progress toward achieving those objectives;

"(D) a description of the administrative relationship between the charter school and the authorized public chartering agency;

"(E) a description of how parents and other members of the community will be involved in the design and implementation of the charter school;

"(F) a description of how the authorized public chartering agency will provide for continued operation of the school once the Federal grant has expired, if such agency determines that the school has met the objectives described in subparagraph (C)(i);

"(G) a request and justification for waivers of any Federal statutory or regulatory requirements that the applicant believes are necessary for the successful operation of the charter school;

"(H) a description of how the subgrant funds or grant funds, as appropriate, will be used, including a description of how such funds will be used in conjunction with other Federal programs administered by the Secretary;

"(I) a description of how students in the community will be—

"(i) informed about the charter school; and

"(ii) given an equal opportunity to attend the charter school;

"(J) an assurance that the eligible applicant will annually provide the Secretary and the State educational agency such information as may be required to determine if the charter school is making satisfactory progress toward achieving the objectives described in subparagraph (C)(i);

"(K) an assurance that the applicant will cooperate with the Secretary and the State educational agency in evaluating the program assisted under this part; and

"(L) such other information and assurances as the Secretary and the State educational agency may require.

"(c) APPLICATIONS FROM ELIGIBLE APPLICANTS.—

"(1) IN GENERAL.—Each eligible applicant desiring a grant pursuant to section 8202(e)(1) or 8202(b) shall submit an application to the State educational agency or Secretary, respectively, at such time, in such manner, and accompanied by such information as the State educational agency or Secretary, respectively, may reasonably require.

"(d) CONTENTS OF ELIGIBLE AGENCY APPLICATION.—Each application submitted pursuant to subsection (c) shall contain the information and assurances described in subparagraphs (A) through (L) of subsection (b)(3), except that for purpose of this sentence subparagraphs (J), (K), and (L) of such subsection shall be applied by striking "and the State educational agency" each place such term appears.

"SEC. 8204. ADMINISTRATION.

"(a) SELECTION CRITERIA FOR STATE EDUCATIONAL AGENCIES.—The Secretary shall award grants to State educational agencies under this part on the basis of the quality of the applications submitted under section 8203, after taking into consideration such factors as—

"(1) the contribution that the charter schools grant program will make to achieving State content standards and State student performance standards and, in general, a State's education improvement plan;

"(2) the degree of flexibility afforded by the State educational agency to charter schools under the State's charter schools law;

"(3) the ambitiousness of the objectives for the State charter school grant program;

"(4) the quality of the process for assessing achievement of those objectives; and

"(5) the likelihood that the charter school grant program will meet those objectives and improve educational results for students.

"(b) SELECTION CRITERIA FOR ELIGIBLE APPLICANTS.—The Secretary shall award grants to eligible applicants under this part on the basis of the quality of the applications submitted under section 8203, after taking into consideration such factors as—

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

"(2) the degree of flexibility afforded by the State educational agency and, if applicable, the local educational agency to the charter school;

"(3) the extent of community support for the application;

"(4) the ambitiousness of the objectives for the charter school;

"(5) the quality of the process for assessing achievement of those objectives; and

"(6) the likelihood that the charter school will meet those objectives and improve educational results for students.

"(c) PEER REVIEW.—The Secretary, and each State educational agency receiving a grant under this part, shall use a peer review process to review applications for assistance under this part.

"(d) DIVERSITY OF PROJECTS.—The Secretary and each State educational agency receiving a grant under this part, shall award subgrants under this part in a manner that, to the extent possible, ensures that such grants and subgrants—

"(1) are distributed throughout different areas of the Nation and each State, including urban and rural areas; and

"(2) will assist charter schools representing a variety of educational approaches, such as approaches designed to reduce school size.

"(e) WAIVERS.—The Secretary may waive any statutory or regulatory requirement over which the Secretary exercises administrative authority except any such requirement relating to the elements of a charter school described in section 8206(1), if—

"(1) the waiver is requested in an approved application under this part; and

"(2) the Secretary determines that granting such a waiver will promote the purpose of this part.

"SEC. 8205. NATIONAL ACTIVITIES.

"The Secretary may reserve not more than 10 percent of the funds available to carry out this part for any fiscal year for—

"(1) peer review of applications under section 8204(c);

"(2) an evaluation of charter schools, including those assisted under this part; and

"(3) other activities designed to enhance the success of the activities assisted under this part, such as—

"(A) development and dissemination of model State charter school laws and model contracts or other means of authorizing and monitoring the performance of charter schools;

"(B) collection and dissemination of information on successful charter schools; and

"(C) conferences, publications, and use of telecommunications and other means to share ideas and information among grant recipients and others about charter schools.

"SEC. 8206. DEFINITIONS.

"As used in this part:

"(1) The term 'charter school' means a public school that—

"(A) in accordance with an enabling State statute, is exempted from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements of this paragraph;

"(B) is created by a developer as a public school, or is adapted by a developer from an existing public school, and is operated under public supervision and direction;

"(C) operates in pursuit of a specific set of educational objectives determined by the school's developer and agreed to by the authorized public chartering agency;

"(D) provides a program of elementary or secondary education, or both;

"(E) is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;

"(F) does not charge tuition;

"(G) complies with the Age Discrimination Act of 1975, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, and part B of the Individuals with Disabilities Education Act;

"(H) admits students on the basis of a lottery, if more students apply for admission than can be accommodated;

"(I) agrees to comply with the same Federal and State audit requirements as do other schools in the State, unless such requirements are specifically waived for the purpose of this program; and

"(J) meets all applicable Federal, State, and local health and safety requirements.

"(2) The term 'developer' means an individual or group of individuals (including a public or private nonprofit organization), which may include teachers, administrators and other school staff, parents, or other members of the local community in which a charter school project will be carried out.

"(3) The term 'eligible applicant' means an authorized public chartering agency participating in a partnership with a developer to establish a charter school in accordance with this part.

"(4) The term 'authorized public chartering agency' means a State educational agency, local educational agency, or other public entity that has the authority pursuant to State law to authorize or approve a charter school.

"SEC. 8207. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, there are authorized to be appropriated $15,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"PART D—CIVIC EDUCATION

"SEC. 8251. INSTRUCTION ON THE HISTORY AND PRINCIPLES OF DEMOCRACY IN THE UNITED STATES.

"(a) GENERAL AUTHORITY.—

"(1) PROGRAM ESTABLISHED.—(A) The Secretary is authorized to carry out a program to enhance the attainment of the third and sixth National Education Goals by educating students about the history and principles of the Constitution of the United States, including the Bill of Rights, and to foster civic competence and responsibility.

"(B) Such program shall be known as 'We the People . . . The Citizen and the Constitution'.

"(2) EDUCATIONAL ACTIVITIES.—The program required by paragraph (1) shall—

"(A) continue and expand the educational activities of the 'We the People . . . The Citizen and the Constitution' program administered by the Center for Civic Education; and

"(B) enhance student attainment of challenging content standards in civics and government.

"(3) CONTRACT OR GRANT AUTHORIZED.—The Secretary is authorized to enter into a contract or grant with the Center for Civic Education to carry out the program described in paragraph (1).

"(b) PROGRAM CONTENT.—The education program authorized by this section shall provide—

"(1) a course of instruction on the basic principles of our constitutional democracy and the history of the Constitution and the Bill of Rights;

"(2) at the request of a participating school, school and community simulated congressional hearings following the course of study; and

"(3) an annual national competition of simulated congressional hearings for secondary students who wish to participate in such program.

"(c) PROGRAM CONTENT.—The education program authorized by this section shall be made available to public and private elementary and secondary schools in the 435 congressional districts, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the District of Columbia.

"(d) SPECIAL RULE.—After the provisions of subsection (b) have been implemented, funds provided under this section may be used for—

"(1) advanced training of teachers about the United States Constitution and the political system the United States created; or

"(2) a course of instruction at the middle school level on the roles of State and local governments in the Federal system established by the Constitution, which course shall provide for—

"(A) optional school and community simulated State legislative hearings;

"(B) an annual competition of simulated legislative hearings at the State legislative district, State, and national levels for middle school students who wish to participate in the program; and

"(C) participation by public and private middle schools in the 50 States, the District of Columbia, Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau.

"SEC. 8252. INSTRUCTION IN CIVICS, GOVERNMENT, AND THE LAW.

"(a) PROGRAM ESTABLISHED.—The Secretary is authorized to carry out a program of grants and contracts to assist State and local educational agencies and other public and private nonprofit agencies, organizations and institutions to enhance—

"(1) attainment by students of challenging State content standards and challenging State student performance standards in civics, government, and the law; and

"(2) attainment by the Nation of the third and the sixth National Education Goals.

"(b) AUTHORIZED ACTIVITIES.—Assistance under this section may support new and ongoing programs in elementary and secondary schools that provide for—

"(1) the development and implementation of curricular programs that enhance student understanding of—

"(A) the values and principles which underlie, and the institutions and processes which comprise, our Nation's system of government;

"(B) the role of law in our constitutional democracy, including activities to promote—

"(i) legal literacy;

"(ii) a dedication by students to the use of nonviolent means of conflict resolution such as arbitration, mediation, negotiation, trials, and appellate hearings; and

"(iii) respect for cultural diversity and acceptance of cultural differences; and

"(C) the rights and responsibilities of citizenship;

"(2) professional development for teachers, including preservice and inservice training;

"(3) outside-the-classroom learning experiences for students, including community service activities;

"(4) the active participation of community leaders, from the public and private sectors, in the schools; and

"(5) the provision of technical assistance to State and local educational agencies and other institutions and organizations working to further the progress of the Nation in attaining the third and sixth National Education Goals regarding civics and government.

"(c) APPLICATIONS, PEER REVIEW AND PRIORITY.—

"(1) SUBMISSION OF APPLICATIONS.—A State or local educational agency, other public or private nonprofit agency, organization, or institution that desires to receive a grant or enter into a contract under this section shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

"(2) PEER REVIEW.—(A) The Secretary shall convene a panel of individuals for purpose of reviewing and rating applications submitted under paragraph (1).

"(B) Such individuals shall have experience with education programs in civics, government, and the law.

"(3) PRIORITY.—In making grants or awarding contracts under this section, the Secretary shall give priority consideration to applications which propose the operation of statewide programs.

"(d) DURATION OF GRANTS AND EXCEPTION.—

"(1) DURATION.—Except as provided in paragraph (2), the Secretary shall make grants and enter into contracts under this section for periods of two or three years.

"(2) EXCEPTION.—The Secretary may make a grant or enter into a contract under this section for a period of less than 2 years if the Secretary determines that special circumstances exist which warrant a 1-year grant or contract award.

"SEC. 8253. REPORT; AUTHORIZATION OF APPROPRIATIONS.

"(a) REPORT.—The Secretary shall report, on a biennial basis and in accordance with section 10701, to the Committee on Education and Labor of the House of Representatives and to the Committee on Labor and Human Resources of the Senate regarding the distribution and use of funds authorized under this part.

"(b) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—To carry out this part, there are authorized to be appropriated $20,000,000 for fiscal year 1995 and such sums as necessary for each of the 4 succeeding fiscal years.

"(2) ALLOCATION.—From the amount appropriated under subsection (a), the Secretary shall allocate—

"(A) 50 percent of such amount to carry out section 8251; and

"(B) 50 percent of such amount to carry out section 8252.

"PART E—ALLEN J. ELLENDER FELLOWSHIP PROGRAM

"SEC. 8301. FINDINGS.

"The Congress finds as follows:

"(1) It is a worthwhile goal to ensure that all students in America are prepared for responsible citizenship and that all students should have the opportunity to be involved in activities that promote and demonstrate good citizenship.

"(2) It is a worthwhile goal to ensure that America's educators have access to programs for the continued improvement of their professional skills.

"(3) Allen J. Ellender, a Senator from Louisiana and President pro tempore of the United States Senate, had a distinguished career in public service characterized by extraordinary energy and real concern for young people. Senator Ellender provided valuable support and encouragement to the Close Up Foundation, a nonpartisan, nonprofit foundation promoting knowledge and understanding of the Federal Government among young people and educators. Therefore, it is a fitting and appropriate tribute to Senator Ellender to provide fellowships in his name to students of limited economic means, the teachers who work with such students, and older Americans, so that such students, teachers, and older Americans may participate in the programs supported by the Close Up Foundation.

"Subpart 1—Program for Middle and Secondary School Students

"SEC. 8311. ESTABLISHMENT.

"(a) GENERAL AUTHORITY.—The Secretary is authorized to make grants in accordance with the provisions of this title to the Close Up Foundation of Washington, District of Columbia, a nonpartisan, nonprofit foundation, for the purpose of assisting the Close Up Foundation in carrying out its programs of increasing understanding of the Federal Government among middle and secondary school students.

"(b) USE OF FUNDS.—Grants under this subpart shall be used only to provide financial assistance to economically disadvantaged students who participate in the program described in subsection (a). Financial assistance received pursuant to this subpart by such students shall be known as Allen J. Ellender fellowships.

"SEC. 8312. APPLICATIONS.

"(a) APPLICATION REQUIRED.—No grant under this subpart may be made except upon an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(b) CONTENTS OF APPLICATION.—Each such application shall contain provisions to assure—

"(1) that fellowship grants are made to economically disadvantaged middle and secondary school students;

"(2) that every effort will be made to ensure the participation of students from rural and small town areas, as well as from urban areas, and that in awarding fellowships to economically disadvantaged students, special consideration will be given to the participation of students with special educational needs, including students with disabilities, ethnic minority students, and gifted and talented students; and

"(3) the proper disbursement of the funds of the United States received under this subpart.

"Subpart 2—Program for Middle and Secondary School Teachers

"SEC. 8321. ESTABLISHMENT.

"(a) GENERAL AUTHORITY.—The Secretary is authorized to make grants in accordance with the provisions of this subpart to the Close Up Foundation of Washington, District of Columbia, a nonpartisan, nonprofit foundation, for the purpose of assisting the Close Up Foundation in carrying out its programs of teaching skills enhancement for middle and secondary school teachers.

"(b) USE OF FUNDS.—Grants under this subpart shall be used only for financial assistance to teachers who participate in the program described in subsection (a). Financial assistance

received pursuant to this subpart by such individuals shall be known as Allen J. Ellender fellowships.

"SEC. 8322. APPLICATIONS.

"(a) APPLICATION REQUIRED.—No grant under this subpart may be made except upon an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(b) CONTENTS OF APPLICATION.—Each such application shall contain provisions to assure—

"(1) that fellowship grants are made only to teachers who have worked with at least one student from such teacher's school who participates in the programs described in section 8311(a);

"(2) that not more than one teacher in each school participating in the programs provided for in section 8311(a) may receive a fellowship in any fiscal year; and

"(3) the proper disbursement of the funds of the United States received under this subpart.

"Subpart 3—Programs for Recent Immigrants, Students of Migrant Parents and Older Americans

"SEC. 8331. ESTABLISHMENT.

"(a) GENERAL AUTHORITY.—

"(1) IN GENERAL.—The Secretary is authorized to make grants in accordance with the provisions of this subpart to the Close Up Foundation of Washington, District of Columbia, a nonpartisan, nonprofit foundation, for the purpose of assisting the Close Up Foundation in carrying out its programs of increasing understanding of the Federal Government among economically disadvantaged older Americans, recent immigrants and students of migrant parents.

"(2) DEFINITION.—For the purpose of this subpart, the term 'older American' means an individual who has attained 55 years of age.

"(b) USE OF FUNDS.—Grants under this subpart shall be used only for financial assistance to economically disadvantaged older Americans, recent immigrants and students of migrant parents who participate in the program described in subsection (a). Financial assistance received pursuant to this subpart by such individuals shall be known as Allen J. Ellender fellowships.

"SEC. 8332. APPLICATIONS.

"(a) APPLICATION REQUIRED.—No grant under this subpart may be made except upon application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(b) CONTENTS OF APPLICATION.—Each such application shall contain provisions to assure—

"(1) that fellowship grants are made to economically disadvantaged older Americans, recent immigrants and students of migrant parents;

"(2) that every effort will be made to ensure the participation of older Americans, recent immigrants and students of migrant parents from rural and small town areas, as well as from urban areas, and that in awarding fellowships, special consideration will be given to the participation of older Americans, recent immigrants and students of migrant parents with special needs, including individuals with disabilities, ethnic minorities, and gifted and talented students;

"(3) that activities permitted by subsection (a) are fully described; and

"(4) the proper disbursement of the funds of the United States received under this subpart.

"Subpart 4—General Provisions

"SEC. 8341. ADMINISTRATIVE PROVISIONS.

"(a) GENERAL RULE.—Payments under this part may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of underpayment or overpayment.

"(b) AUDIT RULE.—The Comptroller General of the United States or any of the Comptroller General's duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to any grant under this part.

"SEC. 8342. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to carry out the provisions of subparts 1, 2, and 3 of this part $4,500,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(b) SPECIAL RULE.—Of the funds appropriated pursuant to subsection (a), not more than 30 percent may be used for teachers associated with students participating in the programs described in section 8311(a).

"PART F—GIFTED AND TALENTED CHILDREN

"SEC. 8401. SHORT TITLE.

"This part may be cited as the 'Jacob K. Javits Gifted and Talented Students Education Act of 1994'.

"SEC. 8402. FINDINGS AND PURPOSES.

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

"(1) all students can learn to high standards and must develop their talents and realize their potential if the United States is to prosper;

"(2) gifted and talented students are a national resource vital to the future of the Nation and our Nation's security and well-being;

"(3) too often schools fail to challenge students to do their best work, and students who are not challenged will not learn to challenging State content standards and challenging State student performance standards, fully develop their talents, and realize their potential;

"(4) unless the special abilities of gifted and talented students are recognized and developed during their elementary and secondary school years, much of their special potential for contributing to the national interest is likely to be lost;

"(5) gifted and talented students from economically disadvantaged families and areas, and students of limited-English proficiency are at greatest risk of being unrecognized and of not being provided adequate or appropriate educational services;

"(6) State and local educational agencies and private nonprofit schools often lack the necessary specialized resources to plan and implement effective programs for the early identification of gifted and talented students for the provision of educational services and programs appropriate to their special needs;

"(7) the Federal Government can best carry out the limited but essential role of stimulating research and development and personnel training and providing a national focal point of information and technical assistance that is necessary to ensure that the Nation's schools are able to meet the special educational needs of gifted and talented students, and thereby serve a profound national interest; and

"(8) the experience and knowledge gained in developing and implementing programs for gifted and talented students can and should be used as a basis to—

"(A) develop a rich and challenging curriculum for all students; and

"(B) provide all students with important and challenging subject matter to study and encourage the habits of hard work.

"(b) STATEMENT OF PURPOSE.—It is the purpose of this part—

"(1) to provide financial assistance to State and local educational agencies, institutions of higher education, and other public and private agencies and organizations, to initiate a coordinated program of research, demonstration projects, personnel training, and similar activities designed to build a nationwide capability in elementary and secondary schools to meet the special educational needs of gifted and talented students;

"(2) to encourage the development of rich and challenging curricula for all students through the appropriate application and adaptation of materials and instructional methods developed under this part; and

"(3) to supplement and make more effective the expenditure of State and local funds, for the education of gifted and talented students.

"SEC. 8403. CONSTRUCTION.

"Nothing in this part shall be construed to prohibit a recipient of funds under this part from serving gifted and talented students simultaneously with students with similar educational needs, in the same educational settings where appropriate.

"SEC. 8404. AUTHORIZED PROGRAMS.

"(a) ESTABLISHMENT OF PROGRAM.—

"(1) IN GENERAL.—From the sums appropriated under section 8407 in any fiscal year the Secretary (after consultation with experts in the field of the education of gifted and talented students) shall make grants to or enter into contracts with State educational agencies, local educational agencies, institutions of higher education, or other public agencies and private agencies and organizations (including Indian tribes and Indian organizations (as such terms are defined by the Indian Self-Determination and Education Assistance Act) and Hawaiian native organizations) to assist such agencies, institutions, and organizations which submit applications in carrying out programs or projects authorized by this part that are designed to meet the educational needs of gifted and talented students, including the training of personnel in the education of gifted and talented students and in the use, where appropriate, of gifted and talented services, materials, and methods for all students.

"(2) CONTENTS.—Applications for funds under this part shall describe how—

"(A) the proposed gifted and talented services, materials, and methods can be adapted, if appropriate, for use by all students; and

"(B) how the proposed programs can be evaluated.

"(b) USES OF FUNDS.—Programs and projects assisted under this section may include—

"(1) professional development (including fellowships) for personnel (including leadership personnel) involved in the education of gifted and talented students;

"(2) establishment and operation of model projects and exemplary programs for serving gifted and talented students, including innovative methods for identifying and educating students who may not be served by traditional gifted and talented programs, summer programs, mentoring programs, service learning programs, and cooperative programs involving business, industry, and education;

"(3) training of personnel and parents involved in gifted and talented programs with respect to the impact of gender role-socialization on the educational needs of gifted and talented children and in gender equitable education methods, techniques and practices;

"(4) implementing innovative strategies, such as cooperative learning, peer tutoring and service learning;

"(5) strengthening the capability of State educational agencies and institutions of higher education to provide leadership and assistance to local educational agencies and nonprofit private schools in the planning, operation, and improvement of programs for the identification and education of gifted and talented students and the appropriate use of gifted and talented programs and methods to serve all students;

"(6) programs of technical assistance and information dissemination, including how gifted

and talented programs and methods, where appropriate, could be adapted for use by all students; and

"(7) carrying out—

"(A) research on methods and techniques for identifying and teaching gifted and talented students, and for using gifted and talented programs and methods to serve all students; and

"(B) program evaluations, surveys, and the collection, analysis, and development of information needed to accomplish the purposes of this part.

"(c) ESTABLISHMENT OF NATIONAL CENTER.—

"(1) IN GENERAL.—The Secretary (after consultation with experts in the field of the education of gifted and talented students) shall establish a National Center for Research and Development in the Education of Gifted and Talented Children and Youth through grants to or contracts with one or more institutions of higher education or State educational agencies, or a combination or consortium of such institutions and agencies, for the purpose of carrying out activities described in paragraph (7) of subsection (b).

"(2) DIRECTOR.—Such National Center shall have a Director. The Secretary may authorize the Director to carry out such functions of the National Center as may be agreed upon through arrangements with other institutions of higher education, State or local educational agencies, or other public or private agencies and organizations.

"(d) LIMITATION.—Not more than $1,750,000 of the funds available in any fiscal year to carry out the programs and projects authorized by this section may be used to conduct activities pursuant to subsection (b)(7) or (c).

"(e) COORDINATION.—Research activities supported under this section—

"(1) shall be carried out in consultation with the Office of Educational Research and Improvement to ensure that such activities are coordinated with and enhance the research and development activities supported by the such office; and

"(2) may include collaborative research activities which are jointly funded and carried out with the Office of Educational Research and Improvement.

"SEC. 8405. PROGRAM PRIORITIES.

"(a) GENERAL PRIORITY.—In the administration of this part the Secretary shall give highest priority—

"(1) to the identification of and the provision of services to gifted and talented students who may not be identified and served through traditional assessment methods (including economically disadvantaged individuals, individuals of limited-English proficiency, and individuals with disabilities); and

"(2) to programs and projects designed to develop or improve the capability of schools in an entire State or region of the Nation, through cooperative efforts and participation of State and local educational agencies, institutions of higher education, and other public and private agencies and organizations (including business, industry, and labor), to plan, conduct, and improve programs for the identification of and the provision of services to gifted and talented students.

"(b) SERVICE PRIORITY.—In approving applications under section 8404(a), the Secretary shall assure that in each fiscal year at least one-half of the applications approved under such section address the priority described in subsection (a)(1).

"SEC. 8406. GENERAL PROVISIONS.

"(a) PARTICIPATION OF PRIVATE SCHOOL CHILDREN AND TEACHERS.—In making grants and entering into contracts under this part, the Secretary shall ensure, where appropriate, that provision is made for the equitable participation of students and teachers in private nonprofit elementary and secondary schools, including the participation of teachers and other personnel in professional development programs for serving such children.

"(b) PROGRAM OPERATIONS.—The Secretary shall ensure that the programs under this part are administered within the Department by a person who has recognized professional qualifications and experience in the field of the education of gifted and talented students and who shall serve as a focal point of national leadership and information on mechanisms to carry out the purpose of this part.

"(c) REVIEW, DISSEMINATION, AND EVALUATION.—The Secretary shall—

"(1) use a peer review process in reviewing applications under this part;

"(2) ensure that information on the activities and results of programs and projects funded under this part is disseminated to appropriate State and local agencies and other appropriate organizations, including nonprofit private organizations; and

"(3) evaluate the effectiveness of programs under this part in accordance with section 10701, both in terms of the impact on students traditionally served in separate gifted and talented programs and on other students, and submit the results of such evaluation to Congress not later than January 1, 1998.

"SEC. 8407. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated $20,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out the provisions of this part.

"(b) SPECIAL RULE.—If the amount appropriated under subsection (a) for a fiscal year exceeds $20,000,000, 40 percent of such amount in excess of $20,000,000 shall be available for strategies and programs designed for the education of gifted and talented students that may be adapted and used to improve teaching and learning for all students in a school and to help all students in a school develop their talents, realize their potential, and meet challenging State content standards and challenging State student performance standards, while not diminishing the curriculum and instruction for students traditionally identified as gifted and talented.

"PART G—WOMEN'S EDUCATIONAL EQUITY

"SEC. 8451. SHORT TITLE; FINDINGS.

"(a) SHORT TITLE.—This part may be cited as the 'Women's Educational Equity Act of 1994'.

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

"(1) since the enactment of title IX of the Education Amendments of 1972, women and girls have made strides in educational achievement and in their ability to avail themselves of educational opportunities;

"(2) because of funding provided under the Women's Educational Equity Act, more curricula, training and other educational materials concerning educational equity for women and girls are available for national dissemination;

"(3) significant gender inequities still exist in teaching and learning practices, for example—

"(A) sexual harassment, particularly that experienced by girls, undermines the ability of schools to provide a safe and equitable learning or workplace environment;

"(B) girls may often receive significantly less attention from classroom teachers than boys, and girls of color have less interaction with teachers than all other girls;

"(C) classroom textbooks and other educational materials do not sufficiently reflect the experiences, achievements, or concerns of women and, in most cases, are not written by women or persons of color;

"(D) girls do not take as many mathematics and science courses as boys, girls lose confidence in their mathematics and science ability as girls move through adolescence, there are few women role models in the sciences, and women continue to be concentrated in low-paying, traditionally female jobs that do not require mathematics and science skills; and

"(E) pregnant and parenting teenagers are at high risk for dropping out of school and existing dropout prevention programs do not adequately address the needs of such population;

"(4) Federal support should address not only research and development of innovative model curricula and teaching and learning strategies to promote gender equity, but should, to the extent feasible, also help schools and local communities implement and institutionalize gender equitable practices;

"(5) Federal assistance for gender equity must be tied to systemic reform, involve collaborative efforts to implement effective gender practices at the local level, and encourage parental participation; and

"(6) excellence in education, high educational achievements and standards, and the full participation of women and girls in American society cannot be achieved without educational equity for women and girls.

"SEC. 8452. STATEMENT OF PURPOSES.

"It is the purpose of this part—

"(1) to promote gender equity in education in the United States;

"(2) to provide financial assistance to enable educational agencies and institutions to meet the requirements of title IX of the Educational Amendments of 1972; and

"(3) to promote equity in education to women and girls who suffer multiple forms of discrimination based on sex, race, ethnic origin, limited-English proficiency, disability, or age.

"SEC. 8453. PROGRAM AUTHORIZED.

"The Secretary is authorized to make grants to, and enter into contracts and cooperative agreements with, public agencies, private nonprofit agencies, organizations, institutions, community groups, and individuals, to achieve the purposes of this part by providing support and technical assistance for—

"(1) the implementation of effective gender-equity policies and practices at all educational levels, including—

"(A) assisting educational agencies and institutions to implement policies and practices to comply with title IX of the Education Amendments of 1972;

"(B) training for teachers, counselors, administrators, and other school personnel, especially preschool and elementary school personnel, in gender equitable teaching and learning practices;

"(C) leadership training for women and girls to develop professional and marketable skills to compete in the global marketplace, improve self-esteem, and benefit from exposure to positive role models;

"(D) school-to-work transition programs, other programs to increase opportunities for women and girls to enter a technologically demanding workplace and, in particular, to enter highly skilled, high paying careers in which women and girls have been underrepresented, and guidance and counseling activities;

"(E) enhancing educational and career opportunities for women and girls who suffer multiple forms of discrimination, based on sex and on race, ethnic origin, limited-English proficiency, disability, socioeconomic status, or age;

"(F) assisting pregnant students and students rearing children to remain in or to return to secondary school, graduate, and prepare their preschool children to start school;

"(G) evaluating exemplary model programs to assess the ability of such programs to advance educational equity for women and girls; and

"(H) introduction into the classroom of textbooks, curricula, and other materials designed to achieve equity for women and girls; and

"(2) research and development, which shall be coordinated with the Office of Educational Research and Improvement's National Institute on the Education of At-Risk Students to avoid duplication of research efforts, designed to advance gender equity nationwide and to help make policies and practices in educational agencies and institutions and local communities gender-equitable, including—

"(A) research and development designed to advance gender equity, including the development of innovative strategies to improve teaching and learning practices;

"(B) the development of high quality and challenging assessment instruments that are nondiscriminatory;

"(C) the development and evaluation of model curricula, textbooks, software, and other educational materials to ensure the absence of gender stereotyping and bias;

"(D) the development of instruments and procedures that employ new and innovative strategies to assess whether diverse educational settings are gender equitable;

"(E) the development of new dissemination and replication strategies;

"(F) updating high quality educational materials previously developed through awards made under this part; and

"(G) the implementation of nondiscriminatory tests of aptitude and achievement and alternative assessment instruments.

"SEC. 8454. APPLICATIONS.

"(a) APPLICATIONS.—A grant may be made, and a contract or cooperative agreement may be entered into, under this part only upon application to the Secretary, at such time, in such form, and containing or accompanied by such information as the Secretary may prescribe, such as—

"(1) setting forth policies and procedures that will ensure a comprehensive evaluation of the activities carried out under the project, including an evaluation of the practices, policies, and materials used by the applicant and an evaluation or estimate of the continued significance of the work of the project following completion of the award period;

"(2) demonstrating how funds received under this part will be used to promote the attainment of one or more of the National Education Goals;

"(3) demonstrating how the applicant will address perceptions of gender roles based on cultural differences or stereotypes;

"(4) describing how funds under this part will be used in a manner that is consistent with the School-to-Work Opportunities Act of 1994;

"(5) for applications for projects under section 8453(1), demonstrating how the applicant will foster partnerships and share resources with State educational agencies, local educational agencies, institutions of higher education, community-based organizations, and other recipients of Federal educational funding which may include State literacy resource centers; and

"(6) for applications for projects under section 8453(1), demonstrating how parental involvement in the project will be encouraged.

"(b) SPECIAL RULE.—In approving applications under this part, the Secretary shall give special consideration to applications—

"(1) submitted by applicants that have not received assistance under this part or under part C of title IX of this Act (as such part was in effect on October 1, 1988);

"(2) for projects that will contribute significantly to directly improving teaching and learning practices in the local community; and

"(3) for projects that will—

"(A) provide for a comprehensive approach to enhancing gender equity in educational institutions and agencies;

"(B) draw on a variety of resources, including local educational agencies, community-based organizations, institutions of higher education, and private organizations;

"(C) implement a strategy with long-term impact that will continue as a central activity of the applicant after the grant has terminated; and

"(D) address issues of national significance that can be duplicated.

"(c) LIMITATION.—Nothing in this part shall be construed as prohibiting men and boys from participating in any programs or activities assisted under this part.

"SEC. 8455. CRITERIA AND PRIORITIES.

"The Secretary shall establish separate criteria and priorities for awards under paragraphs (1) and (2) of section 8453 to ensure that available funds are used for programs that most effectively will achieve the purposes of this part.

"SEC. 8456. REPORT.

"The Secretary, by January 1, 1999, shall submit to the President and the Congress a report on the status of educational equity for girls and women in the Nation.

"SEC. 8457. EVALUATION AND DISSEMINATION.

"(a) EVALUATION AND DISSEMINATION.—The Secretary shall evaluate in accordance with section 10701, and disseminate, materials and programs developed under this part and shall report to the Congress regarding such evaluation materials and programs by January 1, 1998.

"(b) USE OF PROGRAM FUNDS.—The Secretary is authorized to use funds appropriated under section 8458 to gather and disseminate information about emerging issues concerning gender equity and, if necessary, to convene meetings for this purpose.

"(c) PROGRAM OPERATIONS.—The Secretary shall ensure that the programs under this part are administered within the Department by a person who has recognized professional qualifications and experience in the field of gender equity education and who shall serve as a focal point of national leadership and information on mechanisms to carry out the purpose of this part.

"SEC. 8458. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, there are authorized to be appropriated $5,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years, of which not less than two-thirds of the amount appropriated under this section for each fiscal year shall be available to carry out the activities described in section 8453(1).

"PART H—FUND FOR THE IMPROVEMENT OF EDUCATION

"SEC. 8501. FUND FOR THE IMPROVEMENT OF EDUCATION.

"(a) FUND AUTHORIZED.—From funds appropriated under subsection (d), the Secretary is authorized to support nationally significant programs and projects to improve the quality of education, assist all students to meet challenging State content standards and challenging State student performance standards, and contribute to achievement of the National Education Goals. The Secretary is authorized to carry out such programs and projects directly or through grants to, or contracts with, State and local educational agencies, institutions of higher education, and other public and private agencies, organizations, and institutions.

"(b) USES OF FUNDS.—

"(1) IN GENERAL.—Funds provided under this section may be used for—

"(A) activities that will promote systemic education reform at the State and local levels, such as—

"(i) developing and evaluating strategies for eliminating ability grouping practices and developing policies and programs that place all students on a college-preparatory path of study, particularly in academic fields such as mathematics, science, English, and social studies, including comprehensive inservice programs for teachers and counselors and academic enrichment programs that supplement regular courses for students;

"(ii) developing and evaluating programs that directly involve parents and family members in the academic progress of their children;

"(iii) developing and evaluating strategies for integrating instruction and assessment such that teachers and administrators can focus on what students should know and be able to do at particular grade levels, which instruction shall promote the synthesis of knowledge, encourage the development of problem-solving skills drawing on a vast range of disciplines, and promote the development of higher order thinking by all students;

"(iv) developing and evaluating strategies for supporting professional development for teachers across all disciplines and for guidance counselors and administrators, including inservice training that improves the skills of counselors and administrators in working with students from diverse populations;

"(v) research and development related to challenging State content standards and challenging State student performance standards for student learning; and

"(vi) the development and evaluation of model strategies for assessment of student learning, professional development for teachers and administrators, parent and community involvement, and other aspects of systemic reform;

"(B) demonstrations at the State and local levels that are designed to yield nationally significant results, including approaches to public school choice and school based decisionmaking;

"(C) joint activities with other Federal agencies, such as the National Science Foundation, the Department of Health and Human Services, and the Department of Labor, and with institutions of higher education, to assist the effort to achieve the National Education Goals, including activities related to improving the transition from preschool to school and from school to work, as well as activities related to the integration of education and health and social services;

"(D) activities to promote and evaluate counseling and mentoring for students, including intergenerational mentoring;

"(E) activities to promote and evaluate coordinated pupil services programs;

"(F) activities to promote comprehensive health education;

"(G) activities to promote environmental education;

"(H) activities to promote programs to assist students to demonstrate competence in foreign languages;

"(I) studies and evaluation of various education reform strategies and innovations being pursued by the Federal Government, States, and local educational agencies;

"(J) activities to promote metric education;

"(K) activities to promote consumer education, such as saving, investing, and entrepreneurial education;

"(L) activities to promote experiential-based learning, such as service-learning;

"(M) activities to promote scholar-athlete competitions;

"(N) activities to promote child abuse education and prevention programs;

"(O) activities to raise standards and expectations for academic achievement among all students, especially disadvantaged students traditionally underserved in schools;

"(P) activities to provide the academic support, enrichment and motivation to enable all students to reach such standards;

"(Q) programs designed to promote gender equity in education by evaluating and eliminating

gender bias in instruction and educational materials, identifying and analyzing gender inequities in educational practices, and implementing and evaluating educational policies and practices designed to achieve gender equity;

"(R) demonstrations that are designed to test the effectiveness of private management of public educational programs, with at least one demonstration carried out in each of the ten Department of Education regions, and with funds used to support planning, start-up costs and evaluation;

"(S) other programs and projects that meet the purposes of this section; and

"(T) demonstrations that are designed to test whether prenatal education and counseling provided to pregnant students could have a positive effect on pregnancy outcomes, with such education and counseling emphasizing the importance of prenatal care; the value of sound diet and nutrition habits; and the harmful effects of smoking, alcohol and substance abuse on fetal development.

"(2) ADDITIONAL USES.—The Secretary may also use funds provided under this section to complete the project periods for direct grants or contracts awarded under the provisions of the Elementary and Secondary Education Act of 1965, part B of title III of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, or title III of the Education for Economic Security Act, as such Acts were in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994.

"(c) AWARDS.—

"(1) IN GENERAL.—The Secretary may—

"(A) make awards under this section on the basis of competitions announced by the Secretary; and

"(B) support meritorious unsolicited proposals.

"(2) SPECIAL RULE.—The Secretary shall ensure that programs, projects, and activities supported under this section are designed so that their effectiveness is readily ascertainable.

"(3) PEER REVIEW.—The Secretary shall use a peer review process in reviewing applications for grants under this section and may use funds appropriated under subsection (d) for the cost of such peer review.

"(d) AUTHORIZATION.—For the purpose of carrying out this section, there are authorized to be appropriated $35,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"PART I—BLUE RIBBON SCHOOLS

"SEC. 8551. BLUE RIBBON SCHOOLS PROGRAM.

"(a) GENERAL AUTHORITY.—Subject to subsection (d), the Secretary is authorized to carry out programs to recognize elementary and secondary schools or programs which have established standards of excellence and which have demonstrated a high level of quality. Such programs shall be designated as 'Blue Ribbon Schools'. In selecting schools and programs to be recognized, the Secretary shall competitively select public and private schools or programs within local educational agencies in the States, schools operated for Indian children by the Department of the Interior, and schools operated by the Department of Defense for dependents of Department of Defense personnel.

"(b) SELECTION PROCESS.—

"(1) IN GENERAL.—The Secretary shall designate, each fiscal year, several categories for a Blue Ribbon Schools program. Such categories may include, but shall not be limited to, outstanding elementary schools, outstanding secondary schools, outstanding mathematics and science programs, or outstanding reading programs.

"(2) SELECTION.—Within each category, the Secretary shall determine the criteria and procedures for selection. Selection for such awards shall be based solely on merit. Schools or programs selected for awards under this section shall not be required to be representative of the States.

"(c) ADMINISTRATIVE PROVISIONS.—

"(1) CONSULTATION.—The Secretary shall carry out the provisions of this section including the establishment of the selection procedures, after consultation with appropriate outside parties.

"(2) APPLICATION.—No award may be made under this section unless the local educational agency submits an application to the Secretary at such time, in such manner, and containing such information, as the Secretary may reasonably require.

"(3) DEFINITION.—For the purposes of this section, the term 'State' means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(d) BLUE RIBBON AWARDS FOR CORRECTIONAL EDUCATION PROGRAMS.—The Secretary, through nominations provided by the Office on Correctional Education after consultation with representatives of correctional education organizations and others active in literacy education, shall annually make one or more awards under this section to effective and innovative programs for inmate education and literacy.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section.

"PART J—NATIONAL STUDENT AND PARENT MOCK ELECTION

"SEC. 8601. NATIONAL STUDENT AND PARENT MOCK ELECTION.

"(a) IN GENERAL.—The Secretary is authorized to award grants in every election year to national nonprofit, nonpartisan organizations that work to promote voter participation in American elections to enable such organizations to carry out voter education activities for students and their parents. Such activities shall—

"(1) be limited to simulated national elections that permit participation by students and parents from all 50 States in the United States; and

"(2) consist of—

"(A) school forums and local cable call-in shows on the national issues to be voted upon in an 'issue forum';

"(B) speeches and debates before students and parents by local candidates or stand-ins for such candidates;

"(C) quiz team competitions, mock press conferences and speechwriting competitions;

"(D) weekly meetings to follow the course of the campaign; or

"(E) school and neighborhood campaigns to increase voter turnout, including newsletters, posters, telephone chains, and transportation.

"(b) REQUIREMENT.—Each organization receiving a grant under this section shall present awards to outstanding student and parent mock election projects.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $125,000 for each of the fiscal years 1995 through 1999 to carry out this section.

"PART K—ELEMENTARY SCHOOL COUNSELING DEMONSTRATION

"SEC. 8651. SHORT TITLE.

"This part may be cited as the 'Elementary School Counseling Demonstration Act'.

"SEC. 8652. FINDINGS AND PURPOSE.

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

"(1) elementary school children are being subjected to unprecedented social stresses, including fragmentation of the family, drug and alcohol abuse, child abuse, poverty, and violence, and experts indicate that intervention at an early age is the most beneficial;

"(2) an increasing number of elementary school children are exhibiting symptoms of distress, such as substance abuse, emotional disorders, academic underachievement, disruptive behavior, juvenile delinquency, and suicide;

"(3) elementary school counselors, school psychologists and school social workers can contribute to the personal growth, educational development, and emotional well-being of elementary school children by providing professional counseling, intervention, and referral services;

"(4) the average ratio of elementary school counselors to students is 1 to 1,000, the average ratio of school psychologists to students is 1 to 2,500, and the average ratio of school social workers to students is 1 to 2,500;

"(5) when there is 1 counselor to 1,000 students, 1 school psychologist to 2,500 students, and 1 school social worker to 2,500 students, elementary school counseling programs are seldom adequate;

"(6) the Federal Government can help reduce the risk of academic, social, and emotional problems among elementary school children by stimulating the development of model elementary school counseling programs; and

"(7) the Federal Government can help reduce the risk of future unemployment and assist the school-to-work transition by stimulating the development of model elementary school counseling programs.

"(b) PURPOSE.—It is the purpose of this part to enhance the availability and quality of counseling services for elementary school children by providing grants to local educational agencies to enable such agencies to establish effective and innovative elementary school counseling programs that can serve as national models.

"SEC. 8653. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $10,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this part.

"SEC. 8654. PROGRAM AUTHORITY.

"(a) IN GENERAL.—From amounts appropriated pursuant to the authority of section 8653 in any fiscal year, the Secretary shall make grants to local educational agencies having applications approved under section 8655 to initiate or expand school counseling programs for elementary school children.

"(b) PRIORITY.—In awarding grants under this part, the Secretary shall give special consideration to applications describing programs that—

"(1) demonstrate the greatest need for new or additional counseling services among the children in the elementary schools served by the applicant;

"(2) propose the most promising and innovative approaches for initiating or expanding elementary school counseling; and

"(3) show the greatest potential for replication and dissemination.

"(c) EQUITABLE DISTRIBUTION.—In awarding grants under this part, the Secretary shall ensure an equitable geographic distribution among the regions of the United States and among urban, suburban, and rural areas.

"(d) DURATION.—A grant under this part shall be awarded for a period not to exceed 3 years.

"(e) MAXIMUM GRANT.—A grant under this part shall not exceed $400,000 for any fiscal year.

"SEC. 8655. APPLICATIONS.

"(a) IN GENERAL.—Each local educational agency desiring a grant under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(b) NOTIFICATION OF STATE EDUCATIONAL AGENCY.—Before submitting an application to

the Secretary in accordance with subsection (a), a local educational agency shall provide the State educational agency with an opportunity to review and comment on the program described in such application. The comments of the State educational agency shall be appended to the application upon submission of the application to the Secretary.

"(c) CONTENTS.—Each application for a grant under this part shall—

"(1) describe the elementary school population to be targeted by the program, the particular personal, social, emotional, educational, and career development needs of such population, and the current school counseling resources available for meeting such needs;

"(2) describe the activities, services, and training to be provided by the program and the specific approaches to be used to meet the needs described in paragraph (1);

"(3) describe the methods to be used to evaluate the outcomes and effectiveness of the program;

"(4) describe the collaborative efforts to be undertaken with institutions of higher education, businesses, labor organizations, community groups, social service agencies, and other public or private entities to enhance the program and promote school-linked services integration;

"(5) describe collaborative efforts with institutions of higher education which specifically seek to enhance or improve graduate programs specializing in the preparation of elementary school counselors, school psychologists, and school social workers;

"(6) document that the applicant has the personnel qualified to develop, implement, and administer the program;

"(7) describe how any diverse cultural populations, if applicable, would be served through the program;

"(8) assure that the funds made available under this part for any fiscal year will be used to supplement and, to the extent practicable, increase the level of funds that would otherwise be available from non-Federal sources for the program described in the application, and in no case supplant such funds from non-Federal sources; and

"(9) assure that the applicant will appoint an advisory board composed of parents, school counselors, school psychologists, school social workers, other pupil services personnel, teachers, school administrators, and community leaders to advise the local educational agency on the design and implementation of the program.

"SEC. 8656. USE OF FUNDS.

"(a) IN GENERAL.—Grant funds under this part shall be used to initiate or expand elementary school counseling programs that comply with the requirements in subsection (b).

"(b) PROGRAM REQUIREMENTS.—Each program assisted under this part shall—

"(1) be comprehensive in addressing the personal, social, emotional, and educational needs of all students;

"(2) use a developmental, preventive approach to counseling;

"(3) increase the range, availability, quantity, and quality of counseling services in the elementary schools of the local educational agency;

"(4) expand counseling services only through qualified school counselors, school psychologists, and school social workers;

"(5) use innovative approaches to increase children's understanding of peer and family relationships, work and self, decisionmaking, academic and career planning, or to improve social functioning;

"(6) provide counseling services that are well-balanced among classroom group and small group counseling, individual counseling, and consultation with parents, teachers, administrators, and other pupil services personnel;

"(7) include inservice training for school counselors, school social workers, school psychologists, other pupil services personnel, teachers, and instructional staff;

"(8) involve parents of participating students in the design, implementation, and evaluation of a counseling program;

"(9) involve collaborative efforts with institutions of higher education, businesses, labor organizations, community groups, social service agencies, or other public or private entities to enhance the program and promote school-linked services integration; and

"(10) evaluate annually the effectiveness and outcomes of the counseling services and activities assisted under this part.

"(c) REPORT.—The Secretary shall issue a report evaluating the programs assisted pursuant to each grant under this section at the end of each grant period in accordance with section 10701, but in no case later than January 30, 1998.

"(d) DISSEMINATION.—The Secretary shall make the programs assisted under this part available for dissemination, either through the National Diffusion Network or other appropriate means.

"(e) LIMIT ON ADMINISTRATION.—Not more than 5 percent of the amounts appropriated pursuant to the authority of section 8653 in any fiscal year shall be used to carry out the provisions of this section.

"SEC. 8657. DEFINITIONS.

"For purposes of this part—

"(1) the term 'comprehensive' means, with respect to counseling services, a program in which—

"(A) a school counselor, school psychologist, or school social worker uses a range of individual and group techniques and resources in a planned way to meet the personal, social, emotional, educational, and career development needs of all elementary children in a school; and

"(B) a school counselor, school psychologist, or school social worker works directly with children, families, teachers, and other school or agency personnel to create an optimal positive learning environment and personal growth opportunities for all children;

"(2) the term 'developmental' means, with respect to a school counseling program, a systematically planned program that—

"(A) provides appropriate school counseling interventions to foster the social, emotional, physical, moral, and cognitive growth of elementary school children;

"(B) provides intervention services to help children cope with family, social, emotional, and academic problems; and

"(C) supports and enhances the efforts of families, teachers, and other school personnel to provide children maximum opportunity to acquire competence and skill in self-understanding and appreciation, interpersonal interaction, and educational achievement and literacy;

"(3) the term 'school counselor' means an individual who has documented competence in counseling children and adolescents in a school setting and who—

"(A) possesses State licensure or certification granted by an independent professional regulatory authority;

"(B) in the absence of such State licensure or certification, possesses national certification in school counseling or a specialty of counseling granted by an independent professional organization; or

"(C) holds a minimum of a master's degree in school counseling from a program accredited by the Council for Accreditation of Counseling and Related Educational Programs or the equivalent;

"(4) the term 'school psychologist' means an individual who—

"(A) possesses a minimum of 60 graduate semester hours in school psychology from an institution of higher education and has completed 1,200 clock hours in a supervised school psychology internship, of which 600 hours shall be in the school setting; and

"(B) possess State licensure or certification in the State in which the individual works; or

"(C) in the absence of such State licensure or certification, possess national certification by the National School Psychology Certification Board;

"(5) the term 'school social worker' means an individual who holds a master's degree in social work and is licensed or certified by the State in which services are provided or holds a school social work specialist credential; and

"(6) the term 'supervisor' means an individual who has the equivalent number of years of professional experience in such individual's respective discipline as is required of teaching experience for the supervisor or administrative credential in the State of such individual.

"PART L—21ST CENTURY COMMUNITY LEARNING CENTERS

"SEC. 8701. SHORT TITLE.

"This part may be cited as the '21st Century Community Learning Centers Act'.

"SEC. 8702. FINDINGS.

"The Congress finds that—

"(1) a local public school often serves as a center for the delivery of education and human services for all members of a community;

"(2) public schools, primarily in rural and inner city communities, should collaborate with other public and nonprofit agencies and organizations, local businesses, educational entities (such as vocational and adult education programs, school-to-work programs, community colleges, and universities), recreational, cultural, and other community and human service entities, for the purpose of meeting the needs of, and expanding the opportunities available to, the residents of the communities served by such schools;

"(3) by using school facilities, equipment, and resources, communities can promote a more efficient use of public education facilities, especially in rural and inner city areas where limited financial resources have enhanced the necessity for local public schools to become social service centers;

"(4) the high technology, global economy of the 21st century will require lifelong learning to keep America's workforce competitive and successful, and local public schools should provide centers for lifelong learning and educational opportunities for individuals of all ages; and

"(5) community schools enable the entire communities to develop an education strategy that addresses the educational needs of all members of local communities.

"SEC. 8703. PROGRAM AUTHORIZATION.

"(a) GRANTS BY THE SECRETARY.—The Secretary is authorized, in accordance with the provisions of this part, to award grants to rural and inner-city public elementary or secondary schools, or consortia thereof, to enable such schools or consortia to plan, implement, or to expand projects that benefit the educational, health, social service, cultural, and recreational needs of a rural or inner-city community.

"(b) AMOUNT.—The Secretary shall not award a grant under this part in any fiscal year in an amount less than $20,000.

"(c) GRANT PERIOD.—The Secretary shall award grants under this part for a period not to exceed 3 years.

"(d) EQUITABLE DISTRIBUTION.—In awarding grants under this part, the Secretary shall assure an equitable distribution of assistance among the States, among urban and rural areas of the United States, and among urban and rural areas of a State.

"SEC. 8704. APPLICATION REQUIRED.

"(a) APPLICATION.—To be eligible to receive a grant under this part, an elementary or secondary school or consortium shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably prescribe. Each such application shall include—

"(1) a comprehensive local plan that enables such school or consortium to serve as a center for the delivery of education and human services for members of a community;

"(2) an evaluation of the needs, available resources, and goals and objectives for the proposed project in order to determine which activities will be undertaken to address such needs; and

"(3) a description of the proposed project, including—

"(A) a description of the mechanism that will be used to disseminate information in a manner that is understandable and accessible to the community;

"(B) identification of Federal, State, and local programs to be merged or coordinated so that public resources may be maximized;

"(C) a description of the collaborative efforts to be undertaken by community-based organizations, related public agencies, businesses, or other appropriate organizations;

"(D) a description of how the school or consortium will act as a delivery center for existing and new services; and

"(E) an assurance that the school or consortium will establish a facility utilization policy that specifically states—

"(i) the rules and regulations applicable to building and equipment use; and

"(ii) supervision guidelines.

"(b) PRIORITY.—The Secretary shall give priority to applications describing projects that offer a broad selection of services.

"SEC. 8705. USES OF FUNDS.

"Grants awarded under this part may be used to plan, implement, or expand community learning centers which include not less than 4 of the following activities:

"(1) Literacy education programs.

"(2) Senior citizen programs.

"(3) Children's day care services.

"(4) Integrated education, health, social service, recreational, or cultural programs.

"(5) Summer and weekend school programs that are coordinated with summer recreation programs.

"(6) Nutrition programs.

"(7) Expanded library service hours to serve community needs.

"(8) Telecommunications and technology education programs for individuals of all ages.

"(9) Parenting skills education programs.

"(10) Support and training for child day care providers.

"(11) Employment counseling, training, and placement.

"(12) Services for individuals who leave school before graduating from secondary school, regardless of the age of such individual.

"(13) Services for individuals who are either physically or mentally challenged.

"SEC. 8706. DEFINITIONS.

"For the purpose of this part, the term 'community learning center' means an entity within a public elementary or secondary school building that—

"(1) provides educational, recreational, health, and social service programs for residents of all ages within a local community; and

"(2) is operated by a local educational agency in conjunction with local governmental agencies, businesses, vocational education programs, community colleges, and cultural, recreational, and other community and human service entities.

"SEC. 8707. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $20,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this part.

"PART M—MODEL PROJECTS

"SEC. 8751. MODEL PROJECTS.

"(a) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants to cultural institutions to enable such institutions to develop and expand model projects of outreach activities for at-risk children in the communities served by such institutions, including activities which integrate such institution's cultural programming with other disciplines, including environmental, mathematics, and science programs.

"(b) PRIORITY.—In awarding grants under this section the Secretary shall give priority to activities that are part of an overall State, local, and private commitment, seek to improve learning for at-risk youth, and are substantially funded by State, local, or private funds.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this part.

"PART N—EXTENDING TIME FOR LEARNING

"SEC. 8801. FINDINGS.

"The Congress finds that—

"(1) the Commission on Time and Learning has found that—

"(A) realizing the third National Education Goal, that states all students will leave grades four, eight and twelve having demonstrated competency in challenging subject matter, including English, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography, will require considerably more common core learning time than most students now receive;

"(B) ensuring that all students learn to high standards will require flexibility and innovation in the use of common core learning time, as well as the rest of the time students spend both during and beyond the school day;

"(C) teachers need regular, sustained time for lesson development, collegial collaboration and other professional development; and

"(D) schools, businesses, community-based organizations, tribal leaders, and other community agencies and members should work together to foster effective learning and enrichment programs and activities for students, including programs that operate outside of the regular school day or year;

"(2) increasing the amount and duration of intensive, engaging and challenging learning activities geared to high standards can increase student motivation and achievement;

"(3) the benefits of extending learning time, including common core instructional time, can be maximized by concurrent changes in curriculum and instruction, such as accelerated learning, and engaging, interactive instruction based on challenging content; and

"(4) maximizing the benefit of increased common core and other learning time will require the collaboration and cooperation of teachers and administrators, students, parents, community members and organizations, businesses and others to develop strategies to meet the needs of students during and beyond the school day and year.

"SEC. 8802. PURPOSE.

"It is the purpose of this part to provide seed money to schools and local educational agencies to enable such agencies to devise and implement strategies and methods for upgrading the quality of, and extending, challenging, engaging learning time geared to high standards for all students.

"SEC. 8803. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—The Secretary is authorized to award grants to local educational agencies having applications approved under section 8804 to enable such agencies to carry out the authorized activities described in section 8805 in public elementary and secondary schools.

"(b) AMOUNT.—Each grant under subsection (a) shall be awarded in an amount not more than $100,000.

"(c) DURATION.—Each grant under subsection (a) shall be awarded for a period of not more than 3 years.

"SEC. 8804. APPLICATION.

"Each local educational agency desiring a grant under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall describe—

"(1) the activities for which assistance is sought;

"(2) any study or other information-gathering project for which funds will be used;

"(3) strategies and methods the applicant will use to enrich and extend learning time for all students and to maximize the percentage of common core learning time in the school day, such as block scheduling, team teaching, longer school days or years, and extending learning time through new distance-learning technologies;

"(4) the strategies and methods the applicant will use, including changes in curriculum and instruction, to challenge and engage students and to maximize the productiveness of common core learning time, as well as the total time students spend in school and in school-related enrichment activities;

"(5) the extent of involvement of teachers and other school personnel in investigating, designing, implementing and sustaining the activities assisted under this part;

"(6) the process to be used for involving parents and other stakeholders in the development and implementation of the activities assisted under this part;

"(7) any cooperation or collaboration among public housing authorities, libraries, businesses, museums, community-based organizations, and other community groups and organizations to extend engaging, high-quality, standards-based learning time outside of the school day or year, at the school or at some other site;

"(8) the training and professional development activities that will be offered to teachers and others involved in the activities assisted under this part;

"(9) the goals and objectives of the activities assisted under this part, including a description of how such activities will assist all students to reach State standards;

"(10) the methods by which the applicant will assess progress in meeting such goals and objectives; and

"(11) how the applicant will use funds provided under this part in coordination with other funds provided under this Act or other Federal laws.

"SEC. 8805. AUTHORIZED ACTIVITIES.

"Funds under this part may be used—

"(1) to study the feasibility of, and effective methods for, extending learning time within or beyond the school day or year, including consultation with other schools or local educational agencies that have designed or implemented extended learning time programs;

"(2) to conduct outreach to and consult with community members, including parents, students, and other stakeholders, such as tribal leaders, to develop a plan to extend learning time within or beyond the school day or year;

"(3) to develop and implement an outreach strategy that will encourage collaboration with public housing authorities, libraries, businesses, museums, community-based organizations, and other community groups and organizations to

coordinate challenging, high-quality educational activities outside of the school day or year;

"(4) to research, develop and implement strategies, including changes in curriculum and instruction, for maximizing the quality and percentage of common core learning time in the school day and extending learning time during or beyond the school day or year;

"(5) to provide professional development for school staff in innovative teaching methods that challenge and engage students, and also increase the productivity of extended learning time; and

"(6) to develop strategies to include parents, business representatives, and other community members in the extended time activities, especially as facilitators of activities that enable teachers to have more time for planning, individual student assistance, and professional development activities.

"SEC. 8806. ADMINISTRATION.

"(a) PEER REVIEW.—The Secretary shall award grants under this part pursuant to a peer review process.

"(b) DIVERSITY.—In awarding grants under this part the Secretary shall ensure that such grants are awarded to a diversity of local educational agencies, including such agencies that serve rural and urban areas.

"(c) PRIORITY.—The Secretary shall give priority to awarding grants under this part to local educational agencies that serve schools with high percentages of students in poverty.

"SEC. 8807. DEFINITIONS.

"For the purpose of this part the term 'common core learning time' means high-quality, engaging instruction in challenging content in each of the following core academic subjects described in the third National Education Goal:

"(1) English.

"(2) Mathematics.

"(3) Science.

"(4) Foreign languages.

"(5) Civics and government.

"(6) Economics.

"(7) Arts.

"(8) History.

"(9) Geography.

"SEC. 8808. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $20,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this part.

"PART O—LONGER SCHOOL YEAR

"SEC. 8851. SHORT TITLE.

"This part may be cited as the 'Longer School Year Incentive Act of 1994'.

"SEC. 8852. FINDINGS.

"The Congress finds as follows:

"(1) A competitive world economy requires that students in the United States receive education and training that is at least as rigorous and high-quality as the education and training received by students in competitor countries.

"(2) Despite our Nation's transformation from a farm-based economy to one based on manufacturing and services, the school year is still based on the summer needs of an agrarian economy.

"(3) For most students in the United States, the school year is 180 days long. In Japan students go to school 243 days per year, in Germany students go to school 240 days per year, in Austria students go to school 216 days per year, in Denmark students go to school 200 days per year, and in Switzerland students go to school 195 days per year.

"(4) In the final four years of schooling, students in schools in the United States spend a total of 1,460 hours on core academic subjects, less than half of the 3,528 hours so spent in Germany, the 3,280 hours so spent in France, and the 3,170 hours so spent in Japan.

"(5) American students' lack of formal schooling is not counterbalanced with more homework. The opposite is true, as half of all European students report spending at least two hours on homework per day, compared to only 29 percent of American students. Twenty-two percent of American students watch five or more hours of television per day, while less than eight percent of European students watch that much television.

"(6) More than half of teachers surveyed in the United States cite 'children who are left on their own after school' as a major problem.

"(7) Over the summer months, disadvantaged students not only fail to advance academically, but many forget much of what such students had learned during the previous school year.

"(8) Funding constraints as well as the strong pull of tradition have made extending the school year difficult for most States and school districts.

"(9) Experiments with extended and multi-track school years have been associated with both increased learning and more efficient use of school facilities.

"SEC. 8853. PURPOSE.

"It is the purpose of this part to allow the Secretary to provide financial incentives and assistance to States or local educational agencies to enable such States or agencies to substantially increase the amount of time that students spend participating in quality academic programs, and to promote flexibility in school scheduling.

"SEC. 8854. PROGRAM AUTHORIZED.

"The Secretary is authorized to award grants to States or local educational agencies to enable such States or agencies to support public school improvement efforts that include the expansion of time devoted to core academic subjects and the extension of the school year to not less than 210 days.

"SEC. 8855. APPLICATION.

"Any State or local educational agency desiring assistance under this part shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require.

"SEC. 8856. APPROPRIATIONS AUTHORIZATION.

"For the purpose of carrying out this part there are authorized to be appropriated $100,000,000 for fiscal year 1995 and such sums as may be necessary for each of the succeeding fiscal years.

"PART P—CREATING SMALLER LEARNING COMMUNITIES

"SEC. 8871. FINDINGS.

"The Congress finds that—

"(1) smaller school communities can have a significant, positive impact on student achievement, including grade promotion, school attendance and motivation;

"(2) large schools can benefit from reorganization into smaller learning communities, such as schools-within-schools; and

"(3) smaller learning communities can provide students with a variety of educational options based on various themes, while providing all students engaging, innovative instruction in challenging curricula that will enable such communities to meet State standards.

"SEC. 8872. PURPOSE.

"It is the purpose of this part to improve the quality and effectiveness of teaching and learning by encouraging and supporting school and school district efforts to create smaller schools, including those that exist as schools-within-schools.

"SEC. 8873. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—The Secretary is authorized to award grants to local educational agencies having applications approved under section 8854 to enable such agencies to carry out the authorized activities described in section 8875 in public elementary and secondary schools.

"(b) AMOUNT.—Each grant under subsection (a) shall be awarded in an amount not more than $100,000.

"(c) DURATION.—Each grant under subsection (a) shall be awarded for a period of not more than 3 years.

"SEC. 8874. APPLICATION.

"Each local educational agency desiring a grant under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall describe—

"(1) strategies and methods the applicant will use to create the smaller learning community or communities;

"(2) curriculum and instructional practices, including any particular themes or emphases, to be used in the learning environment;

"(3) the extent of involvement of teachers and other school personnel in investigating, designing, implementing and sustaining the smaller learning community or communities;

"(4) the process to be used for involving students, parents and other stakeholders in the development and implementation of the smaller learning community or communities;

"(5) any cooperation or collaboration among community agencies, organizations, businesses, and others to develop or implement a plan to create the smaller learning community or communities;

"(6) the training and professional development activities that will be offered to teachers and others involved in the activities assisted under this part;

"(7) the goals and objectives of the activities assisted under this part, including a description of how such activities will better enable all students to reach challenging State content standards and State student performance standards;

"(8) the methods by which the applicant will assess progress in meeting such goals and objectives;

"(9) if the smaller learning community or communities exist as a school-within-a-school, the relationship, including governance and administration, of the smaller learning community to the rest of the school;

"(10) a description of the administrative and managerial relationship between the local educational agency and the smaller learning community or communities, including how such agency will demonstrate a commitment to the continuity of the smaller learning community or communities, including the continuity of student and teacher assignment to a particular learning community;

"(11) how the applicant will coordinate or use funds provided under this part with other funds provided under this Act or other Federal laws;

"(12) grade levels or ages of students who will participate in the smaller learning community or communities; and

"(13) the method of placing students in the smaller learning community or communities, such that students are not placed according to ability, performance or any other measure, so that students are placed at random or by their own choice, not pursuant to testing or other judgments.

"SEC. 8875. AUTHORIZED ACTIVITIES.

"Funds under this part may be used—

"(1) to study the feasibility of creating the smaller learning community or communities as well as effective and innovative organizational and instructional strategies that will be used in the smaller learning community or communities;

"(2) to research, develop and implement strategies for creating the smaller learning community or communities, as well as effective and innovative changes in curriculum and instruction,

geared to high State content standards and State student performance standards;

"(3) to provide professional development for school staff in innovative teaching methods that challenge and engage students to be used in the smaller learning community or communities; and

"(4) to develop and implement strategies to include parents, business representatives, local institutions of higher education, community-based organizations, and other community members in the smaller learning communities, as facilitators of activities that enable teachers to participate in professional development activities, as well as to provide links between students and their community.

"SEC. 8876. ADMINISTRATION.

"(a) PEER REVIEW.—The Secretary shall award grants under this part pursuant to a peer review process.

"(b) DIVERSITY.—In awarding grants under this part the Secretary shall ensure that such grants are awarded to a diversity of local educational agencies, including such agencies that serve rural and urban areas.

"(c) PRIORITY.—The Secretary shall give priority to awarding grants under this part to local educational agencies that serve schools with high percentages of students in poverty.

"(d) SPECIAL RULE.—In awarding grants under this part, the Secretary shall ensure that such grants are awarded for authorized activities described in section 8855 that serve a diversity of grade spans.

"SEC. 8877. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $20,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this part.

"PART Q—PARTNERSHIPS IN CHARACTER EDUCATION PILOT PROJECT

"SEC. 8901. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—The Secretary is authorized to make up to a total of 10 grants annually to partnerships of State educational agencies and local educational agencies for the design and implementation of character education programs that incorporate the elements of character listed in section 8904, as well as other character elements identified by applicants.

"(b) MAXIMUM AMOUNT OF GRANT.—No State educational agency shall receive more than a total of $1,000,000 in grants under this part.

"(c) DURATION.—Each grant under this part shall be awarded for a period not to exceed 5 years, of which the State educational agency shall not use more than 1 year for planning and program design.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 1995 $6,000,000, and such sums as may be necessary for each fiscal year thereafter to carry out this part.

"SEC. 8902. STATE EDUCATIONAL AGENCY APPLICATIONS.

"(a) REQUIREMENT.—Each State educational agency desiring a grant under this part shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

"(b) PARTNERSHIPS.—Each State educational agency desiring a grant under this part shall form a partnership with at least one local educational agency to be eligible for funding. The partnership shall—

"(1) pursue State and local initiatives to meet the objectives of this part; and

"(2) establish a character education clearinghouse at the State level to make information and materials available to local educational agencies.

"(c) APPLICATION.—Each application under this part shall include—

"(1) a list of the local educational agencies entering into the partnership with the State educational agency;

"(2) a description of the goals of the partnership;

"(3) a description of activities that will be pursued by the participating local educational agencies, including—

"(A) how parents, students, and other members of the community, including members of private and nonprofit organizations, will be involved in the design and implementation of the program;

"(B) curriculum and instructional practices;

"(C) methods of teacher training and parent education that will be used or developed; and

"(D) examples of activities that will be carried out under this part;

"(4) a description of how the State educational agency will provide technical and professional assistance to its local educational agency partners in the development and implementation of character education programs;

"(5) a description of how the State educational agency will evaluate the success of local programs and how local educational agencies will evaluate the progress of their own programs;

"(6) a description of how the State educational agency will assist other interested local educational agencies that are not members of the original partnership in designing and establishing programs;

"(7) a description of how the State educational agency will establish a clearinghouse for information on model programs, materials, and other information the State and local educational agencies determine to be appropriate;

"(8) an assurance that the State educational agency will annually provide to the Secretary such information as may be required to determine the effectiveness of the program; and

"(9) any other information that the Secretary may require.

"(d) NON-PARTNER LOCAL EDUCATIONAL AGENCIES.—Any local educational agency that was not a partner with the State when the application was submitted may become a partner by submitting an application for partnership to the State educational agency, containing such information that the State educational agency may require.

"SEC. 8903. EVALUATION AND PROGRAM DEVELOPMENT.

"(a) REQUIREMENT.—Each State educational agency receiving a grant under this part shall submit to the Secretary a comprehensive evaluation of the program assisted under this part, including the impact on students, teachers, administrators, parents, and others—

"(1) by the mid-term of the program; and

"(2) not later than 1 year after completion of such program.

"(b) CONTRACTS FOR EVALUATION.—Each State educational agency receiving a grant under this part may contract with outside sources, including institutions of higher education, and private and nonprofit organizations, for purposes of evaluating their program and measuring the success of the program toward fostering in students the elements of character listed in section 8904.

"(c) FACTORS.—Factors which may be considered in evaluating the success of the program may include—

"(1) discipline problems;

"(2) students' grades;

"(3) participation in extracurricular activities;

"(4) parental and community involvement;

"(5) faculty and administration involvement; and

"(6) student and staff morale.

"(d) MATERIALS AND PROGRAM DEVELOPMENT.—Local educational agencies, after consulting with the State educational agency, may contract with outside sources, including institutions of higher education, and private and nonprofit organizations, for assistance in developing curriculum, materials, teacher training, and other activities related to character education.

"SEC. 8904. ELEMENTS OF CHARACTER.

"(a) IN GENERAL.—Applicants desiring funding under this part shall develop character education programs that incorporate the following elements of character:

"(1) Caring.

"(2) Civic virtue and citizenship.

"(3) Justice and fairness.

"(4) Respect.

"(5) Responsibility.

"(6) Trustworthiness.

"(7) Any other elements deemed appropriate by the members of the partnership.

"(b) ADDITIONAL ELEMENTS OF CHARACTER.—A local educational agency participating under this part may, after consultation with schools and communities of such agency, define additional elements of character that the agency determines to be important to the schools and communities of such agency.

"SEC. 8905. USE OF FUNDS.

"Of the total funds received by a State educational agency in any fiscal year under this part—

"(1) not more than 30 percent of such funds may be retained by the State educational agency, of which—

"(A) not more than 10 percent of such funds may be used for administrative purposes; and

"(B) the remainder of such funds may be used for—

"(i) collaborative initiatives with local educational agencies;

"(ii) the establishment of the clearinghouse, preparation of materials, teacher training; and

"(iii) other appropriate activities; and

"(2) the remaining of such funds shall be used to award subgrants to local educational agencies, of which—

"(A) not more than 10 percent of such funds may be retained for administrative purposes; and

"(B) the remainder of such funds may be used to—

"(i) award subgrants to schools within the local educational agency; and

"(ii) pursue collaborative efforts with the State educational agency.

"SEC. 8906. SELECTION OF GRANTEES.

"(a) CRITERIA.—The Secretary shall select, through peer review, partnerships to receive grants under this part on the basis of the quality of the applications submitted under section 8902, taking into consideration such factors as—

"(1) the quality of the activities proposed by local educational agencies;

"(2) the extent to which the program fosters in students the elements of character;

"(3) the extent of parental, student, and community involvement;

"(4) the number of local educational agencies involved in the effort;

"(5) the quality of the plan for measuring and assessing success; and

"(6) the likelihood that the goals of the program will be realistically achieved.

"(b) DIVERSITY OF PROJECTS.—The Secretary shall approve applications under this part in a manner that ensures, to the extent practicable, that programs assisted under this part—

"(1) serve different areas of the Nation, including urban, suburban, and rural areas; and

"(2) serve schools that serve minorities, Native Americans, students of limited-English proficiency, and disadvantaged students.

"PART R—ALASKA NATIVE EDUCATION

"SEC. 8921. SHORT TITLE.

"This part may be cited as the 'Alaska Native Educational Equity, Support and Assistance Act'.

"SEC. 8922. FINDINGS.

"The Congress finds and declares:

"(1) The attainment of educational success is critical to the betterment of the conditions, long term well being and preservation of the culture of Alaska Natives.

"(2) It is the policy of the Federal Government to encourage the maximum participation by Alaska Natives in the planning and the management of Alaska Native education programs.

"(3) Alaska Native children enter and exit school with serious educational handicaps.

"(4) The educational achievement of Alaska Native children is far below national norms. In addition to low Native performance on standardized tests, Native student drop out rates are high, and Natives are significantly underrepresented among holders of baccalaureate degrees in the State of Alaska. As a result Native students are being denied their opportunity to become full participants in society by grade school and high school educations that are condemning an entire generation to an underclass status and a life of limited choices.

"(5) The programs authorized herein, combined with expanded Head Start, infant learning and early childhood education programs, and parent education programs are essential if educational handicaps are to be overcome.

"(6) The sheer magnitude of the geographic barriers to be overcome in delivering educational services in rural and village Alaska should be addressed through the development and implementation of innovative, model programs in a variety of areas.

"(7) Congress finds that Native children should be afforded the opportunity to begin their formal education on a par with their non-Native peers. The Federal Government should lend support to efforts developed by and undertaken within the Alaska Native community to improve educational opportunity for all students.

"SEC. 8923. PURPOSE.

"It is the purpose of this part to—

"(1) recognize the unique educational needs of Alaska Natives;

"(2) authorize the development of supplemental educational programs to benefit Alaska Natives;

"(3) supplement existing programs and authorities in the area of education to further the purposes of this part; and

"(4) provide direction and guidance to appropriate Federal, State and local agencies to focus resources, including resources made available under this part, on meeting the educational needs of Alaska Natives.

"SEC. 8924. ALASKA NATIVE EDUCATIONAL PLANNING, CURRICULUM DEVELOPMENT, TEACHER TRAINING AND RECRUITMENT PROGRAM.

"(a) GENERAL AUTHORITY.—The Secretary shall make direct grants to Alaska Native organizations or educational entities with experience in developing or operating Alaska Native programs or programs of instruction conducted in Alaska Native languages, or to partnerships involving Alaska Native organizations, for the following purposes:

"(1) EDUCATIONAL PLANNING.—The consolidation of existing educational plans, recommendations and research into implementation methods and strategies to improve schooling for Alaska Natives.

"(2) IMPLEMENTATION OF EDUCATIONAL PLANS.—The adoption and implementation of specific educational plans developed under subsection (1) above.

"(3) CURRICULA.—The development of curricula to address the needs of Alaska Native students, particularly elementary and secondary school students, which may include innovative programs and pilot and demonstration programs to develop and introduce curriculum materials that reflect cultural diversities or the contributions of Alaska Native people, programs of instruction conducted in Native languages, and the development of networks to introduce successful techniques, programs and curriculum materials to rural and urban schools, including:

"(A) multimedia social studies curricula which fully and accurately portray the role of Native Americans historically and contemporarily; and

"(B) curricula and teaching materials for instructions in Native languages.

"(4) PRETEACHER TRAINING.—The development and implementation of preteacher training program in order to ensure that student teachers within the State of Alaska, particularly student teachers who are likely to be employed in schools with a high concentration of Alaska Native students, are prepared to better address the cultural diversity and unique needs of Alaska Native students;

"(5) TEACHER RECRUITMENT.—The development and implementation of teacher recruitment programs to meet the objectives of—

"(A) increasing the numbers of teachers who are Alaska Natives;

"(B) enhancing teacher recruitment within communities with a high concentration of Alaska Native students; and

"(C) improving the teacher selection processes in order to recruit teachers who are more positively responsive to rural conditions and who are suited for effective cross-cultural instruction.

"(6) INSERVICE TEACHER TRAINING.—The development and implementation of inservice teacher training programs in order to ensure that teachers are prepared to better address the unique needs of Alaska Native students.

"(b) ADMINISTRATIVE COSTS.—Not more than 10 percent of the funds appropriated to carry out the provisions of this section for any fiscal year may be used for administrative purposes.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section. Funds appropriated under the authority of this subsection shall remain available until expended.

"SEC. 8925. ALASKA NATIVE HOME BASED EDUCATION FOR PRESCHOOL CHILDREN.

"(a) GENERAL AUTHORITY.—The Secretary shall make direct grants to Alaska Native organizations or educational entities with experience in developing or operating Alaska Native programs, or to partnerships involving Alaska Native organizations, to implement home instruction programs for Alaska Native preschool youngsters. The objective of such programs shall be to develop parents as educators for their children and to assure the active involvement of parents in the education of their children from the earliest ages.

"(b) PROGRAM ELEMENTS.—Home based education programs for Alaska Native children shall include—

"(1) parent-infant programs for prenatal through three-year olds;

"(2) preschool programs for four- and five-year olds;

"(3) training, education and support programs to teach parents skills in observation, reading readiness, story telling and critical thinking;

"(4) continued research and development; and

"(5) a long term followup and assessment program.

"(c) ELIGIBILITY OF HIPPY PROGRAMS.—Programs based on the HIPPY (Home Instruction Program for Preschool Youngsters) model shall be eligible for funding under this section.

"(d) ADMINISTRATIVE COSTS.—Not more than 10 percent of the funds appropriated to carry out the provisions of this section for any fiscal year may be used for administrative purposes.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $2,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section. Funds appropriated under the authority of this subsection shall remain available until expended.

"SEC. 8926. ALASKA NATIVE STUDENT ENRICHMENT PROGRAMS.

"(a) GENERAL AUTHORITY.—The Secretary shall make a grant or grants to Alaska Native educational organizations or educational entities with experience in developing or operating Alaska Native programs, or to partnerships including Alaska Native organizations, for enrichment programs for Alaska Native students in the areas of science and mathematics education. The programs shall be designed to—

"(1) prepare qualified students from rural areas who are preparing to enter village high schools to excel in science and mathematics; and

"(2) provide those support services to the families of such students that are needed to enable such students to benefit from the program.

"(b) USES OF FUNDS.—The program funded under this section may include—

"(1) the identification of the students eligible to participate in the program;

"(2) the conduct of educational, psychosocial, and developmental activities which hold reasonable promise of resulting in substantial enrichment of the educational performance of the participating students;

"(3) leadership programs designed to provide for the replication of the program in other subject matter areas and the dissemination of information derived from the program; and

"(4) appropriate research, evaluation and related activities pertaining to the benefits of such enrichment programs.

"(c) ADMINISTRATIVE COSTS.—Not more than 10 percent of the funds appropriated to carry out the provisions of this section for any fiscal year may be used for administrative purposes.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section. Funds appropriated under the authority of this subsection shall remain available until expended.

"SEC. 8927. ADMINISTRATIVE PROVISIONS.

"(a) APPLICATION REQUIRED.—No grant may be made under this part, nor any contract be entered into under this part, unless an application is submitted to the Secretary in such form, in such manner, and containing such information as the Secretary may determine necessary to carry out the provisions of this part.

"(b) APPLICATIONS BY LOCAL SCHOOL DISTRICTS OR STATE EDUCATIONAL ENTITIES.—Local school districts or State educational entities shall apply for funding under this Part in partnership with Alaska Native organizations.

"(c) CONSULTATION REQUIRED.—Each applicant for funding shall provide for ongoing advice from and consultation with representatives of the Alaska Native community.

"(d) LOCAL EDUCATIONAL AGENCY COORDINATION.—Each local educational agency serving students who will participate in the program for which assistance is sought shall be informed regarding each application submitted under this part: Provided, That approval by or concurrence from such local educational agency shall not be required.

"(e) IMPLEMENTATION OF AUTHORITIES.—The Secretary shall expeditiously obligate funds appropriated as provided in this part.

"SEC. 8928. DEFINITIONS.

"For purposes of this part—

"(1) the term 'Alaska Native' has the same meaning as the term 'Native' has in section 3(b) of the Alaska Native Claims Settlement Act.

"(2) the term 'Alaska Native organization' means a federally recognized tribe, consortium of tribes, regional nonprofit Native association, and other Alaska Native organizations that:

"(A) has or commits to acquire expertise in the education of Alaska Natives; and

"(B) has Alaska Natives in substantive and policy-making positions within the organization.

"PART S—PROMOTING SCHOLAR-ATHLETE COMPETITIONS

"SEC. 8931. FINDINGS.

"The Congress finds that—

"(1) athletic and intellectual competition can be a force for understanding and friendship among an economically and culturally diverse population;

"(2) the World Scholar-Athlete Games in 1993 brought together 2,000 young scholars ranging in age from 16 to 19 who are talented in art, creative writing, poetry, singing or athletics, from 125 countries and all 50 States; and

"(3) through experiences on the playing field, in group discussions and informal gatherings, scholar-athlete competitions can foster understanding, acceptance and friendship among students who might otherwise never interact.

"SEC. 8932. PURPOSE.

"It is the purpose of this part to provide authorization for the establishment of a model educational, athletic, and cultural event that—

"(1) is intended to bring together academically qualified youth of diverse cultural, economic, and social backgrounds;

"(2) is replicated by each State; and

"(3) invites adult and student leaders in education, business and government representing all 50 States to attend and observe the model event, including such event's educational and cultural programs, so that such leaders are qualified to administer similar events in their home States.

"SEC. 8933. PROGRAM AUTHORIZED.

"(a) PROGRAM AUTHORIZED.—

"(1) IN GENERAL.—(A) If funds are appropriated pursuant to the authority of subsection (c) for fiscal year 1995, the Secretary is authorized to award a grant to a nonprofit organization to enable such organization to carry out model scholar-athlete games in accordance with the purpose of this part.

"(B) If funds are appropriated pursuant to the authority of subsection (c) for fiscal year 1996, the Secretary is authorized to award a grant to a nonprofit organization to reimburse such organization for the costs of conducting scholar-athlete games in 1995.

"(2) SPECIAL RULE.—Scholar-athlete games assisted under this part shall be held in 1995.

"(3) PRIORITY.—In awarding grants under this part, the Secretary shall give priority to a nonprofit organization that—

"(A) is described in section 501(c)(3) of, and exempt from taxation under section 501(a) of, the Internal Revenue Code of 1986, and is affiliated with a university capable of hosting a large educational, cultural, and athletic event that will serve as a national model;

"(B) has the capability to administer federally funded scholar-athlete programs;

"(C) has the ability to provide matching funds, on a dollar-for-dollar basis, from foundations and the private sector for the purpose of conducting a scholar-athlete program;

"(D) has the organizational structure and capability to administer a model scholar-athlete program in the summer of 1995;

"(E) has the organizational structure and expertise to replicate the scholar-athlete program in various venues throughout the United States in 1996 and thereafter, as well as replicate such program internationally; and

"(F) the Secretary determines has plans for conducting scholar-athlete games after 1995 without Federal assistance.

"(b) PAYMENTS.—From the amount authorized to be appropriated pursuant to the authority of subsection (c) for fiscal year 1995, the Secretary is authorized to make grant payments of 50 percent of such amount at the beginning of such year and the remaining 50 percent of such amount incrementally according to procedures established by the Secretary.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 for each of the fiscal years 1995 and 1996 to carry out this part.

"PART T—COMMUNITY SCHOOL PARTNERSHIPS

"SEC. 8941. SHORT TITLE.

"This part may be cited as the 'Community School Partnership Act'.

"SEC. 8942. FINDINGS.

"The Congress finds that—

"(1) the local community, when properly organized and challenged, is one of the best sources of academic support, motivation toward achievement, and financial resources for aspiring postsecondary students;

"(2) local communities, working to complement or augment services currently being offered by area schools and colleges, can raise the educational expectations and increase the rate of postsecondary attendance of their youth by forming locally based organizations that provide both academic support (including guidance, counseling, mentoring, tutoring, encouragement, and recognition) and tangible, locally raised, effectively targeted, publicly recognized financial assistance;

"(3) proven methods of stimulating these community efforts can be promoted through Federal support for the establishment of area program centers to organize and challenge community efforts to develop educational incentives and support for local students; and

"(4) using Federal funds to leverage private contributions to help students from low-income families attain educational and career goals is an efficient and effective investment of scarce taxpayer-provided resources.

"SEC. 8943. DEFINITIONS.

"As used in this part:

"(1) AREA PROGRAM CENTER.—The term 'area program center' means an organization that—

"(A) is part of, responsible to, and overseen by, the national organization; and

"(B) is staffed by professionals trained to create, develop, and sustain local affiliated chapters in towns, cities, and neighborhoods.

"(2) LOCAL AFFILIATED CHAPTER.—The term 'local affiliated chapter' means an organization that—

"(A) is a nonprofit organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986, and exempt from taxation under section 501(a) of such Code (or shall meet this criteria through affiliation with the national organization described in paragraph (3));

"(B) is formed for the purpose of providing educational scholarships and academic support for residents of the local community served by such organization;

"(C) solicits broad-based community support in its academic support and fund-raising activities;

"(D) is broadly representative of the local community in the structures of its volunteer-operated organization and has a board of directors that includes leaders from local neighborhood organizations and neighborhood residents, such as school or college personnel, parents, students, community agency representatives, and representatives of the business community;

"(E) awards scholarships without regard to age, sex, marital status, race, creed, color, religion, national origin or the presence of any mental, sensory, or physical disability; and

"(F) gives priority in awarding scholarships to students from low-income families in the local community.

"(3) NATIONAL ORGANIZATION.—The term 'national organization' means an organization that—

"(A) has the capacity to create, develop and sustain local affiliated chapters;

"(B) has the capacity to sustain newly created local affiliated chapters in towns, cities, and neighborhoods through ongoing training and support programs;

"(C) is described in section 501(c)(3) of the Internal Revenue Code of 1986, and exempt from taxation under section 501(a) of such Code;

"(D) is a publicly supported organization within the meaning of section 170(b)(1)(A)(vi) of such Code;

"(E) ensures that each of its local affiliated chapters meet the criteria described in subparagraphs (C) and (D); and

"(F) has a program for or experience in cooperating with secondary and postsecondary institutions in carrying out its scholarship and academic support activities.

"(4) HIGH-POVERTY AREA.—The term 'high-poverty area' means a community with a higher percentage of children in poverty than the national average of such percentage.

"(5) STUDENTS FROM LOW-INCOME FAMILIES.—The term 'students from low-income families' means students determined, pursuant to part F of title IV of the Higher Education Act of 1965, to be eligible for a Federal Pell Grant under subpart 1 of part A of title IV of such Act.

"SEC. 8944. PURPOSE; ENDOWMENT GRANT AUTHORITY.

"(a) PURPOSE.—It is the purpose of this title to establish and support area program centers to enable such centers to foster the development of local affiliated chapters in high-poverty areas that promote higher education goals for students from low-income families by—

"(1) providing academic support, including guidance, counseling, mentoring, tutoring, and recognition; and

"(2) providing scholarship assistance for the pursuit of postsecondary education.

"(b) ENDOWMENT GRANT AUTHORITY.—From the funds appropriated pursuant to the authority of section 8947, the Secretary competitively award an endowment grant to a national organization to enable such organization to support the establishment or ongoing work of area program centers that foster the development of local affiliated chapters in high-poverty areas to improve high school graduation rates and postsecondary attendance through the provision of academic support services and scholarship assistance for the pursuit of postsecondary education.

"SEC. 8945. GRANT AGREEMENT AND REQUIREMENTS.

"(a) IN GENERAL.—The Secretary shall award the endowment grant described in section 8944(b) pursuant to an agreement between the Secretary and the national organization. Such agreement shall—

"(1) require the national organization to establish an endowment fund in the amount of the grant, the corpus of which shall remain intact and the interest income from which shall be used to support the activities described in paragraphs (2) and (3);

"(2) require the national organization to use 25 percent of the interest income from the endowment fund in any fiscal year to provide scholarships for students from low-income families, which scholarships shall be matched on a dollar-for-dollar basis from funds raised by local affiliated chapters;

"(3) require the national organization to use 75 percent of the interest income from the endowment fund in any fiscal year to support the

establishment or ongoing work of area program centers to enable such centers to work with local communities to establish local affiliated chapters in high-poverty areas and provide ongoing technical assistance, training workshops, and other activities to help ensure the ongoing success of the local affiliated chapters;

"(4) require the area program centers supported by the national organization to give priority to establishing local affiliated chapters that serve high-poverty areas;

"(5) require the national organization to submit, in each fiscal year in which such organization uses the interest from the endowment fund, a report to the Secretary that contains—

"(A) a description of the programs and activities supported by the interest on the endowment fund;

"(B) the audited financial statement of the national organization for the preceding fiscal year;

"(C) a plan for the programs and activities to be supported from the interest on the endowment fund during the 5 succeeding fiscal years;

"(D) or is accompanied by such evaluation of the programs and activities supported by the interest on the endowment fund as the Secretary may require; and

"(E) data indicating the number of students from low-income families who received scholarships from local affiliated chapters, and the amounts of such scholarships;

"(6) contain such assurances as the Secretary may require with respect to the management and operation of the endowment fund;

"(7) require that, in order to continue using the interest from the endowment fund, the national organization will meet the continuing eligibility requirements described in section 8946; and

"(8) contain an assurance that if the Secretary determines that such organization is not in substantial compliance with the provisions of this title, then the national organization shall pay to the Secretary an amount equal to the corpus of the endowment fund plus any accrued interest on such fund that is available to the national organization on the date of such determination.

"(b) RETURNED FUNDS.—All funds returned to the Secretary pursuant to subsection (a)(8) shall be available to the Secretary to carry out any scholarship or grant program assisted under title IV of the Higher Education Act of 1965.

"SEC. 8946. CONTINUING ELIGIBILITY.

"The national organization shall be eligible to continue to use the interest from the endowment fund in accordance with the provisions of this title in the third and each such succeeding fiscal year in which such organization uses such interest only if the local affiliated chapters associated with all area program centers supported under this part distribute to students from low-income families 80 percent of the total amount of funds raised by all such chapters in such year.

"SEC. 8947. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $10,000,000 for fiscal year 1995 to carry out this title.

"TITLE IX—SPECIAL PROGRAMS

"PART A—IMPACT AID

"SEC. 9001. PURPOSE.

"In order to fulfill the Federal responsibility to assist with the provision of educational services to federally connected children, because certain activities of the Federal Government place a financial burden on the local educational agencies serving areas where such activities are carried out and to help such children meet challenging State standards, it is the purpose of this part to provide financial assistance to local educational agencies that—

"(1) experience a substantial and continuing financial burden due to the acquisition of real property by the United States;

"(2) educate children who reside on Federal property and whose parents are employed on Federal property;

"(3) educate children of parents who are in the military services and children who live in low-rent housing;

"(4) experience sudden and substantial increases or decreases in enrollments because of military realignments; or

"(5) need special assistance with capital expenditures for construction activities because of the enrollments of substantial numbers of children who reside on Federal lands.

"SEC. 9002. PAYMENTS RELATING TO FEDERAL ACQUISITION OF REAL PROPERTY.

"(a) IN GENERAL.—Where the Secretary, after consultation with any local educational agency and with the appropriate State educational agency, determines for a fiscal year ending prior to October 1, 1999—

"(1) that the United States owns Federal property in the local educational agency, and that such property—

"(A) has been acquired by the United States since 1938;

"(B) was not acquired by exchange for other Federal property in the local educational agency which the United States owned before 1939; and

"(C) had an assessed value (determined as of the time or times when so acquired) aggregating 10 percent or more of the assessed value of—

"(i) all real property in the local educational agency (similarly determined as of the time or times when such Federal property was so acquired); or

"(ii) all real property in the local educational agency as assessed in the first year preceding or the year succeeding acquisition, whichever is greater, only if—

"(I) the assessment of all real property in the local educational agency is not made at the same time or times that such Federal property was so acquired and assessed; and

"(II) State law requires an assessment be made of property so acquired; and

"(2) that such agency is not being substantially compensated for the loss in revenue resulting from such ownership by increases in revenue accruing to the agency from the conduct of Federal activities with respect to such Federal property,

then the local educational agency shall be eligible to receive for such fiscal year such amount as, in the judgment of the Secretary, is equal to the continuing Federal responsibility for the additional financial burden with respect to current expenditures placed on such agency by such acquisition of property.

"(b) AMOUNT.—

"(1) IN GENERAL.—(A)(i) The amount that a local educational agency shall be paid under subsection (a) for a fiscal year shall be calculated in accordance with paragraph (2), except that such amount shall be reduced by the Secretary by an amount equal to the amount of revenue, if any, that such agency received during the previous fiscal year from activities conducted on such property.

"(ii) For purposes of clause (i), the amount of revenue that a local educational agency receives during the previous fiscal year from activities conducted on Federal property shall not include payments received by the agency from the Secretary of Defense to support—

"(I) the operation of a domestic dependent elementary or secondary school; or

"(II) the provision of a free public education to dependents of members of the Armed Forces residing on or near a military installation.

"(B) If funds appropriated under section 9014(a) are insufficient to pay the amount determined under subparagraph (A), the Secretary shall ratably reduce the payment to each eligible local educational agency.

"(C) Notwithstanding any other provision of this subsection, a local educational agency may not be paid an amount under this section that when added to the amount such agency receives under section 9003(b)(2) exceeds the maximum amount that such agency is eligible to receive for such fiscal year under section 9003(b)(1)(C).

"(2) APPLICATION OF CURRENT LEVIED REAL PROPERTY TAX RATE.—In making a determination of the amount that would have been derived in such year under paragraph (1)(A), the Secretary shall apply the current levied real property tax rate for current expenditures levied by fiscally independent local educational agencies or imputed, for fiscally dependent local educational agencies, to the current annually determined aggregate assessed value of such acquired Federal property.

"(3) DETERMINATION OF AGGREGATE ASSESSED VALUE.—Such aggregate assessed value of such acquired Federal property shall be determined (on the basis of the highest and best use of property adjacent to such acquired Federal property as of the time such value is determined), and provided to the Secretary, by the local official responsible for assessing the value of real property located in the jurisdiction of such local educational agency for the purpose of levying a property tax.

"(c) APPLICABILITY TO TENNESSEE VALLEY AUTHORITY ACT.—For the purposes of this section, any real property with respect to which payments are being made under section 13 of the Tennessee Valley Authority Act of 1933 shall not be regarded as Federal property.

"(d) OWNERSHIP BY UNITED STATES.—The United States shall be deemed to own Federal property for the purposes of this Act, where—

"(1) prior to the transfer of Federal property, the United States owned Federal property meeting the requirements of subparagraphs (A), (B), and (C) of subsection (a)(1); and

"(2) the United States transfers a portion of the property referred to in paragraph (1) to another nontaxable entity, and the United States—

"(A) restricts some or any construction on such property;

"(B) requires that the property be used in perpetuity for the public purposes for which the property was conveyed;

"(C) requires the grantee of the property to report to the Federal Government (or its agent) regarding information on the use of the property;

"(D) except with the approval of the Federal Government (or its agent), prohibits the sale, lease, assignment, or other disposal of the property unless such sale, lease, assignment, or other disposal is to another eligible government agency; and

"(E) reserves to the Federal Government a right of reversion at any time the Federal Government (or its agent) deems it necessary for the national defense.

"(e) DISTRICT CONTAINING FOREST SERVICE LAND AND SERVING CERTAIN COUNTIES.—Beginning with fiscal year 1995, a school district shall be deemed to meet the requirements of subsection (a)(1)(C) if such school district meets the following requirements:

"(1) The school district contains between 20,000 and 60,000 acres of land that has been acquired by the Forest Service of the Department of Agriculture between 1915 and 1990, as demonstrated by written evidence from the Forest Service satisfactory to the Secretary.

"(2) The school district serves a county certified by State law in 1875 or 1890.

"(f) SPECIAL RULE.—Beginning with fiscal year 1994, and notwithstanding any other provision of law limiting the period during which fiscal year 1994 funds may be obligated, the Secretary of Education shall treat the local educational agency serving the Wheatland R-II School District, Wheatland, Missouri, as meeting the eligibility requirements of section 2(a)(1)(C) of the Act of September 30, 1950 (Public Law 874, 81st Congress) (20 U.S.C. 237(a)(1)(C)) or section 9003(a)(1)(C) of the Elementary and Secondary Education Act of 1965.

"SEC. 9003. PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CHILDREN.

"(a) COMPUTATION OF PAYMENT.—

"(1) IN GENERAL.—For the purpose of computing the amount that a local educational agency is eligible to receive under subsection (b), (d), or (f) for any fiscal year, the Secretary shall determine the number of children who were in average daily attendance in the schools of such agency, and for whom such agency provided free public education, during the preceding school year and who, while in attendance at such schools—

"(A)(i) resided on Federal property with a parent employed on Federal property situated in whole or in part within the boundaries of the school district of such agency; or

"(ii) resided on Federal property with a parent who is an official of, and accredited by, a foreign government and is a foreign military officer;

"(B) resided on Federal property and had a parent on active duty in the uniformed services (as defined in section 101 of title 37, United States Code);

"(C) resided on Indian lands;

"(D)(i) had a parent on active duty in the uniformed services (as defined by section 101 of title 37, United States Code) but did not reside on Federal property; or

"(ii) had a parent who is an official of, and has been accredited by, a foreign government and is a foreign military officer but did not reside on Federal property;

"(E) resided in low-rent housing;

"(F) resided on Federal property and is not described in subparagraph (A) or (B); or

"(G) resided with a parent employed on Federal property situated—

"(i) in whole or in part in the county in which the school district of such agency is located, or in whole or in part in the school district of such agency if the school district is located in more than one county; or

"(ii) if not in such county or district, in whole or in part in the same State as the school district of such agency.

"(2) DETERMINATION OF WEIGHTED STUDENT UNITS.—For purposes of computing the basic support payment under subsection (b), the Secretary shall calculate the total number of weighted student units for a local educational agency by adding together the results obtained by the following computations:

"(A) Multiply the number of children described in subparagraphs (A) and (B) of paragraph (1) by a factor of 1.0.

"(B) Multiply the number of children described in paragraph (1)(C) by a factor of 1.25.

"(C) Multiply the number of children described in subparagraphs (D) and (E) of paragraph (1) by a factor of .10.

"(D) Multiply the number of children described in subparagraphs (F) and (G) of paragraph (1) by a factor of .05.

"(b) BASIC SUPPORT PAYMENTS AND PAYMENTS WITH RESPECT TO FISCAL YEARS IN WHICH INSUFFICIENT FUNDS ARE APPROPRIATED.—

"(1) BASIC SUPPORT PAYMENTS.—

"(A) IN GENERAL.—From the amount appropriated under section 9014(b) for a fiscal year, the Secretary is authorized to make basic support payments to eligible local educational agencies with children described under subsection (a).

"(B) ELIGIBILITY.—A local educational agency shall be eligible to receive a basic support payment under subparagraph (A) for a fiscal year with respect to a number of children determined under subsection (a) only if the number of children so determined with respect to such agency amounts to the lesser of—

"(i) at least 400 such children; or

"(ii) a number of such children which equals at least 3 percent of the total number of children who were in average daily attendance, during such year, at the schools of such agency and for whom such agency provided free public education.

"(C) MAXIMUM AMOUNT.—The maximum amount that a local educational agency is eligible to receive under this subsection for any fiscal year is the sum of the total weighted student units, as computed under subsection (a)(2), multiplied by the greater of—

"(i) one-half of the average per pupil expenditure of the State in which the local educational agency is located for the third fiscal year preceding the fiscal year for which the determination is made;

"(ii) one-half of the average per pupil expenditures of all of the States for the third fiscal year preceding the fiscal year for which the determination is made;

"(iii) the comparable local contribution rate certified by the State, as determined under regulations prescribed to carry out the Act of September 30, 1950 (Public Law 874, 81st Congress), as such regulations were in effect on January 1, 1994; or

"(iv) the average per pupil expenditure of the State in which the local educational agency is located, multiplied by the local contribution percentage.

"(2) PAYMENTS WITH RESPECT TO FISCAL YEARS IN WHICH INSUFFICIENT FUNDS ARE APPROPRIATED.—

"(A) IN GENERAL.—For any fiscal year in which the sums appropriated under section 9014(b) are insufficient to pay to each local educational agency the full amount computed under paragraph (1), the Secretary shall make payments in accordance with this paragraph.

"(B) LEARNING OPPORTUNITY THRESHOLD PAYMENTS.—(i) For fiscal years described in subparagraph (A), the Secretary shall compute a learning opportunity threshold payment (hereafter in this title referred to as the 'threshold payment') by multiplying the amount obtained under paragraph (1)(C) by the total percentage obtained by adding—

"(I) the percentage of federally connected children for each local educational agency determined by calculating the fraction, the numerator of which is the total number of children described under subsection (a)(1) and the denominator of which is the total number of children in average daily attendance at the schools served by such agency; and

"(II) the percentage that funds under paragraph (1)(C) represent of the total budget of the local educational agency, determined by calculating the fraction, the numerator of which is the total amount of funds calculated for each local educational agency under this subsection (not including amounts received under subsection (f)), and the denominator of which is the total current expenditures for such agency in the second preceding fiscal year for which the determination is made.

"(ii) Such total percentage used to calculate threshold payments under paragraph (1) shall not exceed 100.

"(iii) For the purpose of determining the percentages described in subclauses (I) and (II) of clause (i) that are applicable to the local educational agency providing free public education to students in grades 9 through 12 residing on Hanscom Air Force Base, Massachusetts, the Secretary shall consider only that portion of such agency's total enrollment of students in grades 9 through 12 when calculating the percentage under such subclause (I) and only that portion of the total current expenditures attributed to the operation of grades 9 through 12 in such agency when calculating the percentage under subclause (II).

"(C) RATABLE DISTRIBUTION.—For fiscal years described in subparagraph (A), the Secretary shall make payments as a ratable distribution based upon the computation made under subparagraph (B).

"(c) PRIOR YEAR DATA.—All calculations under this section shall be based upon data for each local educational agency from not later than the first fiscal year preceding the fiscal year for which the agency is making application for payment.

"(d) CHILDREN WITH DISABILITIES.—

"(1) IN GENERAL.—From the amount appropriated under section 9014(c) for a fiscal year, the Secretary shall pay to each eligible local educational agency, on a pro rata basis, the amounts determined by—

"(A) multiplying the number of children described in subparagraphs (A)(ii), (B) and (C) of subsection (a)(1) who are eligible to receive services under the Individuals with Disabilities Education Act by a factor of 1.0; and

"(B) multiplying the number of children described in subparagraph (D) of subsection (a)(1) who are eligible to receive services under such Act by a factor of 0.5.

"(2) USE OF FUNDS.—A local educational agency that receives funds under paragraph (1) shall use such funds to provide a free appropriate public education to children described in paragraph (1) in accordance with the Individuals with Disabilities Education Act.

"(e) HOLD-HARMLESS AMOUNTS.—

"(1) IN GENERAL.—Except as provided in paragraph (3), the total amount that the Secretary shall pay a local educational agency under subsection (b) shall not be less than 95 percent of the amount such agency received for the preceding fiscal year—

"(A) in the case of fiscal year 1995 only, under section 3 of the Act of September 30, 1950 (Public Law 874, 81st Congress); or

"(B) in the case of fiscal years 1996, 1997, 1998, or 1999, under such subsection (b).

"(2) TWO-YEAR APPLICABILITY.—The provisions of paragraph (1) shall apply to any one local educational agency for a maximum of two consecutive fiscal years, except that in the second such year the total amount the Secretary shall pay a local educational agency under subsection (b) shall not be less than 85 percent of the amount such agency received under such subsection in the preceding fiscal year.

"(3) RATABLE REDUCTIONS.—(A)(i) If necessary in order to make payments to local educational agencies in accordance with paragraph (1), the Secretary first shall ratably reduce payments under subsection (b) to local educational agencies that do not receive a payment under this subsection.

"(ii) If additional funds become available for making payments under paragraph (1) for such fiscal year, payments that were reduced under clause (i) shall be increased on the same basis as such payments were reduced.

"(B)(i) If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all local educational agencies in all States are eligible to receive under paragraphs (1) and (2) after the application of subparagraph (A) for such year, the Secretary shall ratably reduce payments to all such agencies for such year.

"(ii) If additional funds become available for making payments under paragraphs (1) and (2) for such fiscal year, payments that were reduced under clause (i) shall be increased on the same basis as such payments were reduced.

"(f) ADDITIONAL ASSISTANCE FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

"(1) RESERVATION.—From amounts appropriated under section 9014(b) for a fiscal year, the Secretary shall provide additional assistance to meet special circumstances relating to the provision of education in local educational agencies eligible to receive assistance under this section.

"(2) ELIGIBILITY.—(A) A local educational agency shall be eligible to receive additional assistance under this subsection only if such agency—

"(i)(I) has an enrollment of federally connected children described in subsection (a)(1) which constitutes at least 50 percent of the total student enrollment of such agency; and

"(II) has a tax rate for general fund purposes which is at least 95 percent of the average tax rate for general fund purposes of comparable local educational agencies in the State;

"(ii)(I) has an enrollment of federally connected children described in subsection (a)(1) which constitutes at least 35 percent of the total student enrollment of such agency; and

"(II) has a tax rate for general fund purposes which is at least 125 percent of the average tax rate for general fund purposes of comparable local educational agencies in the State; or

"(iii) is a local educational agency whose boundaries are the same as a Federal military installation.

"(B) If the current expenditures in those local educational agencies which the Secretary has determined to be generally comparable to the local educational agency for which a computation is made under subsection (b)(1)(C) are not reasonably comparable because of unusual geographical factors which affect the current expenditures necessary to maintain, in such agency, a level of education equivalent to that maintained in such other agencies, then the Secretary shall increase the local contribution rate for such agency by such an amount which the Secretary determines will compensate such agency for the increase in current expenditures necessitated by such unusual geographical factors. The amount of any such supplementary payment may not exceed the per-pupil share (computed with regard to all children in average daily attendance), as determined by the Secretary, of the increased current expenditures necessitated by such unusual geographic factors.

"(C) Any local educational agency determined eligible under clause (iii) of subparagraph (A) shall be deemed to have met the tax efforts requirements for eligibility under clause (i)(II) or (ii)(II) of such subparagraph.

"(3) MAXIMUM PAYMENTS.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall determine the maximum amount that a local educational agency may receive under this subsection in accordance with the following computations:

"(i) The Secretary shall first determine the greater of—

"(I) the average per pupil expenditure of the State in which the local educational agency is located;

"(II) the average per pupil expenditure of generally comparable school districts located in the State of the local educational agency, as defined in regulations issued by the Secretary; or

"(III) the average per pupil expenditure of three generally comparable school districts located in the State of the local educational agency, as defined in regulations issued by the Secretary.

"(ii) The Secretary shall next subtract from the amount determined under clause (i) the total amount of general fund revenues received by the local educational agency from any general fund source per pupil, other than revenues provided under this subsection.

"(iii) The Secretary shall next multiply the amount determined under clause (ii) by the total number of students in average daily attendance of the local educational agency.

"(iv) If the tax rate used by the local educational agency is greater than 95 percent, but less than 100 percent, of the tax rate of comparable school districts, the Secretary shall next multiply the amount determined under clause (iii) by the percentage that the tax rate of the local educational agency is of—

"(I) the average tax rate of its generally comparable school districts; or

"(II) the average tax rate of all the school districts in the State in which the local educational agency is located.

"(v) The Secretary shall next subtract the total amount of payments received by a local educational agency under subsections (b) and (d) for a fiscal year from the amount determined under clause (iii) or clause (iv), as the case may be.

"(B) SPECIAL RULE.—(i) With respect to payments under this subsection for a local educational agency described in clause (ii) or (iii) of paragraph (2)(A), the maximum amount of such payments shall be computed by taking the product of the average per pupil expenditure in all States multiplied by .7, except that such amount may not exceed 125 percent of the average per pupil expenditure in all local educational agencies in the State, and multiplying such product by the number of students who are served by such local educational agency and described in subparagraph (A) or (B) of subsection (a)(1).

"(ii) The payment under this subsection that a local educational agency described in clauses (ii) and (iii) of paragraph (2)(A) shall receive in any fiscal year shall be equal to the maximum amount described in clause (i) minus the amount of payments such agency receives under subsections (b) and (d) for such year.

"(4) CURRENT YEAR DATA.—The Secretary shall, for purposes of providing assistance under this subsection, use—

"(A) student and revenue data from the fiscal year for which the local educational agency is applying for assistance under this subsection; and

"(B) the most recent data available on per-pupil cost adjusted to reflect per-pupil cost made current by increasing or decreasing the per-pupil expenditure data for the second fiscal year preceding the fiscal year for which the determination is made by the same percentage increase or decrease reflected between the per-pupil expenditure data for the fourth fiscal year preceding the fiscal year for which the determination is made and the per-pupil expenditure data for such second year.

"(5) DETERMINATION FOR FISCAL YEAR 1994.—Notwithstanding the proviso referring to section 3(d)(2)(B) of Public Law 81–874 under the following heading "IMPACT AID" under title III of the Departments of Labor, Health and Human Services and Education, and Related Agencies Appropriations Act of 1994, or any provision of paragraph (2) of section 3(d) of such Public Law which is consistent with this proviso, determinations regarding the eligibility for an amount of payments under section 3(d)(2)(B) of such Public Law for fiscal year 1994 shall be made on the basis of 1994 data, and related Department regulations in effect during fiscal year 1992 shall be used in the tabulation of payments.

"(6) REDUCTION IN PAYMENTS.—If funds appropriated to carry out this subsection are insufficient to pay in full the amounts determined under paragraph (3), the Secretary shall ratably reduce the payment to each eligible local educational agency.

"(g) ADDITIONAL PAYMENTS FOR LOCAL EDUCATIONAL AGENCIES WITH HIGH CONCENTRATIONS OF CHILDREN WITH SEVERE DISABILITIES.—

"(1) IN GENERAL.—If any local educational agency receives Federal funds from sources other than this part to carry out the purposes of this part for any fiscal year due to the enrollment of children described under subsection (a), then the Secretary shall consider such funds as a payment to such agency under this part for such fiscal year.

"(2) SPECIAL RULE.—Notwithstanding any other provision of law, if funds appropriated pursuant to section 9014(b) for payments under subsection (b) to such agency for a fiscal year which when added to the funds described in paragraph (1) received by such agency for such fiscal year exceed the maximum amount described under subsection (b)(1)(C), then the Secretary shall make available from the funds appropriated under section 9014(b) for such fiscal year such excess amounts to any local educational agency serving two or more children described under subparagraph (B) or (D) of section 9003(a)(1) who have a severe disability and a parent serving in the uniformed services (as defined by section 101 of title 37, United States Code) and assigned to a particular permanent duty station for compassionate reasons (compassionate post assignment) for the total costs associated with such children who are provided an educational program provided outside the schools of such agency.

"(3) REMAINING FUNDS.—If funds remain after payments are made under paragraph (2) for any fiscal year, then such remaining funds shall be made available for expenditures under subsection (d) in such fiscal year on a pro rata basis consistent with the requirements of such subsection.

"(4) RATABLE REDUCTIONS.—If amounts available to carry out paragraph (2) for any fiscal year are insufficient to pay in full the total payment that all eligible local educational agencies are eligible to receive under such paragraph for such year, then the Secretary shall ratably reduce such payments to such agencies for such year.

"(h) OTHER FUNDS.—Notwithstanding any other provision of law, a local educational agency receiving funds under this section may also receive funds under section 6 of the Act of September 30, 1950 (Public Law 874, 81st Congress) or such section's successor authority.

"(i) MAINTENANCE OF EFFORT.—A local educational agency may receive funds under this part for any fiscal year only if the State educational agency finds that either the combined fiscal effort per student or the aggregate expenditures of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second preceding fiscal year.

"SEC. 9004. POLICIES AND PROCEDURES RELATING TO CHILDREN RESIDING ON INDIAN LANDS.

"(a) IN GENERAL.—A local educational agency that claims children residing on Indian lands for the purpose of receiving funds under section 9003 shall establish policies and procedures to ensure that—

"(1) such children participate in programs and activities supported by such funds on an equal basis with all other children;

"(2) parents of such children and Indian tribes are afforded an opportunity to present their views on such programs and activities, including an opportunity to make recommendations on the needs of those children and how the local educational agency may help such children realize the benefits of such programs and activities;

"(3) parents and Indian tribes are consulted and involved in planning and developing such programs and activities;

"(4) relevant applications, evaluations, and program plans are disseminated to the parents and Indian tribes; and

"(5) parents and Indian tribes are afforded an opportunity to present their views to such agency regarding such agency's general educational program.

"(b) RECORDS.—A local educational agency that claims children residing on Indian lands for the purpose of receiving funds under section 9003 shall maintain records demonstrating such agency's compliance with requirements contained in subsection (a).

"(c) WAIVER.—A local educational agency that claims children residing on Indian lands for the purpose of receiving funds under section 9003 shall not be required to comply with the requirements of subsections (a) and (b) for any fiscal year with respect to any Indian tribe from which such agency has received a written statement that the agency need not comply with those subsections because the tribe is satisfied with the provision of educational services by such agency to such children.

"(d) TECHNICAL ASSISTANCE AND ENFORCEMENT.—The Secretary shall—

"(1) provide technical assistance to local educational agencies, parents, and Indian tribes to enable such agencies, parents, and tribes to carry out this section; and

"(2) enforce this section through such actions, which may include the withholding of funds, as the Secretary determines to be appropriate, after affording the affected local educational agency, parents, and Indian tribe an opportunity to present their views.

"(e) COMPLAINTS.—

"(1) IN GENERAL.—(A) Any tribe, or its designee, which has students in attendance at a local educational agency may, in its discretion and without regard to the requirements of any other provision of law, file a written complaint with the Secretary regarding any action of a local educational agency taken pursuant to, or relevant to, the requirements of this section.

"(B) Within ten working days from receipt of a complaint, the Secretary shall—

"(i) designate a time and place for a hearing into the matters relating to the complaint at a location in close proximity to the local educational agency involved, or if the Secretary determines there is good cause, at some other location convenient to both the tribe, or its designee, and the local educational agency;

"(ii) designate a hearing examiner to conduct the hearing; and

"(iii) notify the affected tribe or tribes and the local educational agency involved of the time, place, and nature of the hearing and send copies of the complaint to the local educational agency and the affected tribe or tribes.

"(2) HEARING.—The hearing shall be held within 30 days of the designation of a hearing examiner and shall be open to the public. A record of the proceedings shall be established and maintained.

"(3) EVIDENCE; RECOMMENDATIONS; COST.—The complaining tribe, or its designee, and the local educational agency shall be entitled to present evidence on matters relevant to the complaint and to make recommendations concerning the appropriate remedial actions. Each party to the hearing shall bear only its own costs in the proceedings.

"(4) FINDINGS AND RECOMMENDATIONS.—Within 30 days of the completion of the hearing, the hearing examiner shall, on the basis of the record, make written findings of fact and recommendations concerning appropriate remedial action, if any, which should be taken. The hearing examiner's findings and recommendations, along with the hearing record, shall be forwarded to the Secretary.

"(5) WRITTEN DETERMINATION.—Within 30 days of his receipt of the findings, recommendations, and record, the Secretary shall, on the basis of the record, make a written determination of the appropriate remedial action, if any, to be taken by the local educational agency, the schedule for completion of the remedial action, and the reasons for the Secretary's decision.

"(6) COPIES PROVIDED.—Upon completion of his final determination, the Secretary shall provide the complaining tribe, or its designee, and the local educational agency with copies of the hearing record, the hearing examiner's findings and recommendations, and the Secretary's final determination. The final determination of the Secretary shall be subject to judicial review.

"(7) CONSOLIDATION.—In all actions under this subparagraph, the Secretary shall have discretion to consolidate complaints involving the same tribe or local educational agency.

"(8) WITHHOLDING.—If the local educational agency rejects the determination of the Secretary, or if the remedy required is not undertaken within the time established and the Secretary determines that an extension of the time established will not effectively encourage the remedy required, the Secretary shall withhold payment of all moneys to which such local agency is eligible under section 9003 until such time as the remedy required is undertaken, except where the complaining tribe or its designee formally requests that such funds be released to the local educational agency, except that the Secretary may not withhold such moneys during the course of the school year if the Secretary determines that such withholding would substantially disrupt the educational programs of the local educational agency.

"(9) REJECTION OF DETERMINATION.—If the local educational agency rejects the determination of the Secretary and a tribe exercises the option under section 1101(d) of the Education Amendments of 1978, to have education services provided either directly by the Bureau of Indian Affairs or by contract with the Bureau of Indian Affairs, any Indian students affiliated with that tribe who wish to remain in attendance at the local educational agency against whom the complaint which led to the tribal action under such subsection (d) was lodged may be counted with respect to that local educational agency for the purpose of receiving funds under section 9004. In such event, funds under such section shall not be withheld pursuant to subparagraph (D) and no further complaints with respect to such students may be filed under subparagraph (C)(i).

"(f) CONSTRUCTION.—This section is based upon the special relationship between the Indian nations and the United States and nothing in this section shall be construed to relieve any State of any duty with respect to any citizens of that State.

"SEC. 9005. APPLICATION FOR PAYMENTS UNDER SECTIONS 9002 AND 9003.

"(a) IN GENERAL.—A local educational agency desiring to receive a payment under section 9002 or 9003 shall—

"(1) submit an application for such payment to the Secretary; and

"(2) provide a copy of such application to the State educational agency.

"(b) CONTENTS.—Each such application shall be submitted in such form and manner, and shall contain such information, as the Secretary may require, including—

"(1) information to determine the eligibility of the local educational agency for a payment and the amount of such payment; and

"(2) where applicable, an assurance that such agency is in compliance with section 9004 (relating to children residing on Indian lands).

"(c) DEADLINE FOR SUBMISSION.—The Secretary shall establish deadlines for the submission of applications under this section.

"(d) APPROVAL.—

"(1) IN GENERAL.—The Secretary shall approve an application submitted under this section that—

"(A) except as provided in paragraph (2), is filed by the deadline established under subsection (c); and

"(B) otherwise meets the requirements of this title.

"(2) REDUCTION IN PAYMENT.—The Secretary shall approve an application filed not more than 60 days after a deadline established under subsection (c) that otherwise meets the requirements of this title, except that, notwithstanding section 9003(e), the Secretary shall reduce the payment based on such late application by 10 percent of the amount that would otherwise be paid.

"(3) LATE APPLICATIONS.—The Secretary shall not accept or approve any application that is filed more than 60 days after a deadline established under subsection (c).

"(4) STATE APPLICATION AUTHORITY.—Notwithstanding any provision of law, a State educational agency that had been accepted as an applicant for funds under section 3 of the Act of September 30, 1950 (Public Law 874, 81st Congress) in fiscal year 1994 shall be permitted to continue as an applicant under the same conditions by which such agency made application during such fiscal year only if such State educational agency distributes all funds received for the students for which application is being made by such State educational agency to the local educational agencies providing educational services to such students.

"SEC. 9006. PAYMENTS FOR SUDDEN AND SUBSTANTIAL INCREASES IN ATTENDANCE OF MILITARY DEPENDENTS.

"(a) ELIGIBILITY.—A local educational agency is eligible for a payment under this section if—

"(1) the number of children in average daily attendance during the school year for which the determination is made is at least ten percent or 100 more than the number of children in average daily attendance in the school year preceding the school year for which the determination is made; and

"(2) the number of children in average daily attendance with a parent on active duty (as defined in section 101(18) of title 37, United States Code) in the Armed Forces who are in attendance at such agency because of the assignment of their parent to a new duty station between May 15 and September 30, inclusive, of the fiscal year for which the determination is made, as certified by an appropriate local official of the Department of Defense, is at least ten percent or 100 more than the number of children in average daily attendance in the preceding school year.

"(b) APPLICATION.—A local educational agency that wishes to receive a payment under this section shall file an application with the Secretary by October 15 of the school year for which payment is requested, in such manner and containing such information as the Secretary may prescribe, including information demonstrating that such agency is eligible for such a payment.

"(c) CHILDREN TO BE COUNTED.—For each eligible local educational agency that applies for a payment under this section, the Secretary shall determine the lesser of—

"(1) the increase in the number of children in average daily attendance from the school year preceding the fiscal year for which the determination is made; and

"(2) the number of children described in subsection (a)(2).

"(d) PAYMENTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), from the amount appropriated for a

fiscal year under section 9014(d), the Secretary shall pay each local educational agency with an approved application an amount equal to one-half of the national average per-pupil expenditure multiplied by the number of such children determined under subsection (c) for that local educational agency.

"(2) RATABLE REDUCTION.—(A) If the amount appropriated to carry out this section for any fiscal year is insufficient to pay the full payment that all eligible local educational agencies are eligible to receive under this section for such year, then the Secretary shall ratably reduce the payments to such agencies for such year.

"(B) If additional funds become available for making payments under paragraph (1) for such fiscal year, payments that were reduced under subparagraph (A) shall be increased on the same basis as such payments were reduced.

"(e) NOTIFICATION PROCESS.—

"(1) ESTABLISHMENT.—The Secretary shall establish, with the Secretary of Defense, a notification process relating to the closure of Department of Defense facilities, or the adjustment of personnel levels assigned to such facilities, which may substantially affect the student enrollment levels of local educational agencies which receive or may receive payments under this title.

"(2) INFORMATION.—Such process shall provide timely information regarding such closures and such adjustments—

"(A) by the Secretary of Defense to the Secretary; and

"(B) by the Secretary to the affected local educational agencies.

"SEC. 9007. CONSTRUCTION.

"(a) PAYMENTS AUTHORIZED.—From the amount appropriated for each fiscal year under section 9014(e), the Secretary shall make payments to each local educational agency—

"(1) that receives a basic payment under section 9003(b); and

"(2)(A) in which the number of children determined under section 9003(a)(1)(C) constituted at least 50 percent of the number of children who were in average daily attendance in the schools of such agency during the preceding school year;

"(B) that receives assistance under section 9003(f); or

"(C) that receives assistance under section 9006.

"(b) AMOUNT OF PAYMENTS.—The amount of a payment to each such agency for a fiscal year shall be equal to—

"(1) the amount appropriated under section 9014(e) for such year; divided by

"(2) the number of children determined under section 9003(a)(2) for all local educational agencies described in subsection (a), but not including any children attending a school assisted or provided by the Secretary under section 9008 or section 10 of the Act of September 23, 1950 (Public Law 815, 81st Congress) (as such Act was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994); multiplied by

"(3) the number of such children determined for such agency.

"(c) USE OF FUNDS.—Any local educational agency that receives funds under this section shall use such funds for construction, as defined in section 9013(3).

"(d) SPECIAL RULE.—In carrying out section 14(c) of the Act of September 23, 1950 (Public Law 815, 81st Congress) (20 U.S.C. 644(c)) or any successor authority, the Secretary of Education shall waive any amount of local effort in excess of $200,000 that would otherwise be required under paragraphs (3) and (4) of such section, or any successor authority, respectively, and any regulations issued thereunder, in awarding funds to the Winona R-III School District, Missouri, with respect to its application #MO-86-C-3601A36.

"SEC. 9008. FACILITIES.

"(a) CURRENT FACILITIES.—From the amount appropriated for any fiscal year under section 9014(f), the Secretary may continue to provide assistance for school facilities that were supported by the Secretary under section 10 of the Act of September 23, 1950 (Public Law 815, 81st Congress) (as such Act was in effect on the day preceding the date of the enactment of the Improving America's Schools Act of 1994).

"(b) TRANSFER OF FACILITIES.—

"(1) IN GENERAL.—The Secretary shall, as soon as practicable, transfer to the appropriate local educational agency or another appropriate entity all the right, title, and interest of the United States in and to each facility provided under section 10 of the Act of September 23, 1950 (Public Law 815, 81st Congress), or under section 204 or 310 of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such Acts were in effect on January 1, 1958).

"(2) OTHER REQUIREMENTS.—Any such transfer shall be without charge to such agency or entity, and prior to such transfer, the transfer shall be consented to by the local educational agency or other appropriate entity, and may be made on such terms and conditions as the Secretary deems appropriate to carry out the purposes of this title.

"SEC. 9009. TREATMENT OF PAYMENTS BY THE STATES IN DETERMINING ELIGIBILITY FOR, AND THE AMOUNT OF, STATE AID.

"(a) IN GENERAL.—Except as provided in subsection (b), no payments may be made under this title for any fiscal year to any local educational agency in any State if—

"(1) such State has taken into consideration payments under this title in determining—

"(A) the eligibility of any local educational agency in that State for State aid for free public education of children; or

"(B) the amount of such aid with respect to any such agency;

during that fiscal year or the preceding fiscal year; or

"(2) such State makes such aid available to local educational agencies in such a manner as to result in less State aid to any local educational agency which is eligible for payments under this title than such agency would receive if such agency were not so eligible.

"(b) EXCEPTION.—

"(1) IN GENERAL.—Notwithstanding subsection (a), if a State has in effect a program of State aid for free public education for any fiscal year, which is designed to equalize expenditures for free public education among the local educational agencies of that State, payments under this title for any fiscal year may be taken into consideration by such State in determining the relative—

"(A) financial resources available to local educational agencies in that State; and

"(B) financial need of such agencies for the provision of free public education for children served by such agency, provided that a State may consider as local resources funds received under this title only in proportion to the share that local tax revenues covered under a State equalization program are of total local tax revenues.

"(2) SPECIAL RULE.—The portion of payments under sections 9003(b), 9003(d) and 9003(f)(1) for children described in section 9003(a)(1)(C) which are attributable to the difference between the total weighted student units determined under section 9003(a)(2)(B) and the total weighted student units determined under section 9003(a)(2)(A), shall not be taken into consideration by the State for the purpose of this subparagraph. Whenever a State educational agency or local educational agency will be adversely affected by the operation of this section, such agency shall be afforded notice and an opportunity for a hearing prior to the reduction or termination of payments pursuant to this section.

"(3) DEFINITIONS.—The terms 'State aid' and 'equalize expenditures' as used in this section shall be defined by the Secretary by regulation, after consultation with State and local educational agencies affected by this section, provided that the term 'equalize expenditures' shall not be construed in any manner adverse to a program of State aid for free public education which provides for taking into consideration the additional cost of providing free public education for particular groups or categories of pupils in meeting the special educational needs of such children as disabled children, economically disadvantaged children, limited-English proficient children, and gifted and talented children.

"(4) NOTICE AND CERTIFICATION.—(A) If a State desires to take payments under this title into consideration as provided in this subsection for any fiscal year, that State shall, not later than 60 days prior to the beginning of such fiscal year, submit notice to the Secretary of its intention to do so. Such notice shall be in such form and be accompanied by such information as to enable the Secretary to determine the extent to which the program of State aid of that State is consistent with the provisions of paragraph (1). In addition, such notice shall be accompanied by such evidence as the Secretary finds necessary that each local educational agency in that State has been given notice of the intention of the State. If the Secretary determines that the program of State aid of a State submitting notice under this paragraph is consistent with the provisions of paragraph (1), the Secretary shall certify such determination to that State.

"(B) Prior to certifying any determination under subparagraph (A) for any State for any fiscal year, the Secretary shall give the local educational agencies in that State an opportunity for a hearing at which such agencies may present their views with respect to the consistency of the State aid program of that State with the provisions of paragraph (1).

"(C) The Secretary shall not finally deny to any State for any fiscal year certification of a determination under subparagraph (A) without first giving that State an opportunity for a hearing.

"(5) REQUIREMENT.—Any State whose program of State aid was certified by the Secretary under paragraph (4) for fiscal year 1988, but whose program was determined by the Secretary under paragraph (4)(A) not to meet the requirements of paragraph (1) for one or more of the fiscal years 1989 through 1992—

"(A) shall be deemed to have met the requirements of paragraph (1) for each of the fiscal years 1989 through 1992; and

"(B) shall not, beginning with fiscal year 1993, and notwithstanding any other provision of this paragraph, take payments under this title into consideration as provided under paragraph (1) for any fiscal year unless the Secretary has previously certified such State's program for such fiscal year.

"(6) GRANDFATHER CLAUSE.—Notwithstanding any other provision of law, a State shall be deemed to meet the requirements of this subsection if such State—

"(A) met the requirements of section 5(d)(2) of the Act of September 30, 1950 (Public Law 874, 81st Congress) on July 1, 1994; and

"(B) continues to meet the requirements of such section 5(d)(2) for each fiscal year for which the determination is made.

"SEC. 9010. FEDERAL ADMINISTRATION.

"(a) PAYMENTS IN WHOLE DOLLAR AMOUNTS.—The Secretary shall round any payments under this title to the nearest whole dollar amount.

"(b) OTHER AGENCIES.—Each Federal agency administering Federal property on which children reside, and each agency principally responsible for an activity that may occasion assistance under this title, shall, to the maximum extent practicable, comply with requests of the Secretary for information the Secretary may require to carry out this title.

"(c) SPECIAL RULES.—

"(1) CERTAIN CHILDREN ELIGIBLE UNDER SUBSECTION (a) OR (b) OF SECTION 3 OF PUBLIC LAW 81–874.—Notwithstanding any other provision of law, for any fiscal year before fiscal year 1995, the Secretary shall treat as eligible under subsection (a) or (b) of section 3 of the Act of September 30, 1950 (Public Law 874, 81st Congress), and shall forgive the obligation of a local educational agency to repay any amounts that such agency received under such section for such fiscal year based on, any child who would be eligible under such subsections except that such child does not meet the requirements of subsection (a)(1)(B) or (b)(2)(B), respectively, of such section 3, if such child meets the requirements of paragraph (3) of this subsection.

"(2) CERTAIN CHILDREN ELIGIBLE UNDER SUBPARAGRAPHS (A) AND (G)(ii) OF SECTION 9003(a)(1).—(A) The Secretary shall treat as eligible under subparagraph (A) of section 9003(a)(1) any child who would be eligible under such subparagraph except that the Federal property on which the child resides or on which the child's parent is employed is not in the same State in which the child attends school, if such child meets the requirements of paragraph (3) of this subsection.

"(B) The Secretary shall treat as eligible under subparagraph (G) of section 9003(a)(1) any child who would be eligible under such subparagraph except that such child does not meet the requirements of clause (ii) of such subparagraph, if such child meets the requirements of paragraph (3) of this subsection.

"(3) REQUIREMENTS.—A child meets the requirements of this paragraph if on the day preceding the date of enactment—

"(A) such child resides—

"(i) in a State adjacent to the State in which the local educational agency serving the school such child attends is located; or

"(ii) with a parent employed on Federal property in a State adjacent to the State in which such agency is located;

"(B) the schools of such agency are within a more reasonable commuting distance of such child's home than the schools of the local educational agency that serves the school attendance area where such child resides;

"(C) attending the schools of the local educational agency that serves the school attendance area where such child resides will impose a substantial hardship on such child; and

"(D) the State in which such child attends school provides funds for the education of such child on the same basis as all other public school children in the State, unless otherwise permitted under section 5(d)(2) of the Act of September 30, 1950 (Public Law 874, 81st Congress) or section 9009(b) of this part.

"SEC. 9011. ADMINISTRATIVE HEARINGS AND JUDICIAL REVIEW.

"(a) ADMINISTRATIVE HEARINGS.—A local educational agency and a State that is adversely affected by any action of the Secretary under this title shall be entitled to a hearing on such action in the same manner as if such agency were a person under chapter 5 of title 5, United States Code.

"(b) JUDICIAL REVIEW OF SECRETARIAL ACTION.—

"(1) IN GENERAL.—A local educational agency or a State aggrieved by the Secretary's final decision following an agency proceeding under subsection (a) may, within 60 days after receiving notice of such decision, file with the United States court of appeals for the circuit in which such agency or State is located a petition for review of that action. The clerk of the court shall promptly transmit a copy of the petition to the Secretary. The Secretary shall then file in the court the record of the proceedings on which the Secretary's action was based, as provided in section 2112 of title 28, United States Code.

"(2) FINDINGS OF FACT.—The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence. The Secretary may thereupon make new or modified findings of fact and may modify the Secretary's previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(3) REVIEW.—The court shall have exclusive jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"SEC. 9012. FORGIVENESS OF OVERPAYMENTS.

"Notwithstanding any other provision of law, the Secretary may forgive the obligation of a local educational agency to repay, in whole or in part, the amount of any overpayment received under this title, or under the Act of September 30, 1950 (Public Law 874, 81st Congress) or the Act of September 23, 1950 (Public Law 815, 81st Congress), if the Secretary determines that the overpayment was made as a result of an error made by—

"(1) the Secretary; or

"(2) the local educational agency and repayment of the full amount of the overpayment will result in an undue financial hardship on the agency and seriously harm the agency's educational program.

"SEC. 9013. DEFINITIONS.

"For purposes of this title, the following definitions apply:

"(1) ARMED FORCES.—The term 'Armed Forces' means the Army, Navy, Air Force, and Marine Corps.

"(2) AVERAGE PER PUPIL EXPENDITURE.—The term 'average per pupil expenditure' means—

"(A) the aggregate current expenditures of all local educational agencies in the State; divided by

"(B) the total number of children in average daily attendance for whom such agencies provided free public education.

"(3) CONSTRUCTION.—The term 'construction' means—

"(A) the preparation of drawings and specifications for school facilities;

"(B) erecting, building, acquiring, altering, remodeling, repairing, or extending school facilities;

"(C) inspecting and supervising the construction of school facilities; and

"(D) debt service for such activities.

"(4) CURRENT EXPENDITURES.—The term 'current expenditures' means expenditures for free public education, including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities, but does not include expenditures for community services, capital outlay, and debt service, or any expenditures made from funds awarded under part A of title I and title XIII. The determination of whether an expenditure for the replacement of equipment is considered a current expenditure or a capital outlay shall be determined in accordance with generally accepted accounting principles as determined by the State.

"(5) FEDERAL PROPERTY.—

"(A) IN GENERAL.—Except as provided in subparagraphs (B) through (F), the term 'Federal property' means real property that is not subject to taxation by any State or any political subdivision of a State due to Federal agreement, law, or policy, and that is—

"(i) owned by the United States or leased by the United States from another entity;

"(ii)(I) held in trust by the United States for individual Indians or Indian tribes;

"(II) held by individual Indians or Indian tribes subject to restrictions on alienation imposed by the United States;

"(III) conveyed at any time under the Alaska Native Claims Settlement Act to a Native individual, Native group, or village or regional corporation;

"(IV) public land owned by the United States that is designated for the sole use and benefit of individual Indians or Indian tribes; or

"(V) used for low-rent housing, as described in paragraph (10) that is located on land described in subclause (I), (II), (III), or (IV) of this clause or on land that met one of those descriptions immediately before such property's use for such housing;

"(iii)(I) part of a low-rent housing project assisted under the United States Housing Act of 1937; or

"(II) used to provide housing for homeless children at closed military installations pursuant to section 501 of the Stewart B. McKinney Homeless Assistance Act; or

"(iv) owned by a foreign government or by an international organization.

"(B) SCHOOLS PROVIDING FLIGHT TRAINING TO MEMBERS OF AIR FORCE.—The term 'Federal property' includes, so long as not subject to taxation by any State or any political subdivision of a State, and whether or not that tax exemption is due to Federal agreement, law, or policy, any school providing flight training to members of the Air Force.

"(C) NON-FEDERAL EASEMENTS, LEASES, LICENSES, PERMITS, IMPROVEMENTS, AND CERTAIN OTHER REAL PROPERTY.—The term 'Federal property' includes, whether or not subject to taxation by a State or a political subdivision of a State—

"(i) any non-Federal easement, lease, license, permit, or other such interest in Federal property as otherwise described in this paragraph, but not including any non-Federal fee-simple interest;

"(ii) any improvement on Federal property as otherwise described in this paragraph; and

"(iii) real property that, immediately before its sale or transfer to a non-Federal party, was owned by the United States and otherwise qualified as Federal property described in this paragraph, but only for one year beyond the end of the fiscal year of such sale or transfer.

"(D) CERTAIN POSTAL SERVICE PROPERTY AND PIPELINES AND UTILITY LINES.—Notwithstanding any other provision of this paragraph, the term 'Federal property' does not include—

"(i) any real property under the jurisdiction of the United States Postal Service that is used primarily for the provision of postal services; or

"(ii) pipelines and utility lines.

"(E) PROPERTY WITH RESPECT TO WHICH STATE OR LOCAL TAX REVENUES MAY NOT BE EXPENDED, ALLOCATED, OR AVAILABLE FOR FREE PUBLIC EDUCATION.—Notwithstanding any other provision of this paragraph, 'Federal property' does not include any property on which children reside that is otherwise described in this paragraph if—

"(i) no tax revenues of the State or of any political subdivision of the State may be expended for the free public education of children who reside on that Federal property; or

"(ii) no tax revenues of the State are allocated or available for the free public education of such children.

"(F) PROPERTY LOCATED IN THE STATE OF OKLAHOMA OWNED BY INDIAN HOUSING AUTHORITY FOR LOW-INCOME HOUSING.—The term 'Federal property' includes any real property located in the State of Oklahoma that—

"(i) is owned by an Indian housing authority and used for low-income housing (including housing assisted under the mutual help ownership opportunity program under section 202 of the United States Housing Act of 1937); and

"(ii) at any time—

"(I) was designated by treaty as tribal land; or

"(II) satisfied the definition of Federal property under section 403(1)(A) of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such Act was in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994).

"(6) FREE PUBLIC EDUCATION.—The term 'free public education' means education that is provided—

"(A) at public expense, under public supervision and direction, and without tuition charge; and

"(B) as elementary or secondary education, as determined under State law, except that, notwithstanding State law, such term—

"(i) includes preschool education; and

"(ii) does not include any education provided beyond grade 12.

"(7) INDIAN LANDS.—The term 'Indian lands' means any Federal property described in paragraph (5)(A)(ii) or (5)(F).

"(8) LOCAL CONTRIBUTION PERCENTAGE.—

"(A) IN GENERAL.—The term 'local contribution percentage' means the percentage of current expenditures in the State derived from local and intermediate sources, as reported to and verified by the National Center for Education Statistics.

"(B) HAWAII AND DISTRICT OF COLUMBIA.—Notwithstanding subparagraph (A), the local contribution percentage for Hawaii and for the District of Columbia shall be the average local contribution percentage for all States.

"(9) LOCAL EDUCATIONAL AGENCY.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'local educational agency'—

"(i) means a board of education or other legally constituted local school authority having administrative control and direction of free public education in a county, township, independent school district, or other school district; and

"(ii) includes any State agency that directly operates and maintains facilities for providing free public education.

"(B) EXCEPTION.—The term 'local educational agency' does not include any agency or school authority that the Secretary determines on a case-by-case basis—

"(i) was constituted or reconstituted primarily for the purpose of receiving assistance under this title or the Act of September 30, 1950 (Public Law 874, 81st Congress) or increasing the amount of such assistance; or

"(ii) is not constituted or reconstituted for legitimate educational purposes.

"(10) LOW-RENT HOUSING.—The term 'low-rent housing' means housing located on property that is described in paragraph (5)(A)(iii).

"(11) REVENUE DERIVED FROM LOCAL SOURCES.—The term 'revenue derived from local sources' means—

"(A) revenue produced within the boundaries of a local educational agency and available to such agency for such agency's use; or

"(B) funds collected by another governmental unit, but distributed back to a local educational agency in the same proportion as such funds were collected as a local revenue source.

"(12) SCHOOL FACILITIES.—The term 'school facilities' includes—

"(A) classrooms and related facilities; and

"(B) equipment, machinery, and utilities necessary or appropriate for school purposes.

"SEC. 9014. AUTHORIZATION OF APPROPRIATIONS.

"(a) PAYMENTS FOR FEDERAL ACQUISITION OF REAL PROPERTY.—For the purpose of making payments under section 9002, there are authorized to be appropriated $16,750,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(b) BASIC PAYMENTS; PAYMENTS FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—For the purpose of making payments under subsections (b) and (f) of section 9003, there are authorized to be appropriated $775,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years, of which 6 percent shall be available, until expended, for each fiscal year to carry out section 9003(f).

"(c) PAYMENTS FOR CHILDREN WITH DISABILITIES.—For the purpose of making payments under section 9003(d), there are authorized to be appropriated $45,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(d) PAYMENTS FOR INCREASES IN MILITARY CHILDREN.—For the purpose of making payments under section 9006, there are authorized to be appropriated $2,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(e) CONSTRUCTION.—For the purpose of carrying out section 9007, there are authorized to be appropriated $25,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(f) FACILITIES MAINTENANCE.—For the purpose of carrying out section 9008, there are authorized to be appropriated $2,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"PART B—EMERGENCY IMMIGRANT EDUCATION PROGRAM

"SEC. 9201. FINDINGS; PURPOSE; DEFINITION.

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

"(1) the education of our Nation's children and youth is one of the most sacred government responsibilities;

"(2) local educational agencies have struggled to fund adequately education services;

"(3) in the case of Plyler v. Doe, the Supreme Court held that States have a responsibility under the Equal Protection Clause of the Constitution to educate all children, regardless of immigration status; and

"(4) immigration policy is solely a responsibility of the Federal Government.

"(b) PURPOSE.—The purpose of this part is to assist eligible local educational agencies that experience unexpectedly large increases in their student population due to immigration to—

"(1) provide high-quality instruction to immigrant children and youth; and

"(2) help such children and youth—

"(A) with their transition into American society; and

"(B) meet the same challenging State performance standards expected of all children and youth.

"(c) DEFINITION.—For the purpose of this subpart, the term 'immigrant children and youth' means individuals who—

"(1) are aged three through 21;

"(2) were not born in any State; and

"(3) have not been attending one or more schools in any one or more States for more than three full academic years.

"SEC. 9202. STATE ADMINISTRATIVE COSTS.

"For any fiscal year, a State educational agency may reserve not more than 1.5 percent of the amount allocated to such agency under section 9204 to pay the costs of performing such agency's administrative functions under this part.

"SEC. 9203. WITHHOLDING.

"Whenever the Secretary, after reasonable notice and opportunity for a hearing to any State educational agency, finds that there is a failure to meet the requirement of any provision of this part, the Secretary shall notify that agency that further payments will not be made to the agency under this part, or in the discretion of the Secretary, that the State educational agency shall not make further payments under this part to specified local educational agencies whose actions cause or are involved in such failure until the Secretary is satisfied that there is no longer any such failure to comply. Until the Secretary is so satisfied, no further payments shall be made to the State educational agency under this part, or payments by the State educational agency under this part shall be limited to local educational agencies whose actions did not cause or were not involved in the failure, as the case may be.

"SEC. 9204. STATE ALLOCATIONS.

"(a) PAYMENTS.—The Secretary shall, in accordance with the provisions of this section, make payments to State educational agencies for each of the fiscal years 1995 through 1999 for the purpose set forth in section 9201(b).

"(b) ALLOCATIONS.—

"(1) IN GENERAL.—Except as provided in subsections (c), (d) and (e), of the amount appropriated for each fiscal year for this part, each State participating in the program assisted under this part shall receive an allocation equal to the proportion of such State's number of immigrant children and youth who are enrolled in elementary and secondary public schools under the jurisdiction of each local educational agency described in paragraph (2) within such State, and in elementary and secondary nonpublic schools within the district served by each such local educational agency, relative to the total number of immigrant children and youth so enrolled in all the States participating in the program assisted under this part.

"(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—The local educational agencies referred to in paragraph (1) are those local educational agencies in which the sum of the number of immigrant children and youth who are enrolled in elementary or secondary public schools under the jurisdiction of such agencies, and in elementary or secondary nonpublic schools within the districts served by such agencies, during the fiscal year for which the payments are to be made under this part, is equal to—

"(A) at least 500; or

"(B) at least 3 percent of the total number of students enrolled in such public or nonpublic schools during such fiscal year,

whichever number is less.

"(c) DETERMINATIONS OF NUMBER OF CHILDREN AND YOUTH.—

"(1) IN GENERAL.—Determinations by the Secretary under this section for any period with respect to the number of immigrant children and youth shall be made on the basis of data or estimates provided to the Secretary by each State educational agency in accordance with criteria established by the Secretary, unless the Secretary determines, after notice and opportunity for a hearing to the affected State educational agency, that such data or estimate are clearly erroneous.

"(2) SPECIAL RULE.—No such determination with respect to the number of immigrant children and youth shall operate because of an underestimate or overestimate to deprive any State

educational agency of the allocation under this section that such State would otherwise have received had such determination been made on the basis of accurate data.

"(d) REALLOCATION.—Whenever the Secretary determines that any amount of a payment made to a State under this part for a fiscal year will not be used by such State for carrying out the purpose for which the payment was made, the Secretary shall make such amount available for carrying out such purpose to one or more other States to the extent the Secretary determines that such other States will be able to use such additional amount for carrying out such purpose. Any amount made available to a State from any appropriation for a fiscal year in accordance with the preceding sentence shall, for purposes of this part, be regarded as part of such State's payment (as determined under subsection (b)) for such year, but shall remain available until the end of the succeeding fiscal year.

"(e) RESERVATION OF FUNDS.—

"(1) IN GENERAL.—Notwithstanding any other provision of this part, if the amount appropriated to carry out this part exceeds $50,000,000 for a fiscal year, a State educational agency may reserve not more than 20 percent of such agency's payment under this part for such year to award grants, on a competitive basis, to local educational agencies within the State as follows:

"(A) At least one-half of such grants shall be made available to eligible local educational agencies (as described in subsection (b)(2)) within the State with the highest numbers and percentages of immigrant children and youth.

"(B) Funds reserved under this paragraph and not made available under subparagraph (A) may be distributed to local educational agencies within the State experiencing a sudden influx of immigrant children and youth which are otherwise not eligible for assistance under this part.

"(2) USE OF GRANT FUNDS.—Each local educational agency receiving a grant under paragraph (1) shall use such grant funds to carry out the activities described in section 9207.

"(3) INFORMATION.—Local educational agencies with the highest number of immigrant children and youth receiving funds under paragraph (1) may make information available on serving immigrant children and youth to local educational agencies in the State with sparse numbers of such children.

"(4) DURATION.—Grants awarded under paragraph (1) shall be for a period of not more than two years.

"(5) APPLICATIONS.—(A) Each eligible local educational agency desiring a grant under this subsection shall submit to the Secretary an application in such form, at such time, and containing such information and assurances as the Secretary may require.

"(B) Each such application shall—

"(i) describe—

"(I) the need for the proposed program, including data on the number of immigrant children and youth in the local educational agency to be served and their characteristics, such as language spoken, dropout rates, proficiency in English and the native language, and academic standing in relation to their English proficient peers; and

"(II) the program to be implemented and how such program's design relates to the linguistic and academic needs of the immigrant children and youth to be served; and

"(ii) provide an assurance that the applicant will not reduce the level of State and local funds that the applicant expends for instructional programs for immigrant children and youth if the applicant receives an award under this part.

"SEC. 9205. STATE APPLICATIONS.

"(a) SUBMISSION.—No State educational agency shall receive any payment under this part for any fiscal year unless such agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information, as the Secretary may reasonably require. Each such application shall—

"(1) provide that the educational programs, services, and activities for which payments under this part are made will be administered by or under the supervision of the agency;

"(2) provide assurances that payments under this part will be used for purposes set forth in sections 9201 and 9207, including a description of how local educational agencies receiving funds under this part will use such funds to meet such purposes, and how the program designs are consistent with other education improvement plans;

"(3) provide an assurance that local educational agencies receiving funds under this part will coordinate the use of such funds with programs assisted under title VII or title I;

"(4) provide assurances that such payments will be distributed among local educational agencies within that State on the basis of the number of immigrant children and youth counted with respect to each such local educational agency under section 9204(b)(1);

"(5) provide assurances that the State educational agency will not finally disapprove in whole or in part any application for funds received under this part without first affording the local educational agency submitting an application for such funds reasonable notice and opportunity for a hearing;

"(6) provide for making such reports as the Secretary may reasonably require to perform the Secretary's functions under this part;

"(7) provide assurances—

"(A) that to the extent consistent with the number of immigrant children and youth enrolled in the elementary or secondary nonpublic schools within the district served by a local educational agency, such agency, after consultation with appropriate officials of such schools, shall provide for the benefit of such children and youth secular, neutral, and nonideological services, materials, and equipment necessary for the education of such children and youth;

"(B) that the control of funds provided under this part to any materials, equipment, and property repaired, remodeled, or constructed with those funds shall be in a public agency for the uses and purposes provided in this part, and a public agency shall administer such funds and property; and

"(C) that the provision of services pursuant to this paragraph shall be provided by employees of a public agency or through contract by such public agency with a person, association, agency, or corporation who or which, in the provision of such services, is independent of such elementary or secondary nonpublic school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency, and the funds provided under this paragraph shall not be commingled with State or local funds; and

"(8) provide an assurance that State and local educational agencies receiving funds under this part will comply with the requirements of section 1120(b).

"(b) APPLICATION REVIEW.—

"(1) IN GENERAL.—The Secretary shall review all applications submitted pursuant to this section by State educational agencies.

"(2) APPROVAL.—The Secretary shall approve any application submitted by a State educational agency that meets the requirements of this section.

"(3) DISAPPROVAL.—The Secretary shall disapprove any application submitted by a State educational agency which does not meet the requirements of this section, but shall not finally disapprove an application except after reasonable notice, provision of technical assistance, and providing an opportunity for a hearing to the State.

"SEC. 9206. ADMINISTRATIVE PROVISIONS.

"(a) NOTIFICATION OF AMOUNT.—The Secretary, not later than June 1 of each year, shall notify each State educational agency that has an application approved under section 9205 of the amount of such agency's allocation under section 9204 for the succeeding year.

"(b) SERVICES TO CHILDREN ENROLLED IN NONPUBLIC SCHOOLS.—If by reason of any provision of law a local educational agency is prohibited from providing educational services for children enrolled in elementary and secondary nonpublic schools, as required by section 9205(a)(7), or if the Secretary determines that a local educational agency has substantially failed or is unwilling to provide for the participation on an equitable basis of children enrolled in such schools, the Secretary may waive such requirement and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of this part. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements in accordance with the provisions of title I.

"SEC. 9207. USES OF FUNDS.

"(a) USE OF FUNDS.—Funds awarded under this part shall be used to pay for enhanced instructional opportunities for immigrant children and youth, which may include—

"(1) family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children;

"(2) salaries of personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to immigrant children and youth;

"(3) tutorials, mentoring, and academic or career counseling for immigrant children and youth;

"(4) identification and acquisition of curricular materials, educational software, and technologies to be used in the program;

"(5) basic instructional services which are directly attributable to the presence in the school district of immigrant children, including the costs of providing additional classroom supplies, overhead costs, costs of construction, acquisition or rental of space, costs of transportation, or such other costs as are directly attributable to such additional basic instructional services; and

"(6) such other activities, related to the purposes of this part, as the Secretary may authorize.

"(b) CONSORTIA.—A local educational agency that receives a grant under this part may collaborate or form a consortium with one or more local educational agencies, institutions of higher education, and nonprofit organizations to carry out the program described in an application approved under this part.

"(c) SUBGRANTS.—A local educational agency that receives a grant under this part may, with the approval of the Secretary, make a subgrant to, or enter into a contract with, an institution of higher education, a nonprofit organization, or a consortium of such entities to carry out a program described in an application approved under this part, including a program to serve out-of-school youth.

"(d) CONSTRUCTION.—Nothing in this part shall be construed to prohibit a local educational agency from serving immigrant children simultaneously with students with similar educational needs, in the same educational settings where appropriate.

"SEC. 9208. REPORTS.

"(a) BIENNIAL REPORT.—Each State educational agency receiving funds under this part shall submit, once every 2 years, a report to the

Secretary concerning the expenditure of funds by local educational agencies under this part. Each local educational agency receiving funds under this part shall submit to the State educational agency such information as the State educational agency determines may be necessary for such report.

"(b) REPORT TO CONGRESS.—The Secretary shall submit, once every 2 years, a report to the appropriate committees of the Congress concerning programs assisted under this part in accordance with section 10701.

"SEC. 9209. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, there are authorized to be appropriated $150,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years.

"SEC. 9210. COMMUNICATIONS BETWEEN FEDERALLY FUNDED GOVERNMENT AGENCIES AND THE IMMIGRATION AND NATURALIZATION SERVICE.

"Notwithstanding any other provision of law, no Federal, State, or local government entity receiving Federal funds shall be prohibited or in any way restricted from communicating with the Immigration and Naturalization Service regarding the immigration status, legal or illegal, of an alien in the United States.

"PART C—NATIVE HAWAIIAN EDUCATION

"SEC. 9301. SHORT TITLE.

"This part may be cited as the 'Native Hawaiian Education Act'.

"SEC. 9302. FINDINGS.

"The Congress finds and declares as follows:

"(1) Native Hawaiians are a distinct and unique indigenous people with a historical continuity to the original inhabitants of the Hawaiian archipelago, whose society was organized as a nation and internationally recognized as such by the United States, Britain, France and Japan, as evidenced by treaties governing friendship, commerce, and navigation.

"(2) At the time of the arrival of the first nonindigenous people in Hawai'i in 1778, the Native Hawaiian people lived in a highly organized, self-sufficient subsistence social system based on a communal land tenure system with a sophisticated language, culture, and religion.

"(3) From 1826 until 1893, the United States recognized the sovereignty and independence of the Kingdom of Hawai'i, which was established in 1810 under Kamehameha I, extended full and complete diplomatic recognition to the Kingdom of Hawai'i, and entered into treaties and conventions with the Kingdom of Hawai'i to govern friendship, commerce and navigation in 1826, 1842, 1849, 1875, and 1887.

"(4) In 1893, the sovereign, independent, internationally recognized, and indigenous government of Hawai'i, the Kingdom of Hawai'i, was overthrown by a small group of non-Hawaiians, including United States citizens, who were assisted in their efforts by the United States Minister, a United States naval representative, and armed naval forces of the United States. Because of the participation of United States agents and citizens in the overthrow of the Kingdom of Hawai'i, the Congress, on behalf of the people of the United States, apologized to Native Hawaiians for the overthrow and the deprivation of the rights of Native Hawaiians to self-determination through Public Law 103–150 (107 Stat. 1510).

"(5) In 1898, the joint resolution entitled 'A Joint Resolution to provide for annexing the Hawaiian Islands to the United States', approved July 7, 1898 (30 Stat. 750), ceded absolute title of all lands held by the Republic of Hawai'i, including the government and crown lands of the former Kingdom of Hawai'i, to the United States, but mandated that revenue generated from these lands be used 'solely for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes'.

"(6) By 1919, the Native Hawaiian population had declined from an estimated 1,000,000 in 1778 to an alarming 22,600, and in recognition of this severe decline, the Congress in 1921 enacted the Hawaiian Homes Commission Act, 1920, which designated approximately 200,000 acres of ceded public lands for homesteading by Native Hawaiians.

"(7) Through the enactment of the Hawaiian Homes Commission Act, 1920, the Congress affirmed the special relationship between the United States and the Native Hawaiians, as expressed by then Secretary of the Interior Franklin K. Lane, who was quoted in the committee report for the Hawaiian Homes Commission Act, 1920, as saying: 'One thing that impressed me . . . was the fact that the natives of the island who are our wards, I should say, and for whom in a sense we are trustees, are falling off rapidly in numbers and many of them are in poverty.'.

"(8) In 1959, under the Act entitled 'An Act to provide for the admission of the State of Hawaii into the Union', approved March 18, 1959 (73 Stat. 4), the United States transferred responsibility for the administration of the Hawaiian Home Lands to the State of Hawai'i but reaffirmed the special relationship which existed between the United States and the Hawaiian people by retaining the exclusive power to enforce the trust, including the power to approve land exchanges and legislative amendments affecting the rights of beneficiaries under such Act.

"(9) In 1959, under the Act entitled 'An Act to provide for the admission of the State of Hawaii into the Union', approved March 18, 1959 (73 Stat. 4), the United States ceded to the State of Hawai'i title to the public lands formerly held by the United States, but mandated that such lands be held by the State 'in public trust' and reaffirmed the special relationship which existed between the United States and the Hawaiian people by retaining the legal responsibility to enforce the public trust responsibility of the State of Hawai'i for the betterment of the conditions of Native Hawaiians, as defined in section 201(a) of the Hawaiian Homes Commission Act, 1920.

"(10) The United States assumed special responsibilities for Native Hawaiian lands and resources at the time of the annexation of the Territory in 1898, upon adoption of the Hawaiian Homes Commission Act, 1920, and upon admission of the State of Hawai'i into the Union in 1959, and has retained certain of those responsibilities.

"(11) In recognition of the special relationship which exists between the United States and the Native Hawaiian people, the Congress has extended to Native Hawaiians the same rights and privileges accorded to American Indian, Alaska Native, Eskimo, and Aleut communities under the Native American Programs Act of 1974, the American Indian Religious Freedom Act, the National Museum of the American Indian Act, the Native American Graves Protection and Repatriation Act, the National Historic Preservation Act, and the Native American Languages Act.

"(12) In recognition of the special relationship which exists between the United States and the Native Hawaiian people, the Congress has enacted numerous special provisions of law for the benefit of Native Hawaiians in the areas of health, education, labor, and housing.

"(13) In 1981, the Senate instructed the Office of Education to submit to the Congress a comprehensive report on Native Hawaiian education. The report, entitled the 'Native Hawaiian Educational Assessment Project', was released in 1983 and documented that Native Hawaiians scored below parity with national norms on standardized achievement tests, were disproportionately represented in many negative social and physical statistics, indicative of special educational needs, and had educational needs which were related to their unique cultural situation, such as different learning styles and low self-image.

"(14) In recognition of the educational needs of Native Hawaiians, in 1988, the Congress enacted title IV of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 to authorize and develop supplemental educational programs to benefit Native Hawaiians.

"(15) In 1993, the Kamehameha Schools Bishop Estate released a ten-year update of the Native Hawaiian Educational Assessment Project, which found that despite the successes of the programs established under title IV of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, many of the same educational needs still exist for Native Hawaiians. For example—

"(A) educational risk factors continue to start even before birth for many Native Hawaiian children, including—

"(i) late or no prenatal care;

"(ii) half of Native Hawaiian women who give birth are unmarried; and

"(iii) high rates of births to teenage parents;

"(B) Native Hawaiian students continue to begin their school experience lagging behind other students in terms of readiness factors such as vocabulary test scores;

"(C) Native Hawaiian students continue to score below national norms on standardized education achievement tests at all grade levels;

"(D) both public and private schools continue to show a pattern of lower percentages of Native Hawaiian students in the uppermost achievement levels and in gifted and talented programs;

"(E) Native Hawaiian students continue to be overrepresented among students qualifying for special education programs provided to students with learning disabilities, mild mental retardation, emotional impairment, and other such disabilities;

"(F) Native Hawaiians continue to be underrepresented in institutions of higher education and among adults who have completed four or more years of college;

"(G) Native Hawaiians continue to be disproportionately represented in many negative social and physical statistics, indicative of special educational needs, for example—

"(i) Native Hawaiian students are more likely to be retained in grade level and to be excessively absent in secondary school;

"(ii) Native Hawaiian students are the highest users of drugs and alcohol; and

"(iii) Native Hawaiian children continue to be disproportionately victimized by child abuse and neglect; and

"(H) Native Hawaiians now comprise over 23 percent of the students served by the State of Hawai'i Department of Education and there are and will continue to be geographically rural, isolated areas with a high Native Hawaiian population density.

"(16) The findings described in paragraphs (1) through (15) are contrary to the high rate of literacy and integration of traditional culture and Western education achieved by Native Hawaiians through a Hawaiian language-based public school system established in 1840 by Kamehameha III.

"(17) After the overthrow of the Kingdom of Hawai'i in 1893, Hawaiian medium schools were banned. After annexation, throughout the territorial and statehood period, and until 1986, use of Hawaiian as a medium of education in public schools was declared unlawful, thereby causing incalculable harm to a culture that placed a

very high value on the power of language, as exemplified in the traditional saying: 'I ka 'ōlelo no ke ola; I ka 'ōlelo no ka make. In the language rests life; In the language rests death.'.

"(18) Despite the consequences of over 100 years of nonindigenous influence, the Native Hawaiian people are determined to preserve, develop, and transmit to future generations their ancestral territory, and their cultural identity in accordance with their own spiritual and traditional beliefs, customs, practices, language, and social institutions.

"(19) The State of Hawai'i, in the constitution and statutes of the State of Hawai'i—

"(A) acknowledges the distinct land rights of Native Hawaiian people as beneficiaries of the public lands trust;

"(B) reaffirms and protects the unique right of the Native Hawaiian people to practice and perpetuate their culture and religious customs, beliefs, practices, and language; and

"(C) recognizes the traditional language of the Native Hawaiian people as an official language of the State of Hawai'i, which may be used as the language of instruction for all subjects and grades in the public school system.

"(20) It continues to be the policy of the Federal Government to encourage the maximum participation of Native Hawaiians in planning and management of Native Hawaiian education programs.

"SEC. 9303. PURPOSE.

"It is the purpose of this part to—

"(1) authorize and develop supplemental educational programs to benefit Native Hawaiians;

"(2) provide direction and guidance to appropriate Federal, State, and local agencies to focus resources, including resources made available under this part, on Native Hawaiian education, through the establishment of a Native Hawaiian Education Council, and five island councils; and

"(3) supplement and expand existing programs and authorities in the area of Native Hawaiian education to further such purposes.

"SEC. 9304. NATIVE HAWAIIAN CURRICULUM DEVELOPMENT, TEACHER TRAINING AND RECRUITMENT PROGRAM.

"(a) GENERAL AUTHORITY.—The Secretary is authorized to make direct grants, to Native Hawaiian educational organizations or educational entities with experience in developing or operating Native Hawaiian programs or programs of instruction conducted in the Native Hawaiian language, for the following purposes:

"(1) CURRICULA.—The development of curricula to address the needs of Native Hawaiian students, particularly elementary and secondary school students, which may include programs of instruction conducted in the Native Hawaiian language, and mathematics and science curricula incorporating the relevant application of Native Hawaiian culture and traditions.

"(2) PRETEACHER TRAINING.—The development and implementation of preteacher training programs in order to ensure that student teachers within the State of Hawai'i, particularly student teachers who are likely to be employed in schools with a high concentration of Native Hawaiian students, are prepared to better address the unique needs of Native Hawaiian students, within the context of Native Hawaiian culture, language and traditions.

"(3) INSERVICE TEACHER TRAINING.—The development and implementation of inservice teacher training programs, in order to ensure that teachers, particularly teachers employed in schools with a high concentration of Native Hawaiian students, are prepared to better address the unique needs of Native Hawaiian students, within the context of Native Hawaiian culture, language and traditions.

"(4) TEACHER RECRUITMENT.—The development and implementation of teacher recruitment programs to meet the objectives of—

"(A) enhancing teacher recruitment within communities with a high concentration of Native Hawaiian students; and

"(B) increasing the numbers of teachers who are of Native Hawaiian ancestry.

"(b) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to awarding grants for activities described in subsection (a) that focus on the needs of at-risk youth or that employ a program of instruction conducted in the Native Hawaiian language.

"(c) ADMINISTRATIVE COSTS.—Not more than 7 percent of the funds appropriated to carry out the provisions of this section for any fiscal year may be used for administrative purposes.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section. Funds appropriated under the authority of this subsection shall remain available until expended.

"SEC. 9305. NATIVE HAWAIIAN COMMUNITY-BASED EDUCATION LEARNING CENTERS.

"(a) GENERAL AUTHORITY.—The Secretary is authorized to make direct grants, to collaborative efforts between community-based Native Hawaiian organizations and community colleges, to develop, establish, and operate a minimum of three community-based education learning centers.

"(b) PURPOSE.—The learning centers described in subsection (a) shall meet the needs of families and communities through interdepartmental and interagency coordination of new and existing public and private programs and services, which may include—

"(1) preschool programs;

"(2) after-school programs; and

"(3) vocational and adult education programs.

"(c) ADMINISTRATIVE COSTS.—Not more than 7 percent of the funds appropriated to carry out the provisions of this section for any fiscal year may be used for administrative purposes.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section. Funds appropriated under the authority of this subsection shall remain available until expended.

"SEC. 9306. NATIVE HAWAIIAN FAMILY-BASED EDUCATION CENTERS.

"(a) GENERAL AUTHORITY.—The Secretary is authorized to make direct grants, to Native Hawaiian educational organizations or educational entities with experience in developing or operating Native Hawaiian programs or programs of instruction conducted in the Native Hawaiian language, to expand the operation of Family-Based Education Centers throughout the Hawaiian Islands. The programs of such centers may be conducted in the Hawaiian language, the English language, or a combination thereof, and shall include—

"(1) parent-infant programs for prenatal through three-year-olds;

"(2) preschool programs for four- and five-year-olds;

"(3) continued research and development; and

"(4) a long-term followup and assessment program.

"(b) ADMINISTRATIVE COSTS.—Not more than 7 percent of the funds appropriated to carry out the provisions of this section for any fiscal year may be used for administrative purposes.

"(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amount authorized to be appropriated for the centers described in subsection (a), there are authorized to be appropriated $6,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section. Funds appropriated under the authority of this subsection shall remain available until expended.

"SEC. 9307. NATIVE HAWAIIAN HIGHER EDUCATION PROGRAM.

"(a) GENERAL AUTHORITY.—

"(1) IN GENERAL.—The Secretary is authorized to make direct grants, to Native Hawaiian educational organizations or educational entities with experience in developing or operating Native Hawaiian programs or programs of instruction conducted in the Native Hawaiian language, to enable such organizations or entities to provide a program of baccalaureate and post-baccalaureate fellowship assistance to Native Hawaiian students.

"(2) MANDATORY ACTIVITIES.—Such program shall include—

"(A) full or partial fellowship support for Native Hawaiian students enrolled at two- or four-year degree granting institutions of higher education with fellowship awards to be based on academic potential and financial need; and

"(B) full or partial fellowship support for Native Hawaiian students enrolled at post-baccalaureate degree granting institutions of higher education with priority given to providing fellowship support for professions in which Native Hawaiians are underrepresented and with fellowship awards to be based on academic potential and financial need;

"(3) PERMITTED ACTIVITIES.—Such program may also include—

"(A) counseling and support services for students receiving fellowship assistance under paragraph (1);

"(B) college preparation and guidance counseling at the secondary school level for students who may be eligible for fellowship support pursuant to subsection (a)(2)(A);

"(C) appropriate research and evaluation of the activities authorized by this section; and

"(D) implementation of faculty development programs for the improvement and matriculation of Native Hawaiian students.

"(b) SPECIAL CONDITIONS REQUIRED.—For the purpose of fellowships awarded under subsection (a), fellowship conditions shall be established whereby fellowship recipients obtain an enforceable contract obligation to provide their professional services, either during the fellowship period or upon completion of a baccalaureate or post-baccalaureate degree program, to the Native Hawaiian community.

"(c) ADMINISTRATIVE COSTS.—Not more than 7 percent of the funds appropriated to carry out the provisions of this section for any fiscal year may be used for administrative purposes.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section. Funds appropriated under the authority of this subsection shall remain available until expended.

"SEC. 9308. NATIVE HAWAIIAN GIFTED AND TALENTED PROGRAM.

"(a) GENERAL AUTHORITY.—The Secretary is authorized to make a grant, to a Native Hawaiian educational organization or an educational entity with experience in developing or operating Native Hawaiian programs or programs of instruction conducted in the Native Hawaiian language, for a gifted and talented program designed to—

"(1) address the special needs of Native Hawaiian elementary and secondary school students who are gifted and talented students; and

"(2) provide those support services to the families of such students that are needed to enable such students to benefit from the program.

"(b) USES OF FUNDS.—The program funded under this section may include—

"(1) the identification of the special needs of Native Hawaiian gifted and talented students, particularly with respect to—

"(A) the emotional and psychosocial needs of such students; and

"(B) the provision of those support services to the families of such students that are needed to enable such students to benefit from the program;

"(2) the conduct of educational, psychosocial, and developmental activities which hold reasonable promise of resulting in substantial progress toward meeting the educational needs of such students, including demonstrating and exploring the use of the Native Hawaiian language and exposure to Native Hawaiian cultural traditions;

"(3) leadership programs designed to—

"(A) replicate programs throughout the State of Hawai'i for gifted and talented students who are not served under this section; and

"(B) coordinate with other Native American gifted and talented leadership programs, including the dissemination of information derived from the program conducted under this section; and

"(4) appropriate research, evaluation, and related activities pertaining to—

"(A) the needs of such students; and

"(B) the provision of those support services to the families of such students that are needed to enable such students to benefit from the program.

"(c) ADMINISTRATIVE COSTS.—Not more than 7 percent of the funds appropriated to carry out the provisions of this section for any fiscal year may be used for administrative purposes.

"(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amount authorized to be appropriated for the program described in this section, there are authorized to be appropriated $1,500,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section. Funds appropriated under the authority of this subsection shall remain available until expended.

"SEC. 9309. NATIVE HAWAIIAN SPECIAL EDUCATION PROGRAM.

"(a) GENERAL AUTHORITY.—The Secretary is authorized to make grants to, or enter into contracts with, Native Hawaiian educational organizations or educational entities with experience in developing or operating Native Hawaiian programs or programs of instruction conducted in the Native Hawaiian language, to operate a program to address the special education needs of Native Hawaiian students. Such program may include—

"(1) the identification of Native Hawaiian students with learning disabilities, mental or physical disabilities, emotional impairments, or who are otherwise in need of special educational services;

"(2) the identification of the special education needs of such students, particularly with respect to—

"(A) the emotional and psychosocial needs of such students; and

"(B) the provision of those support services to the families of such students that are needed to enable such students to benefit from the program;

"(3) the conduct of educational activities consistent with part B of the Education of Individuals with Disabilities Education Act which hold reasonable promise of resulting in substantial progress toward meeting the educational needs of such students;

"(4) the conduct of educational, psychosocial, and developmental activities which hold reasonable promise of resulting in substantial progress toward meeting the educational needs of such students, including demonstrating and exploring the use of the Native Hawaiian language and exposure to Native Hawaiian cultural traditions; and

"(5) appropriate research, evaluation, and related activities pertaining to—

"(A) the needs of such students;

"(B) the provision of those support services to the families of such students that are needed to enable such student to benefit from the program; and

"(C) the outcomes and benefits of activities assisted under this section upon such students.

"(b) ADMINISTRATIVE COSTS.—Not more than 7 percent of the funds appropriated to carry out the provisions of this section for any fiscal year may be used for administrative purposes.

"(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amount authorized to be appropriated for the program described in this section, there are authorized to be appropriated $2,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section. Funds appropriated under the authority of this subsection shall remain available until expended.

"SEC. 9310. NATIVE HAWAIIAN EDUCATION COUNCIL AND ISLAND COUNCILS.

"(a) ESTABLISHMENT OF NATIVE HAWAIIAN EDUCATION COUNCIL.—In order to better effectuate the purposes of this part through the coordination of educational and related services and programs available to Native Hawaiians, including those programs receiving funding under this part, the Secretary is authorized to establish a Native Hawaiian Education Council (hereafter in this part referred to as the 'Education Council').

"(b) COMPOSITION OF EDUCATION COUNCIL.—The Education Council shall consist of not more than 25 members, including a representative of—

"(1) each recipient of funds from the Secretary under this part;

"(2) the State of Hawai'i Department of Education;

"(3) the State of Hawai'i Office of Hawaiian Affairs;

"(4) Native Hawaiian educational organizations, such as Alu Like, Inc., Kamehameha Schools Bishop Estate, Hawaiian Language Immersion Advisory Council, Aha Punana Leo, and the Queen Lili'uokalani Trust and Children's Center; and

"(5) each Native Hawaiian education island council established under subsection (f).

"(c) CONDITIONS AND TERMS.—At least three-fourths of the members of the Education Council shall be Native Hawaiians. Members of the Education Council shall be appointed for three-year terms.

"(d) ADMINISTRATIVE GRANT FOR THE EDUCATION COUNCIL.—The Secretary shall make a direct grant to the Education Council in order to enable the Education Council to—

"(1) coordinate the educational and related services and programs available to Native Hawaiians, including the programs assisted under this part, and assess the extent to which such services and programs meet the needs of Native Hawaiians; and

"(2) provide direction and guidance, through the issuance of reports and recommendations, to appropriate Federal, State, and local agencies in order to focus and improve the use of resources, including resources made available under this part, on Native Hawaiian education.

"(e) ADDITIONAL DUTIES OF THE EDUCATION COUNCIL.—

"(1) IN GENERAL.—The Education Council shall provide copies of any reports and recommendations issued by the Education Council to the Secretary, the Committee on Indian Affairs of the Senate, and the Committee on Education and Labor of the House of Representatives, including any information that the Education Council provides to the Secretary pursuant to subsection (i)(1).

"(2) ANNUAL REPORT.—The Education Council shall present to the Secretary an annual report on the Education Council's activities.

"(3) ISLAND COUNCIL SUPPORT AND ASSISTANCE.—The Education Council shall provide such administrative support and financial assistance to the island councils established pursuant to subsection (f) as the Secretary deems appropriate.

"(f) ESTABLISHMENT OF ISLAND COUNCILS.—

"(1) IN GENERAL.—In order to better effectuate the purposes of this part and to ensure the adequate representation of island and community interests within the Education Council, the Office of Hawaiian Affairs of the State of Hawai'i is authorized to facilitate the establishment of Native Hawaiian education island councils (hereafter in this part referred to as 'island councils') for the following islands:

"(A) Hawai'i.

"(B) Maui and Lana'i.

"(C) Moloka'i.

"(D) Kaua'i and Ni'ihau.

"(E) O'ahu.

"(2) COMPOSITION OF ISLAND COUNCILS.—Each island council shall consist of parents, students, and other community members who have an interest in the education of Native Hawaiians, and shall be representative of the educational needs of all age groups, from preschool through adulthood. At least three-fourths of the members of each island council shall be Native Hawaiians

"(g) ADMINISTRATIVE PROVISIONS RELATING TO EDUCATION COUNCIL AND ISLAND COUNCILS.—The Education Council and each island council shall meet at the call of the chairperson of the respective council, or upon the request of the majority of the members of the respective council, but in any event not less than four times during each calendar year. The provisions of the Federal Advisory Committee Act shall not apply to the Education Council and each island council.

"(h) COMPENSATION.—Members of the Education Council and each island council shall not receive any compensation for services on the Education Council and each island council, respectively.

"(i) REPORT.—Not later than four years after the date of the enactment of the Improving America's Schools Act of 1994, the Secretary shall prepare and submit to the Committee on Indian Affairs of the Senate, and the Committee on Education and Labor of the House of Representatives, a report which summarizes the annual reports of the Education Council, describes the allocation and utilization of funds under this part, and contains recommendations for changes in Federal, State, and local policy to advance the purposes of this part.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $500,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section. Funds appropriated under the authority of this subsection shall remain available until expended.

"SEC. 9311. ADMINISTRATIVE PROVISIONS.

"(a) APPLICATION REQUIRED.—No grant may be made under this part, nor any contract be entered into under this part, unless an application is submitted to the Secretary in such form, in such manner, and containing such information as the Secretary may determine necessary to carry out the provisions of this part.

"(b) SPECIAL RULE.—Each application submitted under this part shall be accompanied by the comments of each local educational agency serving students who will participate in the program for which assistance is sought.

"SEC. 9312. DEFINITIONS.

"For the purposes of this part—

"(1) the term 'Native Hawaiian' means any individual who is a descendant of the aboriginal people, who prior to 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawaii, as evidenced by—

"(A) genealogical records;

"(B) Kūpuna (elders) or Kama'āina (long-term community residents) verification; or

"(C) certified birth records;

"(2) the term 'Native Hawaiian educational organization' means a private nonprofit organization that—

"(A) serves the interests of Native Hawaiians;

"(B) has a demonstrated expertise in the education of Native Hawaiians; and

"(C) has Native Hawaiians in substantive and policymaking positions within the organization;

"(3) the term 'Native Hawaiian language' means the single Native American language indigenous to the original inhabitants of the State of Hawaii;

"(4) the term 'Office of Hawaiian Affairs' means the Office of Hawaiian Affairs established by the Constitution of the State of Hawaii; and

"(5) the term 'Native Hawaiian community-based organization' means any organization which is composed primarily of Native Hawaiians from a specific community and which assists in the social, cultural and educational development of Native Hawaiians in that community.

"PART D—TERRITORIAL ASSISTANCE

"SEC. 9401. GENERAL ASSISTANCE FOR THE VIRGIN ISLANDS.

"There are authorized to be appropriated $5,000,000 for fiscal year 1995 and for each of the 4 succeeding fiscal years, for the purpose of providing general assistance to improve public education in the Virgin Islands.

"TITLE X—GENERAL PROVISIONS

"PART A—DEFINITIONS

"SEC. 10101. DEFINITIONS.

"Except as otherwise provided, for the purposes of this Act, the following terms have the following meanings:

"(1) AVERAGE DAILY ATTENDANCE.—(A) Except as provided otherwise by State law or this paragraph, the term 'average daily attendance' means—

"(i) the aggregate number of days of attendance of all students during a school year; divided by

"(ii) the number of days school is in session during such school year.

"(B) The Secretary shall permit the conversion of average daily membership (or other similar data) to average daily attendance for local educational agencies in States that provide State aid to local educational agencies on the basis of average daily membership or such other data.

"(C) If the local educational agency in which a child resides makes a tuition or other payment for the free public education of the child in a school located in another school district, the Secretary shall, for purposes of this Act—

"(i) consider the child to be in attendance at a school of the agency making such payment; and

"(ii) not consider the child to be in attendance at a school of the agency receiving such payment.

"(D) If a local educational agency makes a tuition payment to a private school or to a public school of another local educational agency for a child with disabilities, as defined in section 602(a)(1) of the Individuals with Disabilities Education Act, the Secretary shall, for the purposes of this Act, consider such child to be in attendance at a school of the agency making such payment.

"(2) AVERAGE PER-PUPIL EXPENDITURE.—The term 'average per-pupil expenditure' means, in the case of a State or of the United States—

"(A) without regard to the source of funds—

"(i) the aggregate current expenditures, during the third preceding fiscal year (or, if satisfactory data for that year are not available, during the most recent preceding fiscal year for which satisfactory data are available) of all local educational agencies in the State or, in the case of the United States for all States (which, for the purpose of this paragraph, means the 50 States and the District of Columbia); plus

"(ii) any direct current expenditures by the State for operation of such agencies; divided by

"(B) the aggregate number of children in average daily attendance to whom such agencies provided free public education during such preceding year.

"(3) CHARTER SCHOOL.—The term 'charter school' means a public school operated under public supervision and direction, that is nonsectarian, provides elementary or secondary education, or both, does not change tuition, and complies with relevant Federal education laws.

"(4) CHILD.—The term 'child' means any person within the age limits for which the applicable State provides free public education.

"(5) COMMUNITY-BASED ORGANIZATION.—The term 'community-based organization' means a public or private nonprofit organization of demonstrated effectiveness that—

"(A) is representative of a community or significant segments of a community; and

"(B) provides educational or related services to individuals in the community.

"(6) CONSOLIDATED STATE APPLICATION.—The term 'consolidated State application' means an application submitted by a State educational agency pursuant to section 10302.

"(7) COUNTY.—The term 'county' means one of those divisions of a State used by the Secretary of Commerce in compiling and reporting data regarding counties.

"(8) COVERED PROGRAM.—The term 'covered program' means each of the programs authorized by—

"(A) part A of title I;

"(B) part D of title I;

"(C) part A of title II (other than section 2114);

"(D) subpart 1 of part A of title V (other than section 5114);

"(E) subpart 2 of part A of title III; and

"(F) title XIII.

"(9) CURRENT EXPENDITURES.—The term 'current expenditures' means expenditures for free public education—

"(A) including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities; but

"(B) not including expenditures for community services, capital outlay, and debt service, or any expenditures made from funds received under title I, part A of title II, and title XIII.

"(10) DEPARTMENT.—The term 'Department' means the Department of Education.

"(11) EDUCATIONAL SERVICE AGENCY.—The term 'educational service agency' means regional public multiservice agencies authorized by State statute to develop, manage, and provide services or programs to local educational agencies.

"(12) ELEMENTARY SCHOOL.—The term 'elementary school' means a day or residential school that provides elementary education, as determined under State law.

"(13) FREE PUBLIC EDUCATION.—The term 'free public education' means education that is provided—

"(A) at public expense, under public supervision and direction, and without tuition charge; and

"(B) as elementary or secondary school education as determined under applicable State law, except that such term does not include any education provided beyond grade 12.

"(14) GIFTED AND TALENTED.—The term 'gifted and talented', when used with respect to students, children or youth, means students, children or youth who give evidence of high performance capability in areas such as intellectual, creative, artistic, or leadership capacity, or in specific academic fields, and who require services or activities not ordinarily provided by the school in order to fully develop such capabilities.

"(15) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given that term in section 1201 of the Higher Education Act of 1965.

"(16) INTEROPERABLE AND INTEROPERABILITY.—The terms 'interoperable' and 'interoperability' refer to the ability to easily exchange data with, and connect to, other hardware and software in order to provide the greatest accessibility to such data for all students.

"(17) LOCAL EDUCATIONAL AGENCY.—(A) The term 'local educational agency' means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools.

"(B) The term includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

"(C) The term includes an elementary or secondary school funded by the Bureau of Indian Affairs but only to the extent that such inclusion makes such school eligible for programs for which specific eligibility is not provided to such school in another provision of law, except that such school shall not be subject to the jurisdiction of any State educational agency other than the Bureau of Indian Affairs.

"(18) OTHER STAFF.—The term 'other staff' means pupil services personnel, librarians, career guidance and counseling personnel, education aides, and other instructional and administrative personnel.

"(19) OUTLYING AREA.—The term 'outlying area' means the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau.

"(20) PARENT.—The term 'parent' includes a legal guardian or other person standing in loco parentis.

"(21) PUBLIC TELECOMMUNICATION ENTITY.—The term 'public telecommunication entity' has the same meaning given to such term in section 397(12) of the Communications Act of 1934.

"(22) PUPIL SERVICES PERSONNEL; PUPIL SERVICES.—

"(A) The term 'pupil services personnel' means school counselors, school social workers, school psychologists, and other qualified professional personnel involved in providing assessment, diagnosis, counseling, educational, therapeutic, and other necessary services (including related services as such term is defined in section 602 of the Individuals with Disabilities Education Act) as part of a comprehensive program to meet student needs.

"(B) The term 'pupil services' means the services provided by pupil services personnel.

"(23) SECONDARY SCHOOL.—The term 'secondary school' means a day or residential school that provides secondary education, as determined under State law, except that such term does not include any education beyond grade 12.

"(24) SECRETARY.—The term 'Secretary' means the Secretary of Education.

"(25) STATE.—The term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.

"(26) STATE EDUCATIONAL AGENCY.—The term 'State educational agency' means the agency primarily responsible for the State supervision of public elementary and secondary schools.

"(27) TECHNOLOGY.—The term 'technology' means the latest state-of-the-art technology products and services, such as closed circuit television systems, educational television or radio programs and services, cable television, satellite, copper and audio laser and CD-ROM disks, video and audio tapes, including interactive forms of such products and services, or other technologies.

"SEC. 10102. APPLICABILITY OF THIS TITLE.

"Parts B through F of this title do not apply to part A of title IX.

"PART B—FLEXIBILITY IN THE USE OF ADMINISTRATIVE AND OTHER FUNDS

"SEC. 10201. CONSOLIDATION OF STATE ADMINISTRATIVE FUNDS FOR ELEMENTARY AND SECONDARY EDUCATION PROGRAMS.

"(a) CONSOLIDATION OF ADMINISTRATIVE FUNDS.—

"(1) IN GENERAL.—A State educational agency may consolidate the amounts specifically made available to such agency for State administration under one or more of the programs specified under paragraph (2).

"(2) APPLICABILITY.—This section applies to programs under title I, those covered programs described in subparagraphs (C), (D), (E), and (F) of section 10101(7), and administrative funds under section 308(c) of the Goals 2000: Educate America Act.

"(b) USE OF FUNDS.—

"(1) IN GENERAL.—A State educational agency shall use the amount available under this section for the administration of the programs included in the consolidation under subsection (a).

"(2) ADDITIONAL USES.—A State educational agency may also use funds available under this section for administrative activities designed to enhance the effective and coordinated use of funds under the programs included in the consolidation under subsection (a), such as—

"(A) the coordination of such programs with other Federal and non-Federal programs;

"(B) the establishment and operation of peer-review mechanisms under this Act;

"(C) the administration of this title;

"(D) the dissemination of information regarding model programs and practices; and

"(E) technical assistance under programs specified in subsection (a)(2).

"(c) RECORDS.—A State educational agency that consolidates administrative funds under this section shall not be required to keep separate records, by individual program, to account for costs relating to the administration of programs included in the consolidation under subsection (a).

"(d) REVIEW.—To determine the effectiveness of State administration under this section, the Secretary may periodically review the performance of State educational agencies in using consolidated administrative funds under this section and take such steps as the Secretary finds appropriate to ensure the effectiveness of such administration.

"(e) UNUSED ADMINISTRATIVE FUNDS.—If a State educational agency does not use all of the funds available to such agency under this section for administration, such agency may use such funds during the applicable period of availability as funds available under one or more programs included in the consolidation under subsection (a).

"(f) CONSOLIDATION OF FUNDS FOR STANDARDS AND ASSESSMENT DEVELOPMENT.—In order to develop State content standards, State student performance standards, or assessments, a State educational agency may consolidate the amounts made available to such agency for such purposes under title I of this Act and title III of the Goals 2000: Educate America Act.

"SEC. 10202. SINGLE LOCAL EDUCATIONAL AGENCY STATES.

"A State educational agency that also serves as a local educational agency, in such agency's applications or State plans under this Act, shall describe how such agency will eliminate duplication in the conduct of administrative functions.

"SEC. 10203. CONSOLIDATION OF FUNDS FOR LOCAL ADMINISTRATION.

"(a) GENERAL AUTHORITY.—In accordance with regulations issued by the Secretary, a local educational agency, with the approval of its State educational agency, may consolidate and use for the administration of one or more covered programs for any fiscal year not more than the percentage, determined by its State educational agency, of the total amount available to that local educational agency under those covered programs.

"(b) STATE PROCEDURES.—Within one year from the date of enactment of the Improving America's Schools Act of 1994, a State educational agency, in collaboration with local educational agencies in the State, shall establish procedures for responding to requests from local educational agencies to consolidate administrative funds under subsection (a) and for establishing limitations on the amount of funds under covered programs that may be used for administration on a consolidated basis.

"(c) CONDITIONS.—A local educational agency that consolidates administrative funds under this section for any fiscal year shall not use any other funds under the programs included in the consolidation for administration for that fiscal year.

"(d) USES OF ADMINISTRATIVE FUNDS.—A local educational agency that consolidates administrative funds under this section may use such consolidated funds for the administration of covered programs and for the purposes described in section 10201(b)(2).

"(e) RECORDS.—A local educational agency that consolidates administrative funds under this section shall not be required to keep separate records, by individual covered program, to account for costs relating to the administration of covered programs included in the consolidation.

"SEC. 10204. ADMINISTRATIVE FUNDS STUDY.

"(a) STUDY.—

"(1) IN GENERAL.—The Secretary shall conduct a study of the use of funds under this Act for the administration, by State and local educational agencies, of all covered programs, including the percentage of grant funds used for such purpose in all covered programs.

"(2) RESULTS.—Based on the results of the study described in paragraph (1), the Secretary shall, within one year of the completion of such study, promulgate final regulations regarding the use of funds for administration under all covered programs, including the use of such funds on a consolidated basis and limitations on the amount of such funds that may be used for administration.

"(b) REPORT.—The Secretary shall complete the study conducted under this section not later than 1 year after the date of enactment of the Improving America's Schools Act of 1994 and shall submit to the President and the appropriate committees of the Congress a report regarding such study within 30 days of the completion of such study.

"SEC. 10205. CONSOLIDATED SET-ASIDE FOR DEPARTMENT OF THE INTERIOR FUNDS.

"(a) GENERAL AUTHORITY.—

"(1) TRANSFER.—The Secretary shall transfer to the Department of the Interior, as a consolidated amount for covered programs, the Indian education programs under part A of title VI of this Act, and the education for homeless children and youth program under subtitle B of title VII of the Stewart B. McKinney Homeless Assistance Act, the amounts allotted to the Department of the Interior under those programs.

"(2) AGREEMENT.—(A) The Secretary and the Secretary of the Interior shall enter into an agreement, consistent with the requirements of the programs specified in paragraph (1), for the distribution and use of those funds under terms that the Secretary determines best meet the purposes of those programs.

"(B) The agreement shall—

"(i) set forth the plans of the Secretary of the Interior for the use of the amount transferred, the steps to be taken to achieve the National Education Goals, and performance measures to assess program effectiveness, including measurable goals and objectives; and

"(ii) be developed in consultation with Indian tribes.

"(b) ADMINISTRATION.—The Department of the Interior may use not more than 1.5 percent of the funds consolidated under this section for such department's costs related to the administration of the funds transferred under this section.

"SEC. 10206. AVAILABILITY OF UNNEEDED PROGRAM FUNDS.

"With the approval of its State educational agency, a local educational agency that determines for any fiscal year that funds under a covered program other than part A of title I are not needed for the purpose of that covered program may use such funds, not to exceed 5 percent of the total amount of such local educational agency's funds under that covered program, for the purpose of another covered program.

"PART C—COORDINATION OF PROGRAMS; CONSOLIDATED STATE AND LOCAL APPLICATIONS

"SEC. 10301. PURPOSE.

"It is the purpose of this part to improve teaching and learning by encouraging greater cross-program coordination, planning, and service delivery under this Act and enhanced integration of programs under this Act with educational activities carried out with State and local funds.

"SEC. 10302. OPTIONAL CONSOLIDATED STATE APPLICATION.

"(a) GENERAL AUTHORITY.—

"(1) SIMPLIFICATION.—In order to simplify application requirements and reduce burden for State educational agencies under this Act, the Secretary, in accordance with subsection (b), shall establish procedures and criteria under which a State educational agency may submit a consolidated State plan or application meeting the requirements of this section for each of the covered programs in which the State participates.

"(2) ADDITIONAL PROGRAMS.—A State educational agency may also include in its consolidated plan or application—

"(A) the Even Start program under part C of title I;

"(B) the education for neglected and delinquent youth program under part E of title I;

"(C) part A of title II of the Carl D. Perkins Vocational and Applied Technology Education Act; and

"(D) such other programs as the Secretary may designate.

"(3) CONSOLIDATED APPLICATIONS AND PLANS.—A State educational agency that submits a consolidated State plan or application under this section shall not be required to submit separate State plans or applications under

any of the programs to which the consolidated application under this section applies.

"(b) COLLABORATION.—

"(1) IN GENERAL.—In establishing criteria and procedures under this section, the Secretary shall collaborate with State educational agencies and, as appropriate, with other State agencies, local educational agencies, public and private nonprofit agencies, organizations, and institutions, private schools, and representatives of parents, students, and teachers.

"(2) CONTENTS.—Through the collaborative process described in subsection (b), the Secretary shall establish, for each program under the Act to which this section applies, the descriptions, information, assurances, and other material required to be included in a consolidated State plan or application.

"SEC. 10303. GENERAL APPLICABILITY OF STATE EDUCATIONAL AGENCY ASSURANCES.

"(a) ASSURANCES.—A State educational agency that submits a State plan or application under this Act, whether separately or under section 10302, shall have on file with the Secretary a single set of assurances, applicable to each program for which a plan or application is submitted, that provides that—

"(1) each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;

"(2)(A) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency, in a nonprofit private agency, institution, or organization, or in an Indian tribe if the statute authorizing the program provides for assistance to such entities; and

"(B) the public agency, nonprofit private agency, institution, or organization, or Indian tribe will administer such funds and property to the extent required by the authorizing statutes;

"(3) the State will adopt and use proper methods of administering each such program, including—

"(A) the enforcement of any obligations imposed by law on agencies, institutions, organizations and other recipients responsible for carrying out each program;

"(B) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation; and

"(C) the adoption of written procedures for the receipt and resolution of complaints alleging violations of law in the administration of such programs;

"(4) the State will cooperate in carrying out any evaluation of each such program conducted by or for the Secretary or other Federal officials;

"(5) the State will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to the State under each such program;

"(6) the State will—

"(A) make reports to the Secretary as may be necessary to enable the Secretary to perform the Secretary's duties under each such program; and

"(B) maintain such records, provide such information to the Secretary, and afford access to the records as the Secretary may find necessary to carry out the Secretary's duties; and

"(7) before the application was submitted to the Secretary, the State has afforded a reasonable opportunity for public comment on the application and has considered such comment.

"(b) GEPA PROVISION.—Section 435 of the General Education Provisions Act does not apply to programs under this Act.

"SEC. 10304. CONSOLIDATED LOCAL APPLICATIONS.

"(a) GENERAL AUTHORITY.—A local educational agency receiving funds under more than one covered program may submit plans or applications to the State educational agency under such programs on a consolidated basis.

"(b) REQUIRED CONSOLIDATED APPLICATIONS.—A State educational agency that has submitted and had approved a consolidated State plan or application under section 10302 may require local educational agencies in the State receiving funds under more than one program included in the consolidated State plan or application to submit consolidated local plans or applications under such programs.

"(c) COLLABORATION.—A State educational agency shall collaborate with local educational agencies in the State in establishing procedures for the submission of the consolidated plans or applications under this section.

"SEC. 10305. OTHER GENERAL ASSURANCES.

"(a) ASSURANCES.—Any applicant other than a State educational agency that submits a plan or application under this Act, whether separately or pursuant to section 10304, shall have on file with the State educational agency a single set of assurances, applicable to each program for which a plan or application is submitted, that provides that—

"(1) each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;

"(2)(A) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency or in a nonprofit private agency, institution, organization, or Indian tribe, if the statute authorizing the program provides for assistance to such entities; and

"(B) the public agency, nonprofit private agency, institution, or organization, or Indian tribe will administer such funds and property to the extent required by the authorizing statutes;

"(3) the applicant will adopt and use proper methods of administering each such program, including—

"(A) the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program; and

"(B) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation;

"(4) the applicant will cooperate in carrying out any evaluation of each such program conducted by or for the State educational agency or the Secretary or other Federal officials;

"(5) the applicant will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to such applicant under each such program;

"(6) the applicant will—

"(A) make reports to the State educational agency and the Secretary as may be necessary to enable such agency and the Secretary to perform their duties under each such program; and

"(B) maintain such records, provide such information, and afford access to the records as the State educational agency or the Secretary may find necessary to carry out the State educational agency's or the Secretary's duties; and

"(7) before the plan or application was submitted, the applicant is afforded a reasonable opportunity for public comment on the plan or application and has considered such comment.

"(b) GEPA PROVISION.—Section 436 of the General Education Provisions Act does not apply to programs under this Act.

"SEC. 10306. RELATIONSHIP OF STATE AND LOCAL PLANS TO PLANS UNDER THE GOALS 2000: EDUCATE AMERICA ACT.

"(a) STATE PLANS.—

"(1) IN GENERAL.—Each State plan submitted under the following programs shall be integrated with each other and the State's plan, if any, either approved or being developed, under title III of the Goals 2000: Educate America Act:

"(A) Part A of title I (making high-poverty schools work).

"(B) Part D of title I (education of migratory children).

"(C) Part E of title I (education of neglected and delinquent youth).

"(D) Part A of title II (professional development).

"(E) Subpart 1 of part A of title V (safe and drug-free schools).

"(F) Part D of title VI (Indian education).

"(2) SPECIAL RULE.—Notwithstanding any other provision of this Act, if a requirement relating to a State plan referred to in paragraph (1) is already satisfied by the State's approved plan under title III of the Goals 2000: Educate America Act, the State plan referred to in paragraph (1) need not separately address that requirement.

"(3) AMENDMENT.—Any State plan referred to in paragraph (1) may, if necessary, be submitted as an amendment to the State's plan under title III of the Goals 2000: Educate America Act.

"(b) LOCAL PLANS.—

"(1) IN GENERAL.—Each local educational agency plan submitted under the following programs shall be integrated with each other and its plan, if any, either approved or being developed, under title III of the Goals 2000: Educate America Act:

"(A) Part A of title I (making high-poverty schools work).

"(B) Part A of title II (professional development).

"(C) Subpart 1 of part A of title V (safe and drug-free schools).

"(D) Part A of title VI (Indian education).

"(E) Subpart 1 of part A of title VII (bilingual education).

"(F) Part B of title IX (emergency immigrant education).

"(2) PLAN OF OPERATION.—Each plan of operation included in an application submitted by an eligible entity under part C of title I (Even Start) shall be consistent with, and promote the goals of, the State and local plans, either approved or being developed, under title III of the Goals 2000: Educate America Act or, if those plans are not approved or being developed, with the State and local plans under sections 1111 and 1112 of this Act.

"(3) SPECIAL RULE.—Notwithstanding any other provision of this Act, if a requirement relating to a local plan referred to in paragraph (1) is already satisfied by the local educational agency's approved plan under title III of the Goals 2000: Educate America Act, the local plan referred to in paragraph (1) need not separately address that requirement.

"(4) SUBMISSION.—Any local plan referred to in paragraph (1) may, if necessary, be submitted as an amendment to the local educational agency's plan under title III of the Goals 2000: Educate America Act.

"PART D—WAIVERS

"SEC. 10401. WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS.

"(a) WAIVER AUTHORITY.—Except as provided in subsection (c), the Secretary may waive any requirement of this Act or of the General Education Provisions Act, or of the regulations issued under such Acts, for a State educational agency, local educational agency, Indian tribe, or other agency, organization, or institution that receives funds under a program authorized by this Act from the Department and that requests such a waiver, if—

"(1) the Secretary determines that such requirement impedes the ability of the State educational agency or other recipient to achieve more effectively the purposes of this Act;

"(2) in the case of a waiver proposal submitted by a State educational agency, the State educational agency—

"(A) provides all interested local educational agencies in the State with notice and an opportunity to comment on the proposal;

"(B) submits the comments to the Secretary; and

"(C) provides notice and information to the public regarding the waiver proposal in the manner that such agency customarily provides similar notices and information to the public; and

"(3) in the case of a waiver proposal submitted by a local educational agency or other agency, institution, or organization that receives funds under this Act from a State educational agency—

"(A) such request has been reviewed by the State educational agency and is accompanied by the comments, if any, of such State educational agency; and

"(B) notice and information regarding the waiver proposal has been provided to the public by the agency, institution, or organization requesting the waiver in the manner that such agency, institution, or organization customarily provides similar notices and information to the public.

"(b) WAIVER PERIOD.—

"(1) IN GENERAL.—A waiver under this section shall be for a period not to exceed 4 years.

"(2) EXTENSION.—The Secretary may extend the period described in paragraph (1) if the Secretary determines that—

"(A) the waiver has been effective in enabling the State or affected recipients to carry out the activities for which the waiver was requested and the waiver has contributed to improved performance; and

"(B) such extension is in the public interest.

"(c) WAIVERS NOT AUTHORIZED.—The Secretary may not waive, under this section, any statutory or regulatory requirement relating to—

"(1) comparability of services;

"(2) maintenance of effort;

"(3) the equitable participation of students attending private schools;

"(4) parental participation and involvement;

"(5) the distribution of funds to States or to local educational agencies or other recipients of funds under this Act;

"(6) applicable civil rights requirements; or

"(7) the requirements of sections 438 and 439 of the General Education Provisions Act.

"(d) TERMINATION OF WAIVERS.—The Secretary shall terminate a waiver under this section if the Secretary determines that the performance of the State or other recipient affected by the waiver has been inadequate to justify a continuation of the waiver or if the waiver is no longer necessary to achieve its original purposes.

"(e) PUBLICATION.—A notice of the Secretary's decision to grant each waiver under subsection (a) shall be published in the Federal Register and the Secretary shall provide for the dissemination of such notice to State educational agencies, interested parties, including educators, parents, students, advocacy, and civil rights organizations, other interested parties, and the public.

"PART E—UNIFORM PROVISIONS

"SEC. 10501. MAINTENANCE OF EFFORT.

"(a) IN GENERAL.—A local educational agency may receive funds under a covered program for any fiscal year only if the State educational agency finds that either the combined fiscal effort per student or the aggregate expenditures of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second preceding fiscal year.

"(b) REDUCTION IN CASE OF FAILURE TO MEET.—

"(1) IN GENERAL.—The State educational agency shall reduce the amount of the allocation of funds under a covered program in any fiscal year in the exact proportion to which a local educational agency fails to meet the requirement of subsection (a) by falling below 90 percent of both the combined fiscal effort per student and aggregate expenditures (using the measure most favorable to such local agency).

"(2) SPECIAL RULE.—No such lesser amount shall be used for computing the effort required under subsection (a) for subsequent years.

"(c) WAIVER.—The Secretary may waive the requirements of this section if the Secretary determines that such a waiver would be equitable due to—

"(1) exceptional or uncontrollable circumstances such as a natural disaster; or

"(2) a precipitous decline in the financial resources of the local educational agency.

"SEC. 10502. PROHIBITION REGARDING STATE AID.

"No State shall take into consideration payments under this Act in determining the eligibility of any local educational agency in that State for State aid, or the amount of State aid, with respect to free public education of children.

"SEC. 10503. PARTICIPATION BY PRIVATE SCHOOL CHILDREN AND TEACHERS.

"(a) PRIVATE SCHOOL PARTICIPATION.—

"(1) IN GENERAL.—Except as otherwise provided in this Act, to the extent consistent with the number of eligible children in a State educational agency, local educational agency, or intermediate educational agency or consortium receiving financial assistance under a program specified in subsection (b), who are enrolled in private elementary and secondary schools in such agency or consortium, such agency or consortium shall, after timely and meaningful consultation with appropriate private school officials, provide such children, their teachers, administrators, and other staff, on an equitable basis, special educational services or other benefits under such program.

"(2) SECULAR, NEUTRAL, AND NONIDEOLOGICAL SERVICES OR BENEFITS.—Educational services or other benefits, including materials and equipment, provided under this section, must be secular, neutral, and nonideological.

"(3) SPECIAL RULE.—Educational services and other benefits provided under this section for such private school children, teachers, and other educational personnel shall be equitable in comparison to services and other benefits for public school children, teachers, administrators, and other staff participating in such program.

"(4) EXPENDITURES.—Expenditures for educational services and other benefits provided under this section to eligible private school children, their teachers, and other educational personnel serving such children shall be equal, taking into account the number and educational needs of the children to be served, to the expenditures for participating public school children.

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

"(b) APPLICABILITY.—

"(1) IN GENERAL.—This section applies to—

"(A) part A of title I;

"(B) part D of title I;

"(C) part A of title II (other than section 2114);

"(D) part A of title III;

"(E) part B of title III;

"(F) part D of title III;

"(G) subpart 1 of part A of title V (other than section 5114);

"(H) title VII;

"(I) part B of title IX; and

"(J) title XIII.

"(2) DEFINITION.—For the purposes of this section, the term 'eligible children' means children eligible for services under a program described in paragraph (1).

"(c) CONSULTATION.—

"(1) IN GENERAL.—To ensure timely and meaningful consultation, such agency or consortium shall consult with appropriate private school officials during the design and development of the programs under this Act, on issues such as—

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

"(B) what services will be offered;

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

"(D) how the services will be assessed.

"(2) TIMING.—Such consultation shall occur before the agency or consortium makes any decision that affects the opportunities of eligible private school children, teachers, and other educational personnel to participate in programs under this Act.

"(3) DISCUSSION REQUIRED.—Such consultation shall include a discussion of service delivery mechanisms that an agency or consortium could use to provide equitable services to eligible private school children, teachers, administrators, and other staff.

"(d) PUBLIC CONTROL OF FUNDS.—

"(1) IN GENERAL.—The control of funds used to provide services under this section, and title to materials, equipment, and property purchased with such funds, shall be in a public agency for the uses and purposes provided in this Act, and a public agency shall administer such funds and property.

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

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

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

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

"(C) Funds used to provide services under this section shall not be commingled with non-Federal funds.

"SEC. 10504. STANDARDS FOR BY-PASS.

"If, by reason of any provision of law, a State, local, or intermediate educational agency or consortium of such agencies is prohibited from providing for the participation in programs of children enrolled in, or teachers or other educational personnel from, private elementary and secondary schools, on an equitable basis, or if the Secretary determines that such agency or consortium has substantially failed or is unwilling to provide for such participation, as required by section 10503, the Secretary shall—

"(1) waive the requirements of that section for such agency or consortium; and

"(2) arrange for the provision of equitable services to such children, teachers, or other educational personnel through arrangements that shall be subject to the requirements of this section and of sections 10503, 10505, and 10506.

"SEC. 10505. COMPLAINT PROCESS FOR PARTICIPATION OF PRIVATE SCHOOL CHILDREN.

"(a) PROCEDURES FOR COMPLAINTS.—The Secretary shall develop and implement written procedures for receiving, investigating, and resolving complaints from parents, teachers, or other individuals and organizations concerning violations by an agency or consortium of section

10503 of this Act. Such individual or organization shall submit such complaint to the State educational agency for a written resolution by such agency within a reasonable period of time.

"(b) APPEALS TO THE SECRETARY.—Such resolution may be appealed by an interested party to the Secretary within 30 days after the State educational agency resolves the complaint or fails to resolve the complaint within a reasonable period of time. Such appeal shall be accompanied by a copy of the State educational agency's resolution, and a complete statement of the reasons supporting the appeal. The Secretary shall investigate and resolve each such appeal within 120 days after receipt of the appeal.

"SEC. 10506. BY-PASS DETERMINATION PROCESS.

"(a) REVIEW.—

"(1) IN GENERAL.—(A) The Secretary shall not take any final action under section 10504 until the agency or consortium affected by such action has had an opportunity, for at least 45 days after receiving written notice thereof, to submit written objections and to appear before the Secretary to show cause why that action should not be taken.

"(B) Pending final resolution of any investigation or complaint that could result in a determination under this section, the Secretary may withhold from the allocation of the affected State or local educational agency the amount estimated by the Secretary to be necessary to pay the cost of those services.

"(2) PETITION FOR REVIEW.—(A) If such affected agency or consortium is dissatisfied with the Secretary's final action after a proceeding under paragraph (1), such agency or consortium may, within 60 days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action.

"(B) A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary.

"(C) The Secretary thereupon shall file in the court the record of the proceedings on which the Secretary based this action, as provided in section 2112 of title 28, United States Code.

"(3) FINDINGS OF FACT.—(A) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence and the Secretary may thereupon make new or modified findings of fact and may modify the Secretary's previous action, and shall file in the court the record of the further proceedings.

"(B) Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(4) JURISDICTION.—(A) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part.

"(B) The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"(b) DETERMINATION.—Any determination by the Secretary under this section shall continue in effect until the Secretary determines, in consultation with such agency or consortium and representatives of the affected private school children, teachers, or other educational personnel that there will no longer be any failure or inability on the part of such agency or consortium to meet the applicable requirements of section 10503 or any other provision of this Act.

"(c) PAYMENT FROM STATE ALLOTMENT.—When the Secretary arranges for services pursuant to this section, the Secretary shall, after consultation with the appropriate public and private school officials, pay the cost of such services, including the administrative costs of arranging for those services, from the appropriate allocation or allocations under this Act.

"(d) PRIOR DETERMINATION.—Any by-pass determination by the Secretary under this Act as in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994 shall remain in effect to the extent the Secretary determines that such determination is consistent with the purpose of this section.

"SEC. 10507. PROHIBITION AGAINST FUNDS FOR RELIGIOUS WORSHIP OR INSTRUCTION.

"Nothing contained in this Act shall be construed to authorize the making of any payment under this Act for religious worship or instruction.

"PART F—OTHER PROVISIONS

"SEC. 10601. STATE RECOGNITION OF EXEMPLARY PERFORMANCE.

"(a) RECOGNITION.—

"(1) IN GENERAL.—A State educational agency may implement a program of State recognition awards under one or more covered programs (other than parts A and C of title I).

"(2) RECIPIENTS.—Such recognition awards shall be made by the State educational agency to recipients of assistance under this Act in the State that the State educational agency determines have carried out grant-related activities in an exemplary fashion and have demonstrated outstanding performance measured in accordance with this section.

"(3) FUNDING.—A State desiring to make monetary awards under this section may reserve a portion of the total amount available for grants within the State under such programs for any fiscal year, not to exceed 1 percent, for the purpose of making recognition awards to qualifying recipients under such programs. In implementing this section, a State may reduce the amount of funds the State would otherwise allocate to recipients in accordance with the applicable statute governing such allocation to the extent necessary.

"(b) CONDITIONS.—A State educational agency may make recognition awards under this section if—

"(1) in selecting awardees, such agency takes into account improvements in performance (rather than comparisons with other schools and school districts), and successful cooperative efforts among teachers, administrators, and other school personnel in achieving educational reform;

"(2) such agency employs peer review procedures in identifying recipients eligible for awards, the identity of the awardees, and the amount of the awards;

"(3) such agency determines that the awardee is in compliance with applicable civil rights requirements; and

"(4) such agency submits to the Secretary a description of the criteria used in making such awards.

"SEC. 10602. APPLICABILITY TO HOME SCHOOLS.

"Nothing in this Act shall be construed to affect home schools.

"SEC. 10603. GENERAL PROVISION REGARDING NONRECIPIENT NONPUBLIC SCHOOLS.

"Nothing in this Act shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law. This section shall not be construed to bar private, religious, or home schools from participation in programs or services under this Act.

"SEC. 10604. PROHIBITION ON FEDERAL MANDATES, DIRECTION, AND CONTROL.

"Nothing in this Act shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's curriculum, program of instruction, or allocation of State or local resources, or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act.

"SEC. 10605. REPORT.

"The Secretary shall report to the Congress within 180 days of the date of enactment of the Improving America's Schools Act of 1994 regarding how the Secretary shall ensure that audits conducted by Department employees of activities assisted under this Act comply with changes to this Act made by the Improving America's Schools Act of 1994, particularly with respect to permitting children with similar educational needs to be served in the same educational settings, where appropriate.

"SEC. 10606. REQUIRED PARTICIPATION PROHIBITED.

"Notwithstanding any other provision of law, no State shall be required to participate in any program under the Goals 2000: Education America Act, or to have content standards or student performance standards approved or certified under such Act, in order to receive assistance under this Act.

"SEC. 10607. SCHOOL PRAYER.

"Any State or local education agency that is adjudged by a Federal court of competent jurisdiction to have willfully violated a Federal court order mandating that such local educational agency remedy a violation of the constitutional right of any student with respect to prayer in public schools, in addition to any other judicial remedies, shall be ineligible to receive Federal funds until such time as the local educational agency complies with such order. Funds that are withheld under this section shall not be reimbursed for the period during which the local educational agency was in willful noncompliance.

"SEC. 10608. PRIVATELY MANAGED SCHOOLS.

"Nothing in this Act shall be construed to deny States or local educational agencies the opportunity to use Federal funds to contract with private management firms.

"SEC. 10609. POLICY REGARDING CRIMINAL JUSTICE SYSTEM REFERRAL.

"(a) IN GENERAL.—No funds shall be made available under this Act to any local educational agency unless such agency has a policy requiring referral to the criminal justice or juvenile delinquency system of any student who brings a firearm or weapon to a school served by such agency.

"(b) DEFINITIONS.—For the purpose of this section, the terms 'firearm' and 'school' have the same meaning given to such terms by section 921(a) of title 18, United States Code.

"PART G—EVALUATIONS

"SEC. 10701. EVALUATIONS.

"(a) EVALUATIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary is authorized to reserve not more than 0.50 percent of the amount appropriated to carry out each program authorized under this Act—

"(A) to carry out program evaluations and studies of program effectiveness under this Act in accordance with subsection (b);

"(B) to evaluate the aggregate short- and long-term effects and cost efficiencies across Federal programs authorized under this Act and related preschool, elementary and secondary Federal programs under other Federal law;

"(C) to evaluate the short- and long-term effects of demonstration projects that show the most promise of enabling children served under this Act to meet challenging standards in accordance with subsection (c); and

"(D) to strengthen the usefulness of grant recipient evaluations for continuous program progress through improving the quality, timeliness, efficiency, and utilization of program information on program performance.

"(2) SPECIAL RULE.—(A) Paragraph (1) shall not apply to any program under title I.

"(B) If funds are made available under any program assisted under this Act (other than a program under title I) for evaluation activities, then the Secretary shall use such funds to carry out paragraph (1).

"(b) NATIONAL EVALUATIONS.—

"(1) IN GENERAL.—The Secretary shall use not more than 90 percent of the funds made available under subsection (a) to carry out—

"(A) independent studies of programs authorized under this Act that are coordinated with research supported through the Office of Educational Research and Improvement, and use rigorous methodological designs and techniques, including longitudinal designs, control groups, and random assignment as appropriate, to determine—

"(i) the success of such programs in meeting the measurable goals and objectives, through appropriate targeting, quality services, and efficient administration, and in contributing to achieving the National Education Goals, with a priority on assessing program impact on student performance;

"(ii) the short- and long-term effects of program participation on program participants, as appropriate;

"(iii) the cost and efficiency of such programs; and

"(iv) to the extent feasible, the cost of serving all students eligible to be served under such programs;

"(B) in collaboration with the national assessment conducted pursuant to section 1601, conduct a comprehensive evaluation of how the Federal Government has assisted the States to reform their educational systems through the various education laws enacted during the 103d Congress, which evaluation shall—

"(i) encompass the changes made in Federal programs pursuant to the Improving America's Schools Act of 1994 as well as in any other law enacted during the 103d Congress that amended a Federal program assisting preelementary, elementary, or secondary education;

"(ii) encompass new initiatives such as initiatives under the Goals 2000: Educate America Act, and the School-to-Work Opportunities Act of 1994, and be coordinated with evaluations of such Acts;

"(iii) include a comprehensive review of the programs developed under the Acts described in clauses (i) and (ii) to determine such programs' overall effect on—

"(I) the readiness of children for schooling;

"(II) the improvement in educational attainment of students in elementary and secondary education; and

"(III) the improvement in skills needed by students to obtain employment or pursue further education upon completion of secondary school or further education;

"(iv) include a comprehensive review of the programs under the Acts described in clauses (i) and (ii) to determine such programs' overall effect—

"(I) on school reform efforts undertaken by States; and

"(II) on student populations that have been the traditional beneficiaries of Federal assistance in order to determine whether such population's educational attainment has been improved as a result of such programs;

"(v) evaluate how the National Assessment Governing Board, the Advisory Council on Education Statistics, the National Education Goals Panel, and the National Education Statistics and Improvement Council (and any other Federal board established to analyze, address, or approve education standards and assessments) coordinate, interact, or duplicate efforts to assist the States in reforming the educational systems of States; and

"(vi) include a review of the programs under the Acts described in clauses (i) and (ii) in such detail as the Secretary deems appropriate, and may involve cooperation with other Federal departments and agencies in order to incorporate evaluations and recommendations of such departments and agencies; and

"(C) a study of the waivers granted under section 10401, which study shall include—

"(i) data on the total number of waiver requests that were granted and the total number of such requests that were denied, disaggregated by the statutory or regulatory requirement for which the waivers were requested; and

"(ii) an analysis, based on an appropriate sample of agencies, tribes, organizations, and institutions receiving waivers, of the effectiveness of such waivers in improving student performance outcomes.

"(2) INDEPENDENT PANEL.—The Secretary shall appoint an independent panel to review the plan for the evaluation described in paragraph (1), to advise the Secretary on such evaluation's progress, and to comment, if the panel so wishes, on the final report described in paragraph (3).

"(3) REPORT.—The Secretary shall submit a final report on the evaluation described in this subsection by January 1, 1998, to the Committee on Education and Labor of the House of Representatives and to the Committee on Labor and Human Resources of the Senate.

"(c) EVALUATION OF DEMONSTRATIONS OF INNOVATIVE PRACTICES.—The Secretary shall use at least 10 percent of funds reserved under subsection (a) for evaluation of demonstration projects assisted under this Act in order to improve student achievement. Such evaluation shall—

"(1) identify specific intervention strategies and implementation of such strategies that, based on theory, research and evaluation, offer the promise of improved achievement of program objectives;

"(2) use rigorous methodological designs and techniques, including longitudinal designs, control groups, and random assignment, to the extent feasible, to produce reliable evidence of effectiveness;

"(3) assess at the end the reauthorization period of each demonstration project the knowledge gained in identifying and disseminating effective management and educational practices; and

"(4) to the extent feasible, the cost of serving all students eligible to be served under such demonstration projects.

"(d) RECIPIENT EVALUATION AND QUALITY ASSURANCE IMPROVEMENT.—The Secretary is authorized to provide guidance, technical assistance, and model programs to recipients of assistance under this Act to strengthen information for quality assurance and performance information feedback at State and local levels. Such guidance and assistance shall promote the development, measurement and reporting of valid, reliable, timely and consistent performance indicators within a program in order to promote continuous program improvement. Nothing in this subsection shall be construed to establish a national data system.

"TITLE XI—CULTURAL PARTNERSHIPS FOR AT-RISK CHILDREN AND YOUTH

"SEC. 11101. SHORT TITLE.

"This title may be cited as the 'Cultural Partnerships for At-Risk Children and Youth Act of 1994'.

"SEC. 11102. FINDINGS.

"The Congress finds that—

"(1) with local school budget cuts there are inadequate arts and cultural programs available for children and youth in schools, especially at the elementary school level;

"(2) children and youth who receive instruction in the arts and humanities, or who are involved in cultural activities, remain in school longer and are more successful than children who do not receive such instruction;

"(3) school-university partnerships that upgrade teacher training in the arts and humanities have significantly contributed to improved instruction and achievement levels of school-aged children; and

"(4) museum outreach, cultural activities and informal education for at-risk children and youth have contributed significantly to the educational achievement and enhanced interest in learning of at-risk children and youth.

"SEC. 11103. DEMONSTRATION PROGRAM.

"(a) GRANTS AUTHORIZED.—

"(1) GRANT FROM SECRETARY.—(A) The Secretary, by grant, shall award all funds appropriated under section 11108 to the Committee established under subsection (b) to enable such Committee to award subgrants in accordance with paragraph (2).

"(B) The Committee established under subsection (b) may reserve not more than 5 percent of the grant funds received under paragraph (1) in each fiscal year for the costs of administration.

"(2) SUBGRANTS.—(A) From grant funds received under paragraph (1)(A) and not reserved under paragraph (1)(B), the Committee established under subsection (b) shall award subgrants to eligible entities to enable such entities to improve the educational performance and potential of at-risk children and youth by providing comprehensive and coordinated educational and cultural services to such children and youth.

"(B) Each eligible recipient may reserve not more than 5 percent of any subgrant funds received under this part in each fiscal year for the costs of administration.

"(3) ELIGIBLE ENTITIES.—For purposes of this title, the term 'eligible entity' means—

"(A) for purposes of determining eligibility for a subgrant under this title to serve in-school children and youth, a partnership between—

"(i) a local educational agency or an individual school that is eligible to participate in a schoolwide program under section 1114; and

"(ii) at least 1 institution of higher education, museum, local arts agency, or cultural entity that is accessible to individuals within the school district of such local educational agency or school, and that has a history of providing quality services to the community, which may include—

"(I) a nonprofit institution of higher education, local arts agency, cultural institution, or zoological or botanical facility; or

"(II) a private for-profit entity with an effective history of training children and youth in the arts or humanities; and

"(B) for purposes of determining eligibility for a subgrant under this title to serve out-of-school youth, a partnership between—

"(i) at least 1 entity described in clause (i) or (ii) of subparagraph (A); and

"(ii) at least 1 entity described in clause (ii) of subparagraph (A).

"(b) NATIONAL COMMITTEE ON CULTURAL PARTNERSHIPS FOR AT-RISK CHILDREN AND YOUTH.—

"(1) ESTABLISHMENT.—There is established a committee to be known as the National Committee on Cultural Partnerships for At-Risk Children and Youth (referred to in this title as the 'Committee').

"(2) MEMBERSHIP.—The Committee shall be comprised of 8 members, of whom—

"(A) 2 members shall be appointed by the Secretary of Education;

"(B) 2 members shall be appointed by the Chairperson of the National Endowment for the Humanities;

"(C) 2 members shall be appointed by the Chairperson of the National Endowment for the Arts; and

"(D) 2 members shall be appointed by the Director of the Institute of Museum Services.

"(c) AWARD OF SUBGRANTS.—

"(1) IN GENERAL.—The Committee shall award subgrants under this title to eligible entities seeking to carry out programs designed to—

"(A) promote and enhance educational and cultural activities;

"(B) provide integration of community cultural resources into the regular curriculum and school day;

"(C) focus school and cultural resources in the community on coordinated cultural services to address the needs of at-risk children and youth;

"(D) provide effective cultural programs to facilitate the transition from preschool programs to elementary school programs, including programs under the Head Start Act and part H of the Individuals with Disabilities Education Act;

"(E) facilitate school-to-work transition from secondary schools and alternative schools to job training, higher education, and employment through educational programs and activities that utilize school resources;

"(F) increase parental and community involvement in the educational, social, and cultural development of at-risk children and youth; or

"(G) develop programs and strategies that—

"(i) provide high-quality coordinated educational and cultural services; and

"(ii) are designed to integrate such coordination into the regular curriculum and to replicate the services in other schools.

"(2) SPECIAL RULE.—Subgrants awarded under this title shall be of sufficient size, scope, and quality to be effective.

"(3) COORDINATION.—(A) The Committee shall award subgrants under this title only to eligible entities that agree to coordinate activities carried out under this part with other Federal, State, and local programs designed to serve the purposes and target populations described in this title.

"(B) The Committee shall award subgrants under this title so as to ensure nonduplication of services provided by subgrant recipients and services provided by—

"(i) the National Endowment for the Humanities;

"(ii) the National Endowment for the Arts; and

"(iii) the Institute for Museum Services.

"(4) GEOGRAPHIC DISTRIBUTION.—In awarding subgrants under this title the Committee, to the extent feasible, shall ensure an equitable geographic distribution of such subgrants.

"(5) PRIORITY.—In awarding subgrants under this title the Committee may give priority to eligible entities that provide comprehensive services that extend beyond traditional school or service hours.

"(6) RENEWAL.—The recipient of a subgrant under this title may be eligible for funding for a maximum of 5 years, if the Committee determines that the eligible recipient has made satisfactory progress toward the achievement of the program goals described in the application.

"(7) CRITERIA AND PROCEDURES.—The Committee shall establish and transmit to the Secretary criteria and procedures for awarding subgrants under this title. The Secretary shall publish such criteria and procedures in the Federal Register.

"(d) APPLICATION.—

"(1) IN GENERAL.—Each eligible entity seeking a subgrant under this title shall submit an application to the Committee at such time, in such manner, and accompanied by such information as the Committee may reasonably require.

"(2) CONTENTS.—Each application submitted to the Committee pursuant to paragraph (1) shall—

"(A) describe the cultural entity or entities that will participate in the partnership;

"(B) describe the target population to be served;

"(C) describe the services to be provided;

"(D) describe a plan for evaluating the success of the program;

"(E) in the case of each local educational agency or school participating in the eligible recipient partnership, describe how the activities assisted under this title will be perpetuated beyond the duration of the subgrant;

"(F) describe the manner in which the eligible entity will seek to improve the educational achievement or future potential of at-risk children and youth through more effective coordination of cultural services in the community;

"(G) describe the overall and operational goals of the program; and

"(H) describe training that will be provided to individuals who are not trained to work with children and youth, and how teachers will be involved.

"(e) TARGET POPULATION.—To be eligible for a subgrant under this title, an eligible entity shall serve—

"(1) students enrolled in schools participating in a schoolwide program under section 1114 and the families of such students to the extent practicable;

"(2) out-of-school children and youth at risk of disadvantages resulting from teenage parenting, substance abuse, recent migration, disability, limited-English proficiency, illiteracy, being the child of a teenage parent, living in a single parent household, or dropping out of school; or

"(3) any combination of in-school and out-of-school at-risk children and youth.

"SEC. 11104. AUTHORIZED ACTIVITIES.

"(a) IN GENERAL.—Subgrants awarded under this title may be used—

"(1) to plan, develop, acquire, expand, and improve school-based or community-based coordinated educational and cultural programs to strengthen the educational performance and future potential of in-school or out-of-school at-risk children and youth through grants, cooperative agreements, contracts for services, or administrative coordination;

"(2) to provide at-risk students with integrated cultural activities designed to develop a love of learning that fosters the smooth transition of preschool children to elementary school;

"(3) to design collaborative cultural activities for students in secondary or alternative schools that ensure the smooth transition to job training, higher education, or full employment;

"(4) to provide child care for children of at-risk students who would not otherwise be able to participate in the program;

"(5) to provide transportation necessary for participation in the program;

"(6) to develop curriculum materials in the arts;

"(7) for staff development activities that encourage the integration of the arts into the curriculum;

"(8) for stipends that allow local arts and humanities professionals to work with at-risk children and youth in schools;

"(9) for training individuals who are not trained to work with children and youth;

"(10) for cultural programs that encourage the active participation of parents in the education of their children;

"(11) for programs that use the arts and culture to reform current school practices, including lengthening the school day or academic year;

"(12) for equipment or supplies that the Committee determines appropriate; and

"(13) for evaluation, administration, and supervision.

"(b) TEACHERS.—Each recipient of a subgrant under this title serving in-school children and youth shall carry out the activities described in the application with the involvement of a certified teacher or trained instructor.

"SEC. 11105. PLANNING SUBGRANTS.

"(a) IN GENERAL.—The Committee may award planning subgrants to eligible entities under this title.

"(b) AMOUNT.—A planning subgrant shall be in an amount not to exceed $50,000.

"(c) DURATION.—A planning subgrant shall be for a period of not more than 1 year.

"(d) LIMITATIONS.—An eligible entity may receive not more than 1 planning subgrant under this section.

"SEC. 11106. PAYMENTS; AMOUNTS OF AWARD; COST SHARE; LIMITATIONS.

"(a) PAYMENTS.—The Secretary shall pay to each eligible entity having an application approved under section 11103, the Federal share of the cost of the activities described in the application.

"(b) COST SHARE.—

"(1) FEDERAL SHARE.—The Federal share of a subgrant under this title shall be 80 percent of the cost of carrying out the activities described in the application.

"(2) NON-FEDERAL SHARE.—The non-Federal share of a subgrant under this title shall be 20 percent of the cost of carrying out the activities described in the application and may be in cash or in kind, fairly evaluated, including the provision of equipment, services, or facilities.

"(c) LIMITATIONS.—

"(1) NONINSTRUCTIONAL SERVICES.—Not more than 25 percent of the subgrant funds provided in any fiscal year under this title may be used for noninstructional activities such as the activities described in paragraphs (4), (5), and (12) of section 11104(a).

"(2) SUPPLEMENT AND NOT SUPPLANT.—Subgrant funds awarded under this title shall be used to supplement and not supplant the amount of funds made available from non-Federal sources, for the activities assisted under this title.

"SEC. 11107. MODELS.

"The Secretary, in consultation with the Committee, shall disseminate information concerning successful models under this title through the National Diffusion Network.

"SEC. 11108. AUTHORIZATION OF APPROPRIATIONS.

"(a) AUTHORIZATION.—Subject to subsection (b), there are authorized to be appropriated to carry out this title, $20,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(b) LIMITATIONS.—

"(1) CONTINGENT APPROPRIATIONS.—Notwithstanding any other provision of law, no amounts shall be made available to carry out this title in any fiscal year unless there is appropriated—

"(A) not less than $177,000,000 for the National Endowment for the Humanities under the National Foundation on the Arts and the Humanities Act of 1965;

"(B) not less than $170,000,000 for the National Endowment for the Arts under such Act; and

"(C) not less than $28,000,000 for the Institute for Museum Services under the Museum Services Act.

"(2) PLANNING SUBGRANTS.—Not more than 10 percent of the amount appropriated in each fiscal year pursuant to subsection (a) shall be used for planning subgrants under section 11105.

"TITLE XII—DISCLOSURE REQUIREMENTS

"SEC. 12001. DEFINITIONS.

"As used in this title:

"(1) DISABILITY.—The term 'disability' has the same meaning given to such term by section 3(2) of the Americans with Disabilities Act of 1990.

"(2) EDUCATIONAL ORGANIZATION.—(A) Except as provided in subparagraphs (B) and (C), the term 'educational organization' means any organization or entity that—

"(i) provides an educational program for a fee; and

"(ii) recruits students through means such as commercial media, direct mailings, school recruitment programs, school administrators, teachers or staff, or current or former participants in an educational program offered by such organization or entity.

"(B) Such term does not include—

"(i) a local educational agency, a State educational agency, a State department of education, or an elementary or secondary school;

"(ii) an institution of higher education; or

"(iii) a local organization sponsored by an elementary or secondary school, a recreational organization, an entertainment organization, a local sports activity group, or a social club.

"(C) For the purpose of section 12002 only, such term—

"(i) except as provided in clause (ii), does not include an organization or entity that provides an educational program if such organization or entity recruits, for participation in such program, solely through a local school official; and

"(ii) includes any such organization or entity that offers a local school official, teacher or other school personnel compensation or any other benefit for such recruitment, except that payment of the expenses incurred by a local school official, teacher or other school personnel in performing chaperone activities related to such program shall not be considered compensation or a benefit for such recruitment.

"(3) EDUCATIONAL PROGRAM.—(A) Except as provided in subparagraph (B), the term 'educational program' means a special honors program, seminar, citizenship experience, government study program, educational vacation, student exchange program, or other educational experience or honor—

"(i) that is generally directed toward minors or secondary school students;

"(ii) for which a tuition or enrollment fee is charged;

"(iii) that is offered away from a student's regular place of school attendance;

"(iv) that includes not less than 1 supervised night away from home; and

"(v) that is intended to enhance a student's regular course of study.

"(B) Such term does not include a recreational program, or a social or religious activity.

"(4) LOCAL SCHOOL OFFICIAL.—The term 'local school official' means the highest administrative official serving a school district, or such individual's designee.

"(5) MINOR.—The term 'minor' means an individual who has not attained the age of 18.

"(6) MEMBERSHIP ORGANIZATION.—The term 'membership organization' includes any organization that maintains a membership list or collects dues or membership fees from its members.

"(7) RECREATIONAL ORGANIZATION.—The term 'recreational organization' includes any organization or entity that has as its primary function pleasure, amusement, or sports activities.

"(8) RECREATIONAL PROGRAM.—The term 'recreational program' includes any activity or service that is intended as an entertainment pastime.

"SEC. 12002. DISCLOSURE REQUIREMENTS.

"Each educational organization, prior to enrolling a minor and prior to accepting funds for the cost of a minor's participation in an educational program operated by such organization, shall disclose the following information in written form to the minor or the minor's parent:

"(1) METHOD OF SOLICITATION AND SELECTION.—The method of solicitation and selection of participants in the educational program, including—

"(A) the origin of any mailing list used for such solicitation and selection;

"(B) any recruitment through a local school official, teacher or school personnel, including any compensation or other benefit offered to such official, teacher or personnel for the recommendation of a minor for participation in the educational program;

"(C) any open enrollment activity, including the method of outreach; and

"(D) any cooperation with, or sponsorship by, a membership organization, including a description of the cooperation or sponsorship and the name of each such organization.

"(2) COSTS AND FEES.—Information regarding the cost of the educational program and information regarding the distribution of any enrollment fee, including—

"(A) the amount paid for, and the percentage of the total educational program cost of, each feature of the educational program, including—

"(i) food;

"(ii) lodging;

"(iii) transportation;

"(iv) program staffing;

"(v) textbooks, syllabi, or other scholastic educational program materials;

"(vi) speaker fees; and

"(vii) administrative expenses, including expenses related to—

"(I) the preparation of non-scholastic educational program materials;

"(II) the provision of financial assistance;

"(III) mailing list rental or other recruitment activity; and

"(IV) administrative salaries and consulting fees;

"(B) the identity of the organization or business providing each of the features described in clauses (i) through (vii) of subparagraph (A); and

"(C) the nature of any relationship of any board member, officer, or employee of the educational organization to any organization or business described in subparagraph (B), including the salary or other compensation paid by such organization or business to such Board member, officer, or employee.

"SEC. 12003. NONDISCRIMINATORY ENROLLMENT AND SERVICE POLICY.

"(a) IN GENERAL.—Each educational organization shall include a verifiable statement in all enrollment or recruitment material that the educational organization does not—

"(1) fail or refuse to hire, or discharge, any individual, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment; or

"(2) exclude any student from participation in an educational program, discriminate against any student in providing the benefits associated with such program (including any scholarship or financial assistance, and use of any facility), or subject the student to discrimination under such program,

on the basis of race, disability, or residence in a low-income area.

"(b) CONSTRUCTION.—Nothing in this section shall be construed to entitle a student to—

"(1) participation in an educational program or any benefit associated with such program; or

"(2) a waiver of any fee charged for such participation or benefit.

"SEC. 12004. ENFORCEMENT.

"The Secretary shall—

"(1)(A) widely disseminate information about the requirements of this title to State and local school officials and parents; and

"(B) require educational organizations to submit appropriate information or assurances regarding such organizations' compliance with this title; and

"(2) take whatever other steps the Secretary determines are appropriate to enforce this title, including—

"(A) promulgating regulations;

"(B) establishing a complaint process;

"(C) referring complaints to the relevant Federal, State, or local authorities for appropriate action;

"(D) alerting educational agencies, schools, and parents to the practices of educational organizations that violate the provisions of this title; and

"(E) imposing civil fines (not to exceed $1,000 per violation) on educational organizations that knowingly violate this title.

"TITLE XIII—TARGETED ASSISTANCE PROGRAM

"PART A—GENERAL PROVISIONS

"SEC. 13101. ALLOTMENT TO STATES.

"(a) RESERVATIONS.—From the sums appropriated to carry out this title in any fiscal year, the Secretary shall reserve not to exceed 1 percent for payments to Guam, American Samoa, the Virgin Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, the Northern Mariana Islands, and Palau, to be allotted in accordance with their respective needs for assistance under this title.

"(b) ALLOTMENT.—From the remainder of such sums the Secretary shall allot to each State an amount which bears the same ratio to the amount of such remainder as the school-age population of the State bears to the school-age population of all States, except that no State shall receive less than an amount equal to one-half of 1 percent of such remainder.

"(c) DEFINITIONS.—For purposes of this section—

"(1) The term 'school-age population' means the population aged 5 through 17.

"(2) The term 'States' includes the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 13102. ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.

"(a) DISTRIBUTION RULE.—From the sum made available each year under section 13101, the State educational agency shall distribute not less than 80 percent to local educational agencies within such State according to the relative enrollments in public and private, nonprofit schools within the school districts of such agencies, adjusted, in accordance with criteria approved by the Secretary, to provide higher per pupil allocations to local educational agencies which have the greatest numbers or percentages of children whose education imposes a higher than average cost per child, such as—

"(1) children living in areas with high concentrations of low-income families;

"(2) children from low-income families; and

"(3) children living in sparsely populated areas.

"(b) CALCULATION OF ENROLLMENTS.—

"(1) IN GENERAL.—The calculation of relative enrollments under subsection (a) shall be on the basis of the total of—

"(A) the number of children enrolled in public schools; and

"(B) the number of children enrolled in private nonprofit schools that desire that their children participate in programs or projects assisted under this title,

for the fiscal year preceding the fiscal year in which the determination is made. Nothing in this subsection shall diminish the responsibility of local educational agencies to contact, on an annual basis, appropriate officials from private nonprofit schools within the areas served by such agencies in order to determine whether such schools desire that their children participate in programs assisted under this title.

"(2) ADJUSTMENTS.—(A) Relative enrollments under subsection (a) shall be adjusted, in accordance with criteria approved by the Secretary under subparagraph (B), to provide higher per pupil allocations only to local educational agencies which serve the greatest numbers or percentages of—

"(i) children living in areas with high concentrations of low-income families;

"(ii) children from low-income families; or

"(iii) children living in sparsely populated areas.

"(B) The Secretary shall review criteria submitted by a State educational agency for adjusting allocations under paragraph (1) and shall approve such criteria only if the Secretary determines that such criteria are reasonably calculated to produce an adjusted allocation that reflects the relative needs within the State's local educational agencies based on the factors set forth in subparagraph (A).

"(c) PAYMENT OF ALLOCATIONS.—

"(1) DISTRIBUTION.—From the funds paid to a State educational agency pursuant to section 13101 for a fiscal year, such agency shall distribute to each eligible local educational agency which has submitted an application as required in section 13303 the amount of its allocation as determined under subsection (a).

"(2) ADDITIONAL FUNDS.—(A) Additional funds resulting from higher per pupil allocations provided to a local educational agency on the basis of adjusted enrollments of children described in subsection (a), may, at the discretion of the local educational agency, be allocated for expenditures to provide services for children enrolled in public and private nonprofit schools in direct proportion to the number of children described in subsection (a) and enrolled in such schools within the local educational agency.

"(B) In any fiscal year, any local educational agency that elects to allocate such additional funds in the manner described in subparagraph (A) shall allocate all additional funds to schools within the local educational agency in such manner.

"(C) The provisions of subparagraphs (A) and (B) may not be construed to require any school to limit the use of such additional funds to the provision of services to specific students or categories of students.

"PART B—STATE PROGRAMS

"SEC. 13201. STATE USES OF FUNDS.

"(a) AUTHORIZED ACTIVITIES.—A State educational agency may use funds reserved for State use under this title only for—

"(1) State administration of programs under this title including—

"(A) supervision of the allocation of funds to local educational agencies;

"(B) planning, supervision, and processing of State funds; and

"(C) monitoring and evaluation of programs and activities under this title; and

"(2) technical assistance and direct grants to local educational agencies and statewide activities which assist local educational agencies to provide targeted assistance as provided in section 13301.

"(b) LIMITATIONS AND REQUIREMENTS.—Not more than 25 percent of funds available for State programs under this title in any fiscal year may be used for State administration under subsection (a)(1).

"SEC. 13202. STATE APPLICATIONS.

"(a) APPLICATION REQUIREMENTS.—Any State which desires to receive grants under this title shall submit to the Secretary an application which—

"(1) designates the State educational agency as the State agency responsible for the administration and supervision of programs assisted under this title;

"(2) sets forth planned allocation of funds reserved for State use under section 13102(a) among the targeted assistance programs described in section 13301 and describes programs, projects, and activities which are designed to carry out such targeted assistance, together with the reasons for the selection of such programs, projects, and activities;

"(3) provides for timely public notice and public dissemination of the information provided pursuant to paragraph (2);

"(4)(A) provides for a biennial submission of data on the use of funds, the types of services furnished, and the students served under this title;

"(B) provides for an evaluation of the effectiveness of programs assisted under this title;

"(5) provides that the State educational agency will keep such records and provide such information to the Secretary as may be required for fiscal audit and program evaluation (consistent with the responsibilities of the Secretary under this title);

"(6) provides assurance that, apart from technical and advisory assistance and monitoring compliance with this title, the State educational agency has not exercised and will not exercise any influence in the decisionmaking processes of local educational agencies as to the expenditures made pursuant to an application under section 13301;

"(7) provides the following information: (A) how the State will adjust its formula to comply with section 13102(b)(2), (B) how children under section 13102(b)(2)(A) are defined, (C) the basis on which a determination of the local educational agencies under section 13102(b)(2)(A) is made, and (D) the percentage of the State grant which is proposed to be allotted on an adjusted basis under section 13102; and

"(8) contains assurances that there is compliance with the specific requirements of this title.

"(b) PERIOD OF APPLICATION.—An application filed by the State under subsection (a) shall be for a period not to exceed 3 years, and may be amended annually as may be necessary to reflect changes without filing a new application.

"(c) AUDIT RULE.—Notwithstanding section 1745 of the Omnibus Budget Reconciliation Act of 1981, local educational agencies receiving less than an average $5,000 each year under this title need not be audited more frequently than once every 5 years.

"PART C—LOCAL TARGETED ASSISTANCE PROGRAMS

"SEC. 13301. TARGETED USE OF FUNDS.

"(a) GENERAL RULE.—Funds allocated for use under this title shall be used by State and local educational agencies for targeted assistance described in subsection (b).

"(b) TARGETED ASSISTANCE.—The targeted assistance programs referred to in subsection (a) are—

"(1) programs for the acquisition and use of instructional and educational materials, including library books, reference materials, computer software and hardware for instructional use, and other curricular materials that will be used to improve student achievement;

"(2) programs to improve the higher order thinking skills of economically disadvantaged elementary and secondary school students and to prevent students from dropping out of school;

"(3) programs to combat illiteracy in the student and adult population, including parent illiteracy;

"(4) programs to provide for the educational needs of gifted and talented children;

"(5) school facility repair, renovation, improvement and construction;

"(6) school reform activities that are consistent with the Goals 2000: Educate America Act for local educational agencies that do not receive assistance under that Act;

"(7) school improvement programs or activities under sections 1118 and 1119; and

"(8) efforts to implement school uniform policies to ensure the health and safety of students and the school environment.

"SEC. 13302. AUTHORIZED ACTIVITIES.

"(a) IN GENERAL.—Activities authorized under this part may include the planning, development, or operation and expansion of programs, projects, and activities which are designed to carry out the targeted assistance described in section 13301. Such activities may include—

"(1) training of educational personnel and education policymakers in any of the targeted assistance programs described in section 13301;

"(2) guidance and pupil services; and

"(3) any other education or related activities which the State or local educational agency determines will contribute to improving the programs described in section 13301.

"(b) ADMINISTRATIVE AUTHORITY.—In order to conduct the activities authorized by this title, each State or local educational agency may use funds reserved for this title to make grants to and to enter into contracts with local educational agencies, educational service agencies, institutions of higher education, libraries, museums, and other public and private nonprofit agencies, organizations, and institutions.

"SEC. 13303. LOCAL APPLICATIONS.

"(a) CONTENTS OF APPLICATION.—A local educational agency or consortia of local educational agencies may receive an allocation of funds under this title for any year for which an application is submitted to the State educational agency and such application is certified to meet the requirements of this section. The State educational agency shall certify any such application if such application—

"(1) sets forth the planned allocation of funds among targeted assistance programs described in section 13301 and describes the programs, projects, and activities designed to carry out such targeted assistance which the State educational agency intends to support, together with the reasons for the selection of such programs, projects, and activities;

"(2) describes how assistance under this title will contribute to the goals of the program of improving student achievement or improving the quality of education for students;

"(3) agrees to keep such records, and provide such information to the State educational agency as reasonably may be required for fiscal audit and program evaluation, consistent with the responsibilities of the State agency under this title; and

"(4) provides, in the allocation of funds for the assistance authorized by this title, and in the design, planning, and implementation of such programs, for systematic consultation with parents of children attending elementary and secondary schools in the area served by the local agency, with teachers and administrative personnel in such schools, and with other groups involved in the implementation of this title (such as librarians, school counselors, and other pupil services personnel) as may be considered appropriate by the local educational agency.

"(b) PERIOD OF APPLICATION.—An application filed by a local educational agency under subsection (a) shall be for a period not to exceed 3 fiscal years, may provide for the allocation of funds among programs and purposes authorized by this title for a period of 3 years, and may be amended annually as may be necessary to reflect changes without filing a new application.

"(c) LOCAL EDUCATIONAL AGENCY DISCRETION.—Subject to the limitations and requirements of this title, a local educational agency shall have complete discretion in determining how funds under this part shall be divided among the areas of targeted assistance of this part. In exercising such discretion, a local educational agency shall ensure that expenditures

under this part carry out the purposes of this title and are intended to meet the educational needs within the schools of that local educational agency.

"PART D—AUTHORIZATION OF APPROPRIATIONS

"SEC. 13401. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $325,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this title.

"TITLE XIV—NATIONAL EDUCATION STATISTICS

"SEC. 14001. SHORT TITLE.

"This part may be cited as the 'National Education Statistics Act of 1994'.

"SEC. 14002. FINDINGS; PURPOSE; DEFINITIONS.

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

"(1) a Department Office of Education was established in 1867 'for the purpose of collecting such statistics and facts as shall show the condition and progress of education in the several States and Territories, and of diffusing such information respecting the organization and management of schools and school systems and methods of teaching as shall aid the people of the United States in the establishment and maintenance of efficient school systems, and otherwise promote the cause of education throughout the country';

"(2) today, while the role of the current Department of Education is much broader, the National Center for Education Statistics within the Office of Educational Research and Improvement continues to perform those crucial original purposes; and

"(3) looking to the 21st Century, the National Center for Education Statistics must be able to design and undertake, effectively and efficiently, statistical activities that will aid in the reform of our Nation's educational systems.

"(b) PURPOSE.—It is the purpose of this part to ensure the continuation of an effective mechanism for collecting and reporting statistics and information showing the condition and progress of education in the United States and other nations in order to promote and accelerate the improvement of American education.

"(c) DEFINITIONS.—For the purpose of this part, the term—

"(1) 'Assistant Secretary' means the Assistant Secretary for Educational Research and Improvement provided for under section 202(b)(1)(E) of the Department of Education Organization Act; and

"(2) 'State' and 'United States'—

"(A) other than for the purpose of section 14011, mean each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico; and

"(B) for the purpose of section 14011, include Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau.

"SEC. 14003. NATIONAL CENTER FOR EDUCATION STATISTICS.

"(a) ESTABLISHMENT.—There is established, within the Office of Educational Research and Improvement established under section 209 of the Department of Education Organization Act, a National Center for Education Statistics (hereafter in this part referred to as the 'Center').

"(b) COMMISSIONER AND ASSOCIATE COMMISSIONERS.—

"(1) COMMISSIONER.—The Center shall be headed by a Commissioner of Education Statistics (hereafter in this part referred to as the 'Commissioner') who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall—

"(A) have substantial knowledge of programs encompassed by under the authority of the Center;

"(B) be paid in accordance with section 5315 of title 5, United States Code; and

"(C) serve for a term of 4 years, with the terms to expire every fourth June 21, beginning in 1995.

"(2) ASSOCIATE COMMISSIONERS.—The Commissioner may appoint such Associate Commissioners as the Commissioner determines are necessary and appropriate.

"SEC. 14004. DUTIES OF THE CENTER.

"(a) DUTIES.—The Center shall collect, analyze, and disseminate statistics and other information related to education in the United States and in other nations, including—

"(1) acquiring, compiling (where appropriate, on a State-by-State basis), and disseminating full and complete statistics on the condition and progress of education in the United States, including data on—

"(A) State and local education reform;

"(B) student achievement and other educational outcomes, including data on secondary school completions, dropouts, and adult literacy, which education statistics and data, whenever feasible, shall be collected, analyzed, cross-tabulated and reported by sex, race or ethnicity, and socioeconomic status;

"(C) educational access and opportunity, including data on financial aid to postsecondary students;

"(D) teaching, including data on curriculum, instruction, the conditions of the education workplace, and the supply of, and demand for, teachers, which may include data on the proportions of women and men cross-tabulated by race or ethnicity, teaching in subjects in which such individuals have been historically underrepresented;

"(E) the learning environment, including data on libraries and the incidence of crime, violence, and substance abuse;

"(F) the financing and management of education, including data on revenues and expenditures; and

"(G) the social and economic status of children;

"(2) conducting and publishing reports and analyses of the meaning and significance of such statistics;

"(3) conducting longitudinal studies, as well as regular and special surveys and data collections, necessary to report on the condition and progress of education;

"(4) assisting public and private educational agencies, organizations, and institutions in improving and automating their statistical and data collection activities; and

"(5) acquiring and disseminating data on educational activities and student achievement in the United States compared with those in foreign nations.

"(b) SPECIAL RULE.—The Center shall ensure that education statistics and data described in subsection (a)(1), whenever feasible, are collected, analyzed, cross-tabulated and reported by sex, race or ethnicity, and socioeconomic status;

"(c) TRAINING PROGRAM.—The Commissioner may establish a program to train employees of public and private educational agencies, organizations, and institutions in the use of the Center's standard statistical procedures and concepts and may establish a fellows program to temporarily appoint such employees as temporary fellows at the Center in order to assist the Center in carrying out its duties.

"SEC. 14005. PERFORMANCE OF DUTIES.

"(a) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—

"(1) IN GENERAL.—In carrying out the Commissioner's duties under this part, the Commissioner may enter into grants, contracts, and cooperative agreements.

"(2) SPECIAL RULE.—Notwithstanding any other provision of law, the grants, contracts, and cooperative agreements awarded competitively under this section may be awarded for a period of not more than 5 years, and may be renewed at the discretion of the Commissioner for an additional period of not more than 5 years.

"(b) GATHERING INFORMATION.—

"(1) SAMPLING.—The Commissioner may use the statistical method known as sampling to carry out the purpose of this part.

"(2) SOURCE OF INFORMATION.—The Commissioner may, as the Commissioner considers appropriate, use information collected—

"(A) from States, local educational agencies, schools, institutions of higher education, libraries, administrators, teachers, students, the general public, and such other individuals, organizations, agencies, and institutions as the Commissioner may consider appropriate; and

"(B) by other offices within the Department and by other Federal departments, agencies, and instrumentalities.

"(3) COLLECTION.—The Commissioner may—

"(A) enter into interagency agreements for the collection of statistics;

"(B) arrange with any agency, organization, or institution for the collection of statistics; and

"(C) assign employees of the Center to any such agency, organization, or institution to assist in such collection.

"(4) TECHNICAL ASSISTANCE AND COORDINATION.—In order to maximize the effectiveness of Federal efforts to serve the educational needs of children and youth, the Commissioner shall—

"(A) provide technical assistance to Department offices that gather data for statistical purposes; and

"(B) coordinate closely with other Department offices in the collection of data.

"SEC. 14006. REPORTS.

"(a) REPORT ON THE CONDITION AND PROGRESS OF EDUCATION.—The Commissioner shall, not later than June 1, 1995, and each succeeding June 1 thereafter, submit to the President and the Congress a statistical report on the condition and progress of education in the United States.

"(b) STATISTICAL REPORTS.—The Commissioner shall issue regular statistical reports to the President and Congress on such education topics as the Commissioner determines to be appropriate.

"(c) SPECIAL REPORTS.—The Commissioner may, whenever the Commissioner considers it appropriate, issue special reports on particular education topics.

"SEC. 14007. ADVISORY COUNCIL ON EDUCATION STATISTICS.

"(a) ESTABLISHMENT.—There is established, within the Center, an Advisory Council on Education Statistics (hereafter in this Act referred to as the 'Council').

"(b) MEMBERSHIP.—

"(1) COMPOSITION.—The Council shall be composed of—

"(A) 15 voting members who are users of education data and who are appointed by the Secretary on the basis of their experience and eminence within the field of education statistics, of whom at least—

"(i) three shall be educators;

"(ii) three shall be education policymakers;

"(iii) three shall be professional statisticians; and

"(iv) three shall be education researchers;

"(B) the Director of the Bureau of the Census and the Commissioner of the Bureau of Labor Statistics, as voting, ex officio members; and

"(C) the Assistant Secretary and the Commissioner, as nonvoting, ex officio members.

"(2) PRESIDING OFFICER.—The Secretary shall appoint the presiding officer of the Council from among the voting members of the Council.

"(3) TERMS.—Members of the Council appointed under paragraph (1)(A) shall be appointed for 3-year terms except that, in the case of initial appointments, the Secretary shall make appointments for shorter terms to the extent necessary to avoid the expiration of the terms of more than 5 members in the same calendar year.

"(4) MEETINGS.—

"(A) IN GENERAL.—The Council shall meet at the call of the presiding officer, except that the Council shall meet—

"(i) at least 2 times during each calendar year; and

"(ii) in addition, whenever 8 voting members request in writing that the presiding officer call a meeting.

"(B) QUORUM.—Nine voting members of the Council shall constitute a quorum.

"(5) SPECIAL RULE.—The Council shall review general policies for the operation of the Center and shall advise the Commissioner on standards to ensure that statistics and other information disseminated by the Center are of high quality and are not subject to partisan political influence.

"SEC. 14008. CONFIDENTIALITY.

"(a) CONFIDENTIALITY STANDARDS.—

"(1) IN GENERAL.—The Center shall develop and enforce standards designed to protect the confidentiality of persons in the collection, reporting, and publication of data under this section. This section shall not be construed to protect the confidentiality of information about institutions, organizations, and agencies that receive grants from, or have contracts or cooperative agreements with, the Federal Government.

"(2) PROHIBITION.—No person may—

"(A) use any individually identifiable information furnished under this part for any purpose other than a statistical purpose;

"(B) make any publication whereby the data furnished by any particular person under this part can be identified; or

"(C) permit anyone other than the individuals authorized by the Commissioner to examine the individual reports.

"(b) ADMINISTRATION.—

"(1) IN GENERAL.—No department, bureau, agency, officer, or employee of the Federal Government, except the Commissioner in carrying out the purposes of this part, shall require, for any reason, copies of reports that have been filed under this part with the Center or retained by any individual respondent. Copies of such reports that have been so filed or retained with the Center or any of its employees, contractors, or agents shall be immune from legal process, and shall not, without the consent of the individual concerned, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding. This paragraph shall apply only to individually identifiable information (as defined in paragraph (4)(A)).

"(2) EMPLOYEE OR STAFF VIOLATIONS.—Whoever, being or having been an employee or staff member of the Department, having taken or subscribed the oath of office, or having sworn to observe the limitations imposed by subsection (a)(2), knowingly publishes or communicates any individually identifiable information (as defined in paragraph (4)(A)), the disclosure of which is prohibited by subsection (a)(2), and that comes into such employee or staff's possession by reason of employment (or otherwise providing services) under this part, shall be found guilty of a class E felony and imprisoned for not more than 5 years, or fined as specified in section 3571 of title 18, United States Code, or both.

"(3) TEMPORARY STAFF.—The Commissioner may utilize temporary staff, including employees of Federal, State, or local agencies or instrumentalities (including local educational agencies), and employees of private organizations to assist the Center in performing its responsibilities, but only if such temporary staff are sworn to observe the limitations imposed by this section.

"(4) DEFINITIONS.—For the purposes of this section—

"(A) the term 'individually identifiable information' means any record, response form, completed survey, or aggregation thereof from which information about particular individuals may be revealed; and

"(B) the term 'report' means a response provided by or about an individual to an inquiry from the Center and does not include a statistical aggregation from which individually identifiable information cannot be revealed.

"(5) VIOLATIONS.—Any person who uses any data provided by the Center, in conjunction with any other information or technique, to identify any individual student, teacher, administrator, or other individual and who knowingly discloses, publishes, or uses such data for a purpose other than a statistical purpose, or who otherwise violates subparagraph (A) or (B) of subsection (a)(2), shall be found guilty of a class E felony and imprisoned for not more than 5 years, or fined as specified in section 3571 of title 18, United States Code, or both.

"(6) ACCESS TO REPORTS OR RECORDS.—Nothing in this section shall restrict the right of the Secretary, the Comptroller General of the United States, the Director of the Congressional Budget Office, and the Librarian of Congress to gain access to any reports or other records, including information identifying individuals, in the Center's possession, except that the same restrictions on disclosure that apply under paragraphs (1) and (5) of subsection (b) shall apply to such individuals.

"SEC. 14009. DISSEMINATION.

"(a) GENERAL REQUESTS.—

"(1) IN GENERAL.—The Center may furnish transcripts or copies of tables and other statistical records and make special statistical compilations and surveys for State and local officials, public and private organizations, and individuals.

"(2) COMPILATIONS.—The Center shall provide State and local educational agencies opportunities to suggest the development of particular compilations of statistics, surveys, and analyses that would assist those educational agencies.

"(b) CONGRESSIONAL REQUESTS.—The Center shall furnish such special statistical compilations and surveys as the Congress may request.

"(c) JOINT STATISTICAL PROJECTS.—The Secretary may engage in joint statistical projects related to the purposes of this part, or other statistical purposes authorized by law, with nonprofit organizations or agencies, and the cost of such projects shall be shared equitably as determined by the Secretary.

"(d) FEES.—

"(1) IN GENERAL.—Statistical compilations and surveys under this section, other than those carried out pursuant to subsections (b) and (c), may be made subject to the payment of the actual or estimated cost of such work.

"(2) FUNDS RECEIVED.—All funds received in payment for work or services described in this subsection may be used to pay directly the costs of such work or services, to repay appropriations that initially bore all or part of such costs, or to refund excess sums when necessary.

"(e) ACCESS.—

"(1) OTHER FEDERAL AGENCIES.—The Center shall, consistent with section 14008, participate with other Federal agencies having a need for educational data in providing access to educational data received by the Center.

"(2) INTERESTED PARTIES.—The Center shall, in accordance with such terms and conditions as the Secretary may prescribe, provide all interested parties, including public and private agencies and individuals, direct access to data collected by the Center for the purposes of research and acquiring statistical information.

"SEC. 14010. COOPERATIVE EDUCATION STATISTICS SYSTEMS.

"(a) IN GENERAL.—The Commissioner may establish one or more national cooperative education statistics systems for the purpose of producing and maintaining, with the cooperation of the States, comparable and uniform information and data on elementary and secondary education, postsecondary education, and libraries, that are useful for policymaking at the Federal, State, and local levels. In carrying out this section, the Commissioner may provide technical assistance, and make grants and enter into contracts and cooperative agreements.

"(b) MODEL DATA SYSTEM.—

"(1) STUDY; DESIGN; PILOT.—The Commissioner, working through the cooperative education statistics system, shall study, design, and pilot a model data system that will yield information about spending for administration at the school, local educational agency, and State educational agency levels, which system shall be completed by January 1, 1997.

"(2) STUDY AND REPORT.—Upon the date of completion of the pilot model data system described in paragraph (1), the Secretary shall study the information obtained through the use of such data system and other relevant information, as well as any other data systems which are in use on such date that account for administrative expenses at the school, local educational agency, and State educational agency level, and shall report to the Congress not later than July 1, 1997, regarding—

"(A) the potential for the reduction of administrative expenses at the school, local educational agency, and State educational agency levels;

"(B) the potential usefulness of such data system to reduce such administrative expenses;

"(C) any other methods which may be employed by schools, local educational agencies or State educational agencies to reduce administrative expenses and maximize the use of funds for functions directly affecting student learning; and

"(D) if appropriate, steps which may be taken to assist schools, local educational agencies and State educational agencies to account for and reduce administrative expenses.

"SEC. 14011. NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS.

"(a) ESTABLISHMENT.—The Commissioner shall, with the advice of the National Assessment Governing Board established by section 14012, carry out, through grants, contracts, or cooperative agreements with one or more qualified organizations, or consortia thereof, a National Assessment of Educational Progress (hereafter in this part referred to as the 'National Assessment').

"(b) PURPOSE; STATE ASSESSMENTS.—

"(1) PURPOSE.—The purpose of the National Assessment is to provide a fair and accurate presentation of educational achievement in reading, writing, and the other subjects included in the third National Education Goal, regarding student achievement and citizenship. The Commissioner, in carrying out the National Assessment, shall use sampling techniques that produce data that are representative on a national and regional basis and on a State basis pursuant to paragraph (2). In addition, the Commissioner shall—

"(A) collect and report data on a periodic basis, but at least once every 2 years, on students at ages 9, 13, and 17 and in grades 4, 8, and 12;

"(B) report achievement data on a basis that ensures valid and reliable trend reporting;

"(C) include, whenever feasible, information collected, cross-tabulated, analyzed, and reported by sex, race or ethnicity and socioeconomic status;

"(D) collect and report data on students receiving services under part A of title I; and

"(E) ensure that achievement data are made available on a timely basis following official reporting, in a manner that facilitates further analysis.

"(2) STATE ASSESSMENTS.—

"(A) IN GENERAL.—The Commissioner, in carrying out the National Assessment, may conduct State assessments of student achievement in grades 4, 8, and 12.

"(B) STATE PARTICIPATION.—States wishing to participate in State assessments shall enter into an agreement with the Secretary pursuant to subsection (d)(2). Such agreement shall contain information sufficient to give States full information about the process for consensus decision-making on objectives to be tested, required in section 14012(e)(5), and of the standards for sampling, test administration, test security, data collection, validation, and reporting.

"(C) STATE REVIEW AND RELEASE OF RESULTS.—A participating State shall review and give permission for the release of results from any test of its students administered as a part of a State assessment prior to the release of such data. Refusal by a State to release its data shall not restrict the release of data from other States that have approved the release of such data.

"(3) PROHIBITED DATA.—In carrying out the National Assessment, the Commissioner shall not collect any data that are not directly related to the appraisal of educational performance, achievement, and traditional demographic reporting variables, or to the fair and accurate presentation of such information.

"(4) TECHNICAL ASSISTANCE.—In carrying out the National Assessment, the Commissioner may provide technical assistance to States, localities, and other parties.

"(c) ACCESS.—

"(1) PUBLIC ACCESS.—Except as provided in paragraph (2), the public shall have access to all data, questions, and test instruments of the National Assessment.

"(2) PERSONALLY IDENTIFIABLE INFORMATION.—

"(A) IN GENERAL.—The Commissioner shall ensure that all personally identifiable information about students, their educational performance, and their families, and that information with respect to individual schools, remains confidential, in accordance with section 552a of title 5, United States Code.

"(B) SPECIAL RULE.—Notwithstanding any other provision of law, the Secretary may decline to make available to the public for a period, not to exceed 10 years following their initial use, cognitive questions that the Secretary intends to reuse in the future.

"(d) PARTICIPATION.—

"(1) NATIONAL AND REGIONAL.—Participation in the national and regional assessments by State and local educational agencies shall be voluntary.

"(2) STATE.—Participation in assessments made on a State basis shall be voluntary. The Secretary shall enter into an agreement with any State that desires to carry out an assessment for the State under this subsection. Each such agreement shall contain provisions designed to ensure that the State will—

"(A) participate in the assessment; and

"(B) pay from non-Federal sources the non-Federal share of participation.

"(3) NON-FEDERAL SHARE.—

"(A) IN GENERAL.—For each fiscal year, the non-Federal share for the purpose of paragraph (2)(B) shall be—

"(i) the cost of conducting the assessment at the school level for all public schools in the State sample;

"(ii) the cost of coordination within the State; and

"(iii) other reasonable costs specified by the Secretary in the agreement described in paragraph (2).

"(B) SPECIAL RULE.—The non-Federal share of payments under this paragraph may be in cash or in kind, fairly valued.

"(C) ADMINISTRATIVE COSTS.—The agreement described in paragraph (2) shall describe the manner in which the costs of administering the assessment to private non-profit schools included in the State sample may be met.

"(e) REVIEW OF NATIONAL AND STATE ASSESSMENTS.—The Secretary shall provide for continuing reviews of both national and State assessments, including evaluation studies by the Center and solicitation of public comment on the conduct and usefulness of the National Assessment. The Secretary shall report to the Congress, the President, and the Nation on the findings and recommendations of such reviews. The Commissioner shall consider the findings and recommendations in designing the competition to select the organization, or organizations, through which the Office carries out the National Assessment.

"(f) COVERAGE AGREEMENTS.—

"(1) DEPARTMENT OF DEFENSE SCHOOLS.—The Secretary and the Secretary of Defense may enter into an agreement, including such terms as are mutually satisfactory, to include in the National Assessment elementary and secondary schools operated by the Department of Defense.

"(2) BUREAU OF INDIAN AFFAIRS SCHOOLS.—The Secretary and the Secretary of the Interior may enter into an agreement, including such terms as are mutually satisfactory, to include in the National Assessment schools for Indian children operated or supported by the Bureau of Indian Affairs.

"SEC. 14012. NATIONAL ASSESSMENT GOVERNING BOARD.

"(a) ESTABLISHMENT.—There is established the National Assessment Governing Board (hereafter in this part referred to as the 'Board'), which shall formulate policy guidelines for the National Assessment.

"(b) MEMBERSHIP.—

"(1) APPOINTMENT AND COMPOSITION.—The Board shall be appointed by the Secretary and be composed of—

"(A) two Governors, or former Governors, who shall not be members of the same political party;

"(B) two State legislators, who shall not be members of the same political party;

"(C) two chief State school officers;

"(D) one superintendent of a local educational agency;

"(E) one member of a State board of education;

"(F) one member of a local board of education;

"(G) three classroom teachers representing the grade levels at which the National Assessment is conducted;

"(H) one representative of business or industry;

"(I) two curriculum specialists;

"(J) three testing and measurement experts, who shall have training and experience in the field of testing and measurement;

"(K) one nonpublic school administrator or policymaker;

"(L) two school principals, of whom one shall be an elementary school principal and one shall be a secondary school principal; and

"(M) four additional members who are representatives of the general public, including parents.

"(2) ASSISTANT SECRETARY FOR EDUCATIONAL RESEARCH.—The Assistant Secretary for Educational Research and Improvement shall serve as an ex officio, non-voting member of the Board.

"(3) SPECIAL RULE.—The Secretary and the Board shall ensure at all times that the membership of the Board reflects regional, racial, gender, and cultural balance and diversity and that the Board exercises its independent judgment, free from inappropriate influences and special interests.

"(c) TERMS.—Members of the Board shall serve for terms not to exceed 4 years which shall be staggered, as determined by the Secretary. Any appointed member of the Board who changes status under subsection (b) during the term of the appointment of the member may continue to serve as a member until the expiration of such term.

"(d) VACANCIES.—As vacancies occur, new members of the Board shall be appointed by the Secretary from among individuals who are nominated by the Board after consultation with representatives of the groups listed in subsection (b)(1). For each vacancy, the Board shall nominate at least 3 individuals who, by reason of experience or training, are qualified in that particular Board vacancy.

"(e) DUTIES.—

"(1) IN GENERAL.—In carrying out its functions under this section the Board shall—

"(A) select subject areas to be assessed (consistent with section 14011(b)(1));

"(B) identify appropriate achievement goals for each age and grade in each subject area to be tested under the National Assessment;

"(C) develop assessment objectives;

"(D) develop test specifications;

"(E) design the methodology of the assessment;

"(F) develop guidelines for analysis plans and for reporting and disseminating results;

"(G) develop standards and procedures for interstate, regional, and national comparisons; and

"(H) take appropriate actions needed to improve the form and use of the National Assessment.

"(2) DELEGATION.—The Board may delegate any of the Board's procedural and administrative functions to its staff.

"(3) COGNITIVE ITEMS.—The Board shall have final authority on the appropriateness of cognitive items.

"(4) BIAS.—The Board shall take steps to ensure that all items selected for use in the National Assessment are free from racial, cultural, gender, or regional bias.

"(5) GOALS STATEMENTS.—Each learning area assessment shall have goal statements devised through a national consensus approach, providing for active participation of teachers, curriculum specialists, local school administrators, parents, and concerned members of the general public.

"(f) PERSONNEL.—

"(1) IN GENERAL.—In the exercise of its responsibilities, the Board shall be independent of the Secretary and the other offices and officers of the Department.

"(2) STAFF.—The Secretary may appoint, at the direction of the Board, such staff as the Board requires. Such appointments may include, for terms not to exceed 3 years, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, not more than 6 technical employees to administer this subsection, who may be paid without regard to

the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(g) COMMISSIONER REPORTS.—The Commissioner shall report to the Board at regular intervals on the Department's actions to implement the decisions of the Board.

"(h) ADMINISTRATION.—

"(1) LIMITATION.—Not to exceed 10 percent of the funds available for the National Assessment for any fiscal year may be used for administrative expenses (including staff, consultants, and contracts) and to carry out the Board's duties described in subsection (e).

"(2) APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—For the purposes of its administrative functions, the Board shall have the authorities authorized by the Federal Advisory Committee Act and shall be subject to the open meeting provisions of that law.

"SEC. 14013. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $100,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this title.

"TITLE XV—EDUCATION INFRASTRUCTURE

"SEC. 15001. SHORT TITLE.

"This title may be cited as the 'Education Infrastructure Act of 1994'.

"SEC. 15002. FINDINGS.

"The Congress finds that—

"(1) improving the quality of public elementary and secondary school libraries, media centers, and facilities will help our Nation meet the National Education Goals;

"(2) Federal, State, and local funding for the repair, renovation, alteration and construction of public elementary and secondary school libraries, media centers, and facilities has not adequately reflected need; and

"(3) the challenges facing our Nation's public elementary and secondary schools require the concerted and collaborative efforts of all levels of government and all sectors of the community.

"SEC. 15003. PURPOSE.

"It is the purpose of this title to help our Nation meet the National Education Goals through the repair, renovation, alteration, and construction of public elementary and secondary school libraries, media centers, and facilities, used for academic or vocational instruction.

"SEC. 15004. DEFINITIONS.

"For the purpose of this title—

"(1) the term 'alteration' means any change to an existing property for use for a different purpose or function;

"(2) the term 'construction' means the erection of a building, structure, or facility, including the concurrent installation of equipment, site preparation, associated roads, parking, and utilities, which provides area or cubage not previously available, including—

"(A) freestanding structures, additional wings, or floors, enclosed courtyards or entryways, and any other means to provide usable program space that did not previously exist; and

"(B) the complete replacement of an existing facility, but only if such replacement is less expensive than alteration, renovation, or repair of the facility;

"(3) the term 'eligible local education agency' means a local educational agency in which—

"(A) at least 15 percent of the children that reside in the geographic area served by such agency are eligible to be counted under section 1123(c)(1) of this Act; or

"(B) the United States owns Federal property described in paragraph (5) of section 9014 that has an assessed value (determined as of the time or times when acquired) aggregating 90 percent or more of the assessed value of all real property in such agency (determined as of the time or times when so acquired); and

"(C) demonstrates in the application submitted under section 15006 that such agency has urgent repair, renovation, alteration and construction needs for its public elementary or secondary school libraries, media centers, and facilities used for academic or vocational instruction;

"(4) the term 'renovation' means any change to an existing property to allow its more efficient use within such property's designated purpose; and

"(5) the term 'repair' means the restoration of a failed or failing real property facility, component, or a building system to such a condition that such facility, component, or system may be used effectively for its designated purpose, if, due to the nature or extent of the deterioration or damage to such facility, component, or system, such deterioration or damage cannot be corrected through normal maintenance.

"SEC. 15005. IMPROVEMENT OF PUBLIC ELEMENTARY AND SECONDARY EDUCATION FACILITIES PROGRAM AUTHORIZED.

"(a) PROGRAM AUTHORITY.—

"(1) IN GENERAL.—From amounts appropriated under subsection (b) for any fiscal year, the Secretary shall award grants to eligible local educational agencies with applications approved under section 15006 to carry out the authorized activities described in section 15008.

"(2) SPECIAL RULE.—The Secretary may reserve not more than 1 percent of the amount appropriated under subsection (b) to provide assistance to Indian schools in accordance with this title.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $400,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this title.

"SEC. 15006. APPLICATIONS.

"(a) APPLICATIONS REQUIRED.—Each eligible local educational agency desiring to receive a grant under this title shall submit an application to the Secretary.

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

"(1) an assurance that the application was developed in consultation with parents and classroom teachers;

"(2) a description of each architectural, civil, structural, mechanical, or electrical deficiency to be corrected with funds provided under this title, including the priority for the repair of the deficiency;

"(3) a description of the criteria used by the applicant to determine the type of corrective action necessary to meet the purpose of this title;

"(4) a description of the corrective action to be supported with funds provided under this title;

"(5) a cost estimate of the proposed corrective action;

"(6) an identification of other resources, including unused bonding capacity, that are available to carry out the activities for which funds are requested under this title;

"(7) a description of how activities supported with funds provided under this title will promote energy conservation; and

"(8) such other information and assurances as the Secretary may reasonably require.

"SEC. 15007. AWARD OF GRANTS.

"(a) CRITERIA.—The Secretary shall award grants under this title on the basis of—

"(1) high numbers or percentages of the total number of children aged 5 to 17, inclusive, residing in the geographic area served by an eligible local educational agency who are counted under section 1123(c)(1);

"(2) the extent to which the eligible local educational agency lacks the fiscal capacity, including the ability to raise funds through the full use of such agency's bonding capacity and otherwise, to undertake the project without Federal assistance; and

"(3) such other criteria as the Secretary may prescribe by regulation.

"(b) SPECIAL RULE.—The Secretary shall only award grants under this title if the Secretary determines that sufficient funds will be provided under this title or from other sources, including the issuance of bonds, to carry out the activities for which assistance is sought.

"(c) AWARD CATEGORIES.—

"(1) IN GENERAL.—From the funds appropriated to carry out this title for each fiscal year, the Secretary shall award grants to eligible local educational agencies in each of the following categories:

"(A) Eligible local educational agencies in which the number of students enrolled is less than 2,500.

"(B) Such agencies in which such number is 2,500 or greater but less than 5,000.

"(C) Such agencies in which such number is 5,000 or greater but less than 10,000.

"(D) Such agencies in which such number is 10,000 or greater but less than 25,000.

"(E) Such agencies in which such number is 25,000 or greater but less than 50,000.

"(F) Such agencies in which such number is 50,000 or greater.

"(2) ALLOCATION AMONG CATEGORIES.—The Secretary shall allocate funds under this title among the categories described in paragraph (1) on such basis as the Secretary determines is appropriate, after considering such factors as—

"(A) the relative numbers or percentages of students counted under section 1123(c)(1); and

"(B) the relative costs of carrying out activities under this title in eligible local educational agencies in each such category.

"(d) MAXIMUM AWARD AMOUNTS.—The Secretary shall annually set the maximum award amounts for each category described in subsection (c)(1).

"(e) FREQUENCY OF AWARDS.—No local educational agency may receive more than one grant under this title in any five-year period.

"SEC. 15008. AUTHORIZED ACTIVITIES.

"(a) IN GENERAL.—Each eligible local educational agency receiving a grant under this title shall use the grant funds only to—

"(1) ensure the health and safety of students through the repair, renovation, alteration, and construction of a public elementary or secondary school library, media center, or facility, used for academic or vocational instruction; or

"(2) upgrade or alter such library, center, or facility in order to accommodate new instructional technology.

"(b) PARTICULAR ACTIVITIES.—Subject to subsection (a), each eligible local educational agency receiving a grant under this title may use the grant funds for activities such as—

"(1) meeting the requirements of section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990;

"(2) removal or containment of severely hazardous material such as asbestos, lead, and radon using a cost-effective method;

"(3) meeting Federal, State, or local codes related to fire, air, light, noise, waste disposal, building height, or other codes passed since the initial construction of such library, center, or facility; and

"(4) replacing an old such library, center, or facility that is more cost-effective to tear down than to renovate.

"SEC. 15009. REQUIREMENTS.

"(a) SPECIAL RULES.—

"(1) MAINTENANCE OF EFFORT.—An eligible local educational agency may receive a grant under this title for any fiscal year only if the Secretary finds that either the combined fiscal effort per student or the aggregate expenditures of that agency and the State with respect to the provision of free public education by such local educational agency for the preceding fiscal year was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the fiscal year for which the determination is made.

"(2) SUPPLEMENT NOT SUPPLANT.—An eligible local educational agency shall use funds received under this title only to supplement the amount of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the repair, renovation, alteration, and construction of school facilities used for educational purposes, and not to supplant such funds.

"(b) GENERAL LIMITATIONS.—

"(1) REAL PROPERTY.—No part of any grant funds under this title shall be used for the acquisition of any interest in real property.

"(2) MAINTENANCE.—Nothing in this title shall be construed to authorize the payment of maintenance costs in connection with any projects constructed in whole or in part with Federal funds provided under this title.

"(3) ENVIRONMENTAL SAFEGUARDS.—All projects carried out with Federal funds provided under this title shall comply with all relevant Federal, State, and local environmental laws and regulations.

"(4) ATHLETIC AND SIMILAR FACILITIES.—No funds received under this title shall be used for stadiums or other facilities that are primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public.

"SEC. 15010. FAIR WAGES.

"All laborers and mechanics employed by contractors or subcontractors in the performance of any contract and subcontract for the repair, renovation, alteration, or construction, including painting and decorating, of any building or work that is financed in whole or in part by a grant under this title, shall be paid wages not less than those determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (commonly known as the Davis-Bacon Act); as amended (40 U.S.C. 276a–276a–5). The Secretary of Labor shall have the authority and functions set forth in reorganization plan of No. 14 of 1950 (15 FR 3176; 64 Stat. 1267) and section 2 of the Act of June 1, 1934 (commonly known as the Copeland Anti-Kickback Act) as amended (40 U.S.C. 276c, 48 Stat. 948).

"SEC. 15011. FEDERAL ASSESSMENT.

"The Secretary shall reserve not more than 1 percent of funds appropriated for each fiscal year under section 15005(b)—

"(1) to collect such data as the Secretary determines necessary at the school, local, and State levels; and

"(2) to conduct studies and evaluations, including national studies and evaluations, in order to—

"(A) monitor the progress of projects supported with funds provided under this title; and

"(B) evaluate the state of American public elementary and secondary school libraries, media centers, and facilities; and

"(3) to report to the Congress by July 1, 1997, regarding the findings of the studies and evaluations described in paragraph (2).

"TITLE XVI—URBAN AND RURAL EDUCATION

"SEC. 16001. DEFINITIONS.

"Except as otherwise provided, for the purposes of this title:

"(1) CENTRAL CITY.—The term 'central city' has the same meaning used by the Bureau of the Census.

"(2) COMMUNITY-BASED ORGANIZATION.—The term 'community-based organization' means a private nonprofit organization that is representative of a community or significant segments of a community and which has a proven record of providing effective educational or related services to individuals in the community.

"(3) COMMUNITY AS SCHOOL CONCEPT.—The term 'community as school concept' means the mutual sharing of the local public school's and the local community's human, financial, technical, and environmental resources to help meet each others needs;

"(4) METROPOLITAN STATISTICAL AREA.—The term 'metropolitan statistical area' has the same meaning used by the Bureau of the Census.

"(5) POVERTY LEVEL.—The term 'poverty level' means the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census for a family of 4 in such form as those criteria have been updated by increases in the Consumer Price Index for All Urban Consumers.

"(6) RURAL ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term 'rural eligible local educational agency' means a local educational agency—

"(A)(i) in which at least 15 percent of the children enrolled in the schools served by such agency are eligible to be counted under section 1123(c); and

"(ii) which is not in a metropolitan statistical area; or

"(B) in which the total enrollment in the schools served by such agency is less than 2,500 students and that does not serve schools located in a metropolitan statistical area.

"(7) STATE.—The term 'State' means each of the several States and the District of Columbia, but does not include Guam, American Samoa, the Commonwealth of Puerto Rico, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau.

"(8) URBAN ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term 'urban eligible local educational agency' means a local educational agency that—

"(A) serves the largest central city in a State;

"(B) enrolls more than 30,000 students and serves a central city with a population of at least 200,000 in a metropolitan statistical area; or

"(C) enrolls between 25,000 and 30,000 students and serves a central city with a population of at least 140,000 in a metropolitan statistical area.

"PART A—URBAN SCHOOLS

"SEC. 16101. SHORT TITLE.

"This part may be cited as the 'Urban Schools of America (USA) Act of 1994'.

"SEC. 16102. FINDINGS.

"The Congress finds that—

"(1) the ability of the Nation's major urban public school systems to meet the Nation's educational goals will determine the country's economic competitiveness and academic standing in the world community;

"(2) the quality of public education in the Nation's major urban areas has a direct effect on the economic development of the Nation's inner cities;

"(3) the success of urban public schools in boosting the achievement of its minority youth attending such schools will determine the ability of the Nation to close the gap between the 'haves and the have-nots' in society;

"(4) the cost to America's businesses to provide remedial education to secondary school graduates is approximately $30,000,000,000 per year;

"(5) urban public schools enroll a disproportionately large share of the Nation's poor and at-risk youth;

"(6) urban public schools enroll approximately one-third of the Nation's poor, 40 percent of the Nation's African-American children, and 30 percent of the Nation's Hispanic youth;

"(7) nearly 20 percent of the Nation's limited-English proficient children and 15 percent of the Nation's disabled youth are enrolled in urban public schools;

"(8) the academic performance of students in the average inner-city public school system is below that of students in most other kinds of school systems;

"(9) urban public school systems have higher dropout rates, more problems with health care, and less parental participation than other kinds of school systems;

"(10) urban preschoolers have one-half the access to early childhood development programs as do other children;

"(11) shortages of teachers in urban public school systems are 2.5 times greater than such shortages in other kinds of school systems;

"(12) declining numbers of urban minority secondary school graduates are pursuing postsecondary educational opportunities;

"(13) urban public school systems have greater problems with teenage pregnancy, discipline, drug abuse, and gangs than do other kinds of school systems;

"(14) 75 percent of urban public school buildings are over 25 years old, 33 percent of such buildings are over 50 years old, and such buildings are often in serious disrepair and create poor and demoralizing working and learning conditions;

"(15) solving the challenges facing our Nation's urban schools will require the concerted and collaborative efforts of all levels of government and all sectors of the community;

"(16) Federal and State funding of urban public schools has not adequately reflected need; and

"(17) Federal funding that is well-targeted, flexible, and accountable would contribute significantly to addressing the comprehensive needs of inner-city public schools.

"SEC. 16103. PURPOSE.

"It is the purpose of this part to provide financial assistance to—

"(1) assist urban public schools in meeting National Education Goals;

"(2) improve the educational and social well-being of urban public school children;

"(3) close the achievement gap between urban and nonurban public school children, while improving the achievement level of all children nationally;

"(4) conduct coordinated research on urban public education problems, solutions, and promising practices;

"(5) improve the Nation's global economic and educational competitiveness by improving the Nation's urban schools; and

"(6) encourage community, parental, and business collaboration in the improvement of urban schools.

"Subpart 1—Urban School Improvement

"SEC. 16121. ALLOCATION OF FUNDS.

"(a) RESERVATION.—

"(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall reserve 5 percent of the amounts appropriated or otherwise made available to carry out this subpart for any fiscal year, to provide incentive awards in accordance with section 16126.

"(2) INAPPLICABILITY.—Paragraph (1) shall not apply for the first year for which funds are appropriated to carry out this subpart.

"(b) FEDERAL ALLOTMENT.—From the remainder of the sums not reserved under subsection (a), the Secretary shall allot to each urban eligible local educational agency with an approved application in each fiscal year an amount which bears the same relationship to such funds as the amount such urban eligible local educational agency was allocated under section 1123 (or for fiscal year 1995 only, such section's predecessor authority) in the preceding fiscal year bears to the total amount received under such section in such preceding fiscal year by all urban eligible local educational agencies.

"(c) RESERVATION FOR COMMUNITY-BASED ORGANIZATIONS AND NONPROFIT PARTNERSHIPS.—Each urban eligible local educational agency shall reserve not more than 5 percent of the amounts allotted under subsection (b) for any fiscal year, to make as many grants as practicable for the activities described in section 16124 to—

"(1) community-based organizations; or

"(2) nonprofit partnerships between the urban eligible local educational agency and city-wide collaboratives of private sector businesses or universities.

"(d) PAYMENTS.—The Secretary shall make annual payments only to urban eligible local educational agencies that—

"(1) comply with the provisions of section 16125; and

"(2) demonstrate to the satisfaction of the Secretary that the data submitted pursuant to section 16125 shows progress toward meeting National Education Goals.

"(e) ADMINISTRATIVE COSTS.—Not more than 5 percent of any allotment or grant made under this subpart may be used for administrative costs.

"SEC. 16122. APPLICATION.

"(a) APPLICATION REQUIRED.—

"(1) URBAN LOCAL EDUCATIONAL AGENCIES.—

"(A) IN GENERAL.—Any urban local educational agency desiring to receive an allotment from the Secretary to carry out this subpart shall—

"(i) develop and prepare an application;

"(ii) submit to the State educational agency the application for review and comment; and

"(iii) submit the application described in clause (i) to the Secretary for approval.

"(B) DURATION.—Except as provided in section 16125, the application described in clause (i) may be for a period of not more than 5 years.

"(2) COMMUNITY-BASED ORGANIZATIONS AND NONPROFIT PARTNERSHIPS.—Any community-based organization or nonprofit partnership referred to in section 16121(c) desiring to receive a grant from an urban eligible local educational agency pursuant to section 16126 shall—

"(A) submit an application to the urban eligible local educational agency;

"(B) describe in the application the collaborative efforts undertaken with the urban eligible local educational agency in designing a program to meet the purposes of this subpart; and

"(C) describe in the application how funds will be used to help meet the education goals selected by the urban eligible local educational agency pursuant to subsection (b).

"(b) CONTENTS OF URBAN LOCAL EDUCATIONAL AGENCY APPLICATION.—Each application submitted by an urban eligible local educational agency shall include a description of—

"(1) the ranking of all schools in the urban eligible local educational agency by achievement, poverty, and racial isolation and how such schools will be served in accordance with section 16127(a);

"(2) the community served by the urban eligible local educational agency and the effects of the community on the educational conditions within the schools served by the urban eligible local educational agency;

"(3) the academic and other goals selected by the urban eligible local educational agency and their relationship to the standards set for all students under the Goals 2000: Educate America Act or title I of this Act;

"(4) how funds received under this subpart will be used to meet the National Education Goals selected by the urban eligible local educational agency;

"(5) how promising or successful models or programs will be replicated in designing activities assisted under this subpart; and

"(6) the statistical indicators and other criteria that the urban eligible local educational agency will use to measure progress toward meeting National Education Goals, and a description of what the urban eligible local educational agency has done to ensure that any assessments used to measure such progress will not have a negative effect on minority or language minority students.

"SEC. 16123. PLANNING PERIOD.

"Any urban eligible local educational agency requiring additional planning efforts to meet the provisions of this subpart may use the first 6 months of the initial program year for planning purposes, subject to approval by the Secretary, except that not more than 15 percent of the first year's allotment shall be used for such purposes. A written report of the results of such planning shall be submitted to the Secretary not later than the end of the first project year.

"SEC. 16124. USES OF FUNDS.

"(a) IN GENERAL.—Funds allotted under this subpart shall be used by urban eligible local educational agencies, community-based organizations, or nonprofit partnerships to meet National Education Goals through programs designed to—

"(1) increase the academic achievement of urban public school children to at least the national average, such as—

"(A) effective public schools programs;

"(B) tutoring, mentoring, and other activities to improve academic achievement directly;

"(C) activities designed to increase the participation of minority and female students in entry level and advanced courses in mathematics and science;

"(D) supplementary academic instruction;

"(E) efforts to improve problem-solving and higher-order thinking skills;

"(F) programs to increase student motivation for learning; and

"(G) efforts to lengthen the school day or school year, or to reduce class sizes;

"(2) ensure the readiness of all urban public school children for school, such as—

"(A) full workday, full calendar-year comprehensive early childhood development programs;

"(B) parenting classes and parent involvement activities;

"(C) activities designed to coordinate prekindergarten and child care programs;

"(D) efforts to integrate developmentally appropriate prekindergarten services into the overall public school program;

"(E) upgrading the qualifications of early childhood education staff and standards for programs;

"(F) collaborative efforts with health and social service agencies to provide comprehensive services and to facilitate the transition from home to school;

"(G) establishment of comprehensive child care centers in public secondary schools for students who are parents and their children; and

"(H) augmenting early childhood development programs to meet the special educational and cultural needs of limited-English proficient preschool children;

"(3) increase the graduation rates of urban public school students to at least the national average, such as—

"(A) dropout prevention activities and support services for public school students at-risk of dropping out of school;

"(B) reentry, outreach, and support activities to recruit students who have dropped out of school to return to school;

"(C) development of systemwide policies and practices that encourage students to stay in school;

"(D) efforts to provide individualized student support, such as mentoring programs;

"(E) collaborative activities between schools, parents, community groups, agencies, and institutions of higher education aimed at preventing individuals from dropping out of school;

"(F) programs to increase student attendance; and

"(G) alternative programs for students, especially bilingual and special education students, who have dropped out of school or are at risk of dropping out of school;

"(4) prepare urban public school students to enter higher education, pursue careers, and exercise their responsibilities as citizens, such as—

"(A) activities designed to increase the number and percentages of students, particularly minority students, enrolling in postsecondary educational institutions after graduation from public secondary schools;

"(B) in-school youth employment, vocational education, and career education programs that improve the transition from school to work;

"(C) activities designed in collaboration with colleges and universities to assist urban public school graduates in completing higher education;

"(D) efforts to increase voter registration among eligible public secondary school students;

"(E) activities designed to promote community service and volunteerism among students, parents, teachers, and the community; and

"(F) civic education and other programs designed to enhance responsible citizenship and understanding of the political process;

"(5) recruit and retain qualified teachers, such as—

"(A) school-based management projects and activities;

"(B) programs designed to test efforts to increase the professionalization of teachers or to bring teachers up to national voluntary standards;

"(C) alternative routes to certification for qualified individuals from business, the military, and other fields;

"(D) efforts to recruit and retain teachers in critical shortage areas, including early childhood teachers, mathematics and science teachers, and special education and bilingual teachers;

"(E) upgrading the skills of teacher aides and paraprofessionals to permit such individuals to become certified teachers;

"(F) activities specifically designed to increase the number of minority teachers in urban schools;

"(G) programs designed to 'grow your own' teachers;

"(H) incentives for teachers to work in inner-city public schools; and

"(I) collaborative activities with urban universities to revise and upgrade teacher training programs; or

"(6) decrease the use of drugs and alcohol among urban public school students and enhance the physical and emotional health of such students, such as—

"(A) activities designed to improve the self-esteem and self-worth of urban public school students;

"(B) the provision of health care services and other social services and the coordination of such services with other health care providers;

"(C) programs designed to improve safety and discipline and reduce in-school violence, vandalism, and gang activity;

"(D) activities that begin in the early grades and are designed to prevent drug and alcohol abuse and smoking among students and teachers;

"(E) collaborative activities with other agencies, businesses, and community groups to discourage the advertisement and glorification of drugs and alcohol;

"(F) efforts to enhance health education and nutrition education; and

"(G) alternative public schools, and schools-within-schools programs, including bilingual and special education programs for public school students with special needs.

"(b) SPECIAL RULE.—Funds allotted under this subpart may be used for the planning, development, operation, or expansion of programs and activities that are designed to assist urban public schools in meeting National Education Goals, and may include—

"(1) training of teachers and other educational personnel in subject areas, or in instructional technology and methods that will improve the delivery of services in urban settings and assist in the achievement of the National Education Goals, including staff development efforts that emphasize multicultural and gender and disability bias-free curricula;

"(2) coordination and collaboration with other municipal agencies, child care organizations, universities, or the private sector;

"(3) parental involvement and outreach efforts and other activities designed to enhance parental encouragement of student learning;

"(4) guidance and psychological counseling, social work, and other support services that contribute to progress in achieving National Education Goals;

"(5) efforts to acquire and improve access to educational technology;

"(6) programs to serve homeless children, children in desegregation programs, immigrants, migrants, or other highly mobile populations, even if such individuals do not attend a public school assisted under this subpart; and

"(7) efforts to improve and strengthen the curriculum and coordinate services across grade levels.

"(c) PRIORITY.—Each urban eligible local educational agency submitting an application shall give priority in designing the program assisted under this subpart to activities that replicate successful efforts in other urban local educational agencies or expand successful programs within the urban eligible local educational agency.

"SEC. 16125. ACCOUNTABILITY.

"(a) IN GENERAL.—The Secretary may award an allotment under this subpart to an urban eligible local educational agency to enable such an agency to operate a program under this subpart for a period of not more than 5 years. If an urban eligible local educational agency receiving an allotment under this subpart meets the accountability requirements described in subsection (b) at the end of the 5-year period, and the requirements described in subsection (c) at the end of each year, as determined by the Secretary, such agency shall be eligible to continue the project with funds under this subpart for an additional 3-year period.

"(b) REQUIREMENTS TO MOVE TOWARD NATIONAL EDUCATION GOALS.—

"(1) PROGRAM CONTINUATION.—Except as provided in paragraph (2), if after 5 years of receiving an allotment under this subpart an urban eligible local educational agency is able to demonstrate to the satisfaction of the Secretary that such agency has increased the achievement level of urban public school students in the lowest 2 quartiles in the schools served by such agency and assisted under this subpart as measured by the statistical indicators and other criteria specified in the application in excess of the average such achievement of such students in the 3-year period prior to the initiation of the project, then such agency shall be eligible to continue the project with funds under this title for an additional 5-year period upon reapplication under section 16122.

"(2) SPECIAL RULE.—If after 5 years of receiving an allotment under this subpart an urban eligible local educational agency is able to demonstrate to the Secretary that it has made significant progress in school improvement, given changes in the student population or other factors beyond such agency's control, then such agency shall be considered to have met the requirements of paragraph (1) so long as the achievement level of the schools served by such agency and assisted under this subpart did not decline over the 5-year period.

"(c) COLLECTION OF DATA.—Each urban eligible local educational agency, community-based organization, university, or nonprofit partnership receiving an allotment under this subpart shall annually collect and submit to the Secretary data based on the statistical indicators and other criteria described in the application submitted by such urban eligible local educational agency for the purposes of monitoring progress in achieving National Education Goals. Such data shall include multiple measures or indicators of each variable, and may take into consideration the mobility of students in the schools served under this subpart.

"SEC. 16126. INCENTIVE AWARDS TO EXEMPLARY PROGRAMS.

"From amounts reserved pursuant to section 16121(a) or otherwise made available, the Secretary is authorized to make competitive awards to individual public schools participating in a program assisted under this subpart that demonstrate to the satisfaction of the Secretary success in at least 3 of the following areas:

"(1) Unusual or exemplary progress in achieving the National Education Goals through programs described in section 16124.

"(2) Exemplary or unusually effective collaborative arrangements between public schools, community-based organizations, agencies, parent groups, colleges and businesses.

"(3) Identification, review, and removal of potential barriers to student performance in achieving National Education Goals, including a decrease in suspensions, expulsions, in-grade retentions, and ability groupings, and lack of access to course offerings in pre-algebra and introductory algebra.

"(4) Substantial expansion of the hours that public schools remain open for community use or student after-school recreation.

"SEC. 16127. SPECIAL RULES.

"(a) RANKING OF SCHOOLS TO DETERMINE RELATIVE NEED.—

"(1) IN GENERAL.—In order to determine which public schools are most in need of services, each urban eligible local educational agency desiring to receive an allotment under this subpart shall separately rank all public elementary and secondary schools under the jurisdiction of such agency on the basis of—

"(A) low achievement;

"(B) high poverty; and

"(C) racial isolation.

"(2) PERCENTAGE OF SCHOOLS TO BE SERVED.—Each urban eligible local educational agency that receives an allotment under this subpart shall serve at least 10 percent, but not more than 20 percent, of the public schools under the jurisdiction of such agency.

"(3) CRITERIA FOR SCHOOLS TO BE SERVED.—Subject to paragraph (2) of this subsection, each urban eligible local educational agency that receives an allotment under this subpart—

"(A) shall serve any public school that is determined to be most in need with respect to all 3 rankings described in paragraph (1);

"(B) may serve any public school that is determined to be most in need with respect to any 1 or more of such rankings; and

"(C) may serve any public school that received assistance under this title in a previous fiscal year.

"(b) FLEXIBILITY.—Each urban eligible local educational agency shall have the flexibility to serve homeless children, children in schools undergoing desegregation, immigrants, migrants, or other highly mobile populations within the program assisted under this subpart.

"Subpart 2—General Provisions

"SEC. 16131. WHITE HOUSE CONFERENCE ON URBAN EDUCATION.

"(a) AUTHORIZATION TO CALL CONFERENCE.—

"(1) IN GENERAL.—The President is authorized to call and conduct a White House Conference on Urban Education (referred to in this section as the 'Conference') which shall be held not earlier than November 1, 1995, and not later than October 30, 1996.

"(2) PURPOSE.—The purpose of the Conference shall be to—

"(A) develop recommendations and strategies for the improvement of urban education;

"(B) marshal the forces of the private sector, governmental agencies at all levels, parents, teachers, communities, and education officials to assist urban public schools in achieving National Education Goals; and

"(C) conduct the initial planning for a permanent national advisory commission on urban education.

"(b) COMPOSITION OF CONFERENCE.—

"(1) IN GENERAL.—The Conference shall be comprised of 12 individuals, including—

"(A) representatives of urban public school systems, including members of the governing body of local educational agencies, and school superintendents;

"(B) representatives of the Congress, the Department of Education, and other Federal agencies;

"(C) State elected officials and representatives from State educational agencies; and

"(D) individuals with special knowledge of and expertise in urban education.

"(2) SELECTION.—The President shall select one-third of the participants of the Conference, the Majority Leader of the Senate shall select one-third of such participants, and the Speaker of the House of Representatives shall select the remaining one-third of such participants.

"(3) REPRESENTATION.—In selecting the participants of the Conference, the President, the Majority Leader of the Senate, and the Speaker of the House of the House of Representatives shall ensure that the participants are as representative of the ethnic, racial, and linguistic diversity of cities as is practicable.

"(c) REPORT.—

"(1) IN GENERAL.—Not later than 120 days following the termination of the Conference, a final report of the Conference, containing such findings and recommendations as may be made by the Conference, shall be submitted to the President. The final report shall be made public and, not later than 90 days after receipt by the President, transmitted to the Congress together with a statement of the President containing recommendations for implementing the report.

"(2) PUBLICATION AND DISTRIBUTION.—The Conference is authorized to publish and distribute the report described in this section. Copies of the report shall be provided to the Federal depository libraries and made available to local urban public school leaders.

"PART B—RURAL SCHOOLS

"SEC. 16201. SHORT TITLE.

"This part may be cited as the 'Rural Schools of America (RSA) Act of 1994'.

"SEC. 16202. FINDINGS.

"The Congress finds that—

"(1) the ability of America's rural public school systems to meet the National Education Goals will contribute to the economic competitiveness and academic standing of the Nation in the world community;

"(2) the quality of public education in the rural areas of the Nation has a direct effect on the economic development of the rural communities of the Nation;

"(3) the success of rural public schools in boosting the achievement of minority youth attending such schools will determine the ability of the Nation to close the gap between the haves and the have-nots in society;

"(4) the cost to America's businesses to provide remedial education to secondary public school graduates is approximately $21,000,000,000 per year;

"(5) rural public schools enroll a disproportionately large share of the Nation's poor and at-risk youth;

"(6) approximately 60 percent of the Nation's public school districts are rural with a population of less than 2,500;

"(7) approximately one out of every four of America's rural children are living below the poverty line;

"(8) the academic performance of students in the average rural public school system is below that of students in most suburban school systems;

"(9) rural preschoolers have less access to early childhood development programs than other children;

"(10) shortages of teachers for rural public school systems is greater than in other kinds of school systems;

"(11) a declining number of rural public secondary school graduates are pursuing post-secondary education opportunities;

"(12) the average age of rural public school buildings is more than 45 years old and such buildings are often in serious disrepair, creating poor and demoralizing working and learning conditions;

"(13) solving the challenges facing the Nation's rural public schools will require the concerted and collaborative efforts of all levels of government and all sectors of the community;

"(14) Federal and State funding of rural public schools has not adequately reflected need; and

"(15) Federal funding that is well-targeted, flexible, and accountable would contribute significantly to addressing the comprehensive needs of rural public schools.

"SEC. 16203. PURPOSE.

"It is the purpose of this part to provide financial assistance to rural public schools most in need, to encourage the comprehensive restructuring of America's rural schools, the appropriate use of telecommunications technologies for learning, and to support innovative programs which improve performance through programs and projects designed to—

"(1) assist rural public schools in meeting National Education Goals;

"(2) encourage rural public schools to engage in school reform;

"(3) develop pilot projects that experiment with innovative ways to teach rural public school children more effectively;

"(4) improve the educational and social well-being of rural public school children;

"(5) close the achievement gap between children attending rural public schools and other children, while improving the achievement level of all children nationally;

"(6) conduct coordinated research on rural education problems, solutions, promising practices, and distance learning technologies;

"(7) improve the Nation's global economic and educational competitiveness by improving the Nation's rural public schools;

"(8) encourage community, parental, and business collaboration in the improvement of rural public schools;

"(9) encourage rural school consortia for the purpose of increasing efficiency and course offerings;

"(10) encourage a positive role for rural public schools in local rural entrepreneurship and the identification of rural community economic development opportunities;

"(11) encourage community-as-school concepts, which include the role public schools can play to assist with rural community economic revitalization; and

"(12) provide meaningful inservice opportunities for rural public school teachers.

"Subpart 1—Rural School Improvement

"SEC. 16221. ALLOTMENT OF FUNDS.

"(a) RESERVATION.—From the amount appropriated or otherwise made available to carry out this subpart for any fiscal year after the first fiscal year in which the Secretary awards allotments to State educational agencies under this subpart, the Secretary shall reserve 5 percent of such funds to provide incentive awards in accordance with section 16226.

"(b) ALLOTMENTS.—

"(1) FEDERAL ALLOTMENT.—From the remainder of the funds not reserved under subsection (a), the Secretary shall allot to each State educational agency with an approved application in each fiscal year an amount which bears the same relationship to such funds as the amount all rural eligible local educational agencies with approved applications in the State were allocated under section 1123 (or for fiscal year 1995 only, such section's predecessor authority) in the preceding fiscal year bears to the total amount received under such section (or predecessor authority) in such preceding fiscal year by all rural eligible local educational agencies with approved applications in all States.

"(2) STATE ALLOTMENT.—

"(A) RESERVATION FOR ADMINISTRATIVE EXPENSES.—From amounts received pursuant to paragraph (1), each State educational agency may reserve not more than 1 percent of such amount for administrative expenses.

"(B) RESERVATION FOR COMMUNITY-BASED ORGANIZATIONS AND NONPROFIT PARTNERSHIPS.—From amounts received under paragraph (1) for any fiscal year, each State educational agency shall reserve not more than 5 percent to make as many grants as practicable for activities in accordance with the National Education Goals and described in section 16224 to—

"(i) community-based organizations; or

"(ii) nonprofit partnerships among rural eligible local educational agencies, local colleges or universities, private sector businesses, or any combination thereof, that enter into a written agreement with at least one rural eligible local educational agency.

"(C) FORMULA.—From the remainder of amounts received pursuant to paragraph (1) and not reserved pursuant to subparagraphs (A) and (B) in each fiscal year, each State educational agency shall allot to each rural eligible local educational agency with an approved application an amount which bears the same relationship to such funds as the amount such rural eligible local educational agency was allocated under section 1123 (or for fiscal year 1995 only, such section's predecessor authority) in the preceding fiscal year bears to the total amount received under such section (or predecessor authority) in such preceding fiscal year by all rural eligible local educational agencies with approved applications in the State.

"(D) ADMINISTRATIVE COSTS.—Not more than 5 percent of any rural eligible local educational agency's allotment under this subsection may be used for administrative costs.

"(c) REALLOTMENT.—Any amounts available for reallotment pursuant to subsections (a) and (b) shall be reallotted in the same manner as the original allotments were made.

"SEC. 16222. APPLICATION.

"(a) STATE APPLICATION.—

"(1) IN GENERAL.—Each State educational agency desiring to receive an allotment in any fiscal year to carry out the provisions of this subpart shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

"(A) describe the State's approach to improving education in rural public schools;

"(B) contain such information as the Secretary may reasonably require in order to make the allotment described in section 16221(b)(1); and

"(C) contain such other information or assurances as the Secretary determines necessary to ensure compliance with this subpart.

"(b) LOCAL APPLICATION.—

"(1) IN GENERAL.—Any rural eligible local educational agency desiring to receive an allotment to carry out this subpart, shall submit an application to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may reasonably require.

"(2) CONTENTS OF LOCAL EDUCATIONAL AGENCY APPLICATION.—Each application submitted by a rural eligible local educational agency pursuant to paragraph (1) shall include a description of—

"(A) the community served by the rural eligible local educational agency and the effects of the community on the educational conditions within the public schools served by the rural eligible local educational agency;

"(B) the academic and other goals selected by the rural eligible local educational agency and their relationship to the standards set for all students under the Goals 2000: Educate America Act or title I of this Act;

"(C) how funds received under this subpart will be used to meet the National Educational Goals selected by the rural eligible local educational agency;

"(D) how promising or successful models or programs will be replicated in designing activities assisted under this subpart;

"(E) which federally funded programs and activities are being expanded under this subpart; and

"(F) the statistical indicators and other criteria that the rural eligible local educational agency will use to measure progress toward meeting National Education Goals.

"(3) DURATION.—Except as provided in section 16225, the application described in paragraph (1) may be for a period of not more than 5 years.

"(c) COMMUNITY-BASED ORGANIZATIONS AND NONPROFIT PARTNERSHIPS.—Any community-based organization or nonprofit partnership described in section 16221(b)(2)(B) desiring to receive a grant from a State educational agency pursuant to such section shall—

"(1) prepare and submit an application to the State educational agency;

"(2) describe in the application the collaborative efforts undertaken with a rural eligible local educational agency in designing a program to meet the purposes of this part; and

"(3) describe in the application how funds will be used to help meet the education goals selected by a rural eligible local educational agency pursuant to subsection (b) of this section.

"SEC. 16223. PLANNING PERIOD.

"Any rural eligible local educational agency requiring additional planning efforts to meet the requirements of this subpart may use the first 3 months of the initial program year for planning purposes, subject to approval by the State educational agency, except that not more than 10 percent of the first year's allotment shall be used for such purposes. A written report of the results of the plan shall be submitted to the State educational agency.

"SEC. 16224. USES OF FUNDS.

"(a) IN GENERAL.—Funds allotted under section 16221(b)(2) shall be used by rural eligible local educational agencies, or community-based organizations or nonprofit partnerships described in section 16221(b)(2)(B), to meet National Education Goals through programs designed to—

"(1) increase the academic achievement of rural public school children to at least the national average, including education reform initiatives, such as—

"(A) effective public schools programs;

"(B) tutoring, mentoring, and other activities to improve academic achievement directly;

"(C) supplementary academic instruction;

"(D) efforts to improve problem-solving and higher-order critical thinking skills;

"(E) programs to increase student motivation for learning;

"(F) efforts to lengthen the school day, school year, or reduce class sizes; and

"(G) encouraging the establishment of rural school consortia to increase efficiency and course offerings;

"(2) ensure the readiness of all rural children for school, such as—

"(A) full workday, full calendar-year comprehensive early childhood development programs;

"(B) parenting classes, including parenting classes for teenage parents, and parent involvement activities;

"(C) activities designed to coordinate prekindergarten and child care programs;

"(D) efforts to integrate developmentally appropriate prekindergarten services into the overall public school program;

"(E) improving the skills of early childhood education staff and standards for programs;

"(F) collaborative efforts with health and social service agencies to provide comprehensive services and to facilitate the transition from home to school;

"(G) establishment of comprehensive child care centers in public secondary schools for student-parents and their children; and

"(H) augmenting early childhood development programs to meet the special educational and cultural needs of limited-English proficient and migrant preschool children;

"(3) increase the graduation rates of rural public school students to at least the national average, when funds are used to serve secondary schools, such as—

"(A) dropout prevention activities and support services for students at-risk of dropping out of school;

"(B) reentry, outreach and support activities to recruit students who have dropped out of school to return to school;

"(C) development of systemwide policies and practices that encourage students to stay in school;

"(D) efforts to provide individualized student support;

"(E) collaborative activities between schools, parents, community groups, agencies, and institutions of higher education aimed at preventing individuals from dropping out of school;

"(F) programs to increase student attendance; and

"(G) alternative programs for students, especially bilingual, special education, and migrant students, who have dropped out of school or are at risk of dropping out of school;

"(4) prepare rural public school students to enter higher education, pursue careers, and exercise their responsibilities as citizens, such as—

"(A) activities designed to increase the number and percentages of students, enrolling in postsecondary educational institutions after graduation from secondary schools;

"(B) in-school youth employment, vocational education, and career education programs that improve the transition from school to work;

"(C) activities designed in collaboration with colleges and universities to assist rural public school graduates in completing higher education;

"(D) activities designed in conjunction with community colleges to provide a kindergarten through grade 14 experience for rural public school secondary school students;

"(E) efforts to increase voter registration among eligible public secondary school students attending schools served by rural eligible local educational agencies;

"(F) activities designed to promote community service and volunteerism among students, parents, teachers, and the community;

"(G) civic education, law-related education, and other programs designed to enhance responsible citizenship and understanding of the political process; and

"(H) encouraging a positive role for rural public schools in local rural entrepreneurship and the identification of rural community economic development opportunities;

"(5) recruit and retain qualified teachers, such as—

"(A) school-based management projects and activities;

"(B) programs designed to increase the status of the teaching profession;

"(C) alternative routes to certification for qualified individuals from business, the military, and other fields;

"(D) efforts to recruit and retain teachers in critical shortage areas, including early childhood teachers, mathematics and science teachers, foreign language teachers, and special education and bilingual teachers;

"(E) upgrading the skills of existing classroom teachers through the use of year-round, systematic, comprehensive inservice training programs;

"(F) upgrading the skills of teacher aides and paraprofessionals to assist such individuals in becoming certified teachers;

"(G) efforts specifically designed to increase the number of minority teachers in rural public schools;

"(H) programs designed to encourage parents and students to enter the teaching profession;

"(I) incentives for teachers to work in rural public schools;

"(J) collaborative activities with colleges and universities to revise and upgrade teacher training programs to meet the needs of rural public school students; and

"(K) training activities for the purpose of incorporating distance learning technologies; or

"(6) decrease the use of drugs and alcohol among rural public school students, and to enhance the physical and emotional health of such students, such as—

"(A) activities designed to improve the self-esteem and self-worth of rural students;

"(B) the provision of health care services and other social services and the coordination of such services with other health care providers;

"(C) programs designed to improve safety and discipline and reduce in-school violence and vandalism;

"(D) activities that begin in the early grades and are designed to prevent drug and alcohol abuse and smoking among students;

"(E) collaborative activities with other agencies, businesses, and community groups;

"(F) efforts to enhance health education and nutrition education; and

"(G) alternative public schools, and schools-within-schools programs, including bilingual, migrant, and special education programs for students with special needs.

"(b) SPECIAL RULE.—Funds allotted under section 16221(b)(2) may be used by rural eligible local educational agencies, or community-based organizations or nonprofit partnerships, described in section 16221(b)(2)(B), for the planning, development, operation, or expansion of programs and activities that are designed to assist rural public schools in meeting National Education Goals, and may include—

"(1) training of teachers and other educational personnel in subject areas, or instructional technology and methods, that will improve the delivery of services in rural settings in any of the National Education Goal areas, including staff development efforts which emphasize multicultural, gender, and disability bias-free curricula;

"(2) coordination and collaboration with other rural agencies, including State rural development councils, child care organizations, universities, or the private sector;

"(3) parental involvement and outreach efforts and other activities designed to enhance parental encouragement of student learning;

"(4) guidance counseling, psychological, social work, and other support services that contribute to progress in achieving National Education Goals;

"(5) efforts to acquire and improve access to educational technology, including distance learning technologies;

"(6) programs to serve homeless children, children in schools undergoing desegregation, immigrants, migrants, or other highly mobile populations, even if such individuals do not attend a rural public school assisted under this subpart;

"(7) efforts to improve, reform and strengthen the curriculum, especially efforts to enhance critical thinking skills among rural students, and efforts to coordinate services across grade levels; and

"(8) other activities designed to assist in achieving the National Education Goals.

"(c) PRIORITY.—Each eligible rural local educational agency submitting an application under this section shall give priority in designing the program assisted under this subpart to activities that replicate successful efforts in other local educational agencies or expand successful programs within the rural eligible local educational agency.

"SEC. 16225. ACCOUNTABILITY.

"(a) IN GENERAL.—The State educational agency may award an allotment under this subpart to a rural eligible local educational agency to enable such an agency to operate a program under this subpart for a period of not more than 5 years. If a rural eligible local educational agency receiving an allotment under this subpart meets the accountability requirements described in subsection (b) at the end of 5 years

and the requirements described in subsection (c) at the end of each year, as determined by the State educational agency, such local educational agency shall be eligible to continue the project with funds under this subpart for an additional 3 years if such local educational agency so desires.

"(b) REQUIREMENTS TO MOVE TOWARD NATIONAL EDUCATION GOALS.—

"(1) PROGRAM CONTINUATION.—If, after 5 years of receiving an allotment under this subpart, a rural eligible local educational agency is able to demonstrate to the satisfaction of the State educational agency that such rural eligible local educational agency has increased the achievement within the lowest 2 quartiles of students in rural public schools assisted under this subpart as measured by the statistical indicators and other criteria specified in the application in comparison to the year prior to the initiation of the project, then such agency shall be eligible to continue the project with funds under this subpart for an additional 5 years upon reapplication under section 16222.

"(2) SPECIAL RULE.—If, after 5 years of receiving an allotment under this subpart, a rural eligible local educational agency is able to demonstrate to the Secretary that it has made significant progress in school improvement, given changes in the student population or other factors beyond such agency's control, then such agency shall be deemed to have met the requirements of paragraph (1) so long as the average achievement level of the public schools assisted under this subpart did not decline over the previous 5-year period.

"(c) COLLECTION OF DATA AND CERTIFICATION.—

"(1) IN GENERAL.—Each rural eligible local educational agency, community-based organizations or nonprofit partnerships described in section 16221(b)(2)(B), receiving assistance under this subpart shall annually collect and submit to the State educational agency data based on the statistical indicators and other criteria described in the application submitted by such rural eligible local educational agency for the purposes of monitoring progress in achieving the National Education Goals in accordance with paragraph (2). Such data shall include multiple measures or indicators of each variable, and may take into consideration the mobility of students in the public schools served under this subpart or other special factors.

"(2) CERTIFICATION.—Each rural eligible local educational agency receiving an allotment pursuant to section 16221(b)(2) shall annually certify to the State educational agency that such rural eligible local educational agency has—

"(A) complied with the provisions of this subsection; and

"(B) made progress toward meeting National Education Goals and the goals described in section 16222(b)(2)(D).

"SEC. 16226. INCENTIVE AWARDS TO EXEMPLARY PROGRAMS.

"From amounts reserved pursuant to section 16221(a) or otherwise made available, the Secretary is authorized to make competitive awards to rural eligible local educational agencies to enable such agencies to provide assistance to individual schools participating in a program assisted under this subpart that demonstrate to the satisfaction of the Secretary at least 3 of the following:

"(1) Unusual or exemplary progress in achieving the National Education Goals through programs described in section 16224.

"(2) Exemplary or unusually effective collaborative arrangements between the schools, community-based organizations, agencies, parent groups, colleges, and businesses.

"(3) Identification, review and removal of potential barriers to student performance in the National Education Goal areas, such as suspensions and expulsions, in-grade retentions, ability grouping, lack of access to course offerings, and other such barriers.

"Subpart 2—General Provisions

"SEC. 16231. WHITE HOUSE CONFERENCE ON RURAL EDUCATION.

"(a) AUTHORIZATION TO CALL CONFERENCE.—

"(1) IN GENERAL.—The President is authorized to call and conduct a White House Conference on Rural Education (referred to in this section as the 'Conference').

"(2) DATE.—The Conference described in paragraph (1) shall be held not earlier than November 1, 1995, and not later than October 30, 1996.

"(3) PURPOSE.—The purposes of the Conference shall be to—

"(A) develop recommendations and strategies for the improvement of rural public education;

"(B) marshal the forces of the private sector, governmental agencies at all levels, parents, teachers, communities, and education officials to assist rural public schools in achieving National Education Goals, and make recommendations on the roles rural public schools can play to assist with local rural community economic revitalization; and

"(C) conduct the initial planning for a permanent national commission on rural public education.

"(b) COMPOSITION OF CONFERENCE.—

"(1) IN GENERAL.—The Conference shall be comprised of—

"(A) representatives of eligible public school systems, including members of the governing body of local educational agencies, school superintendents, and classroom teachers;

"(B) representatives of the Congress, the Department of Education, and other Federal agencies;

"(C) State elected officials and representatives from State educational agencies;

"(D) individuals with special knowledge of, and expertise in, rural education, including individuals involved with rural postsecondary education; and

"(E) individuals with special knowledge of, and expertise in, rural business.

"(2) SELECTION.—The President shall select one-third of the participants of the Conference, the Majority Leader of the Senate shall select one-third of such participants, and the Speaker of the House of Representatives shall select the remaining one-third of such participants.

"(3) REPRESENTATION.—In selecting the participants of the Conference, the President, the Majority Leader of the Senate, and the Speaker of the House of Representatives shall ensure that the participants are as representative of the ethnic, racial, and language diversity of rural areas as is practicable.

"(c) REPORT.—

"(1) IN GENERAL.—Not later than 120 days following the termination of the Conference, a final report of the Conference, containing such findings and recommendations as may be made by the Conference, shall be submitted to the President. The final report shall be made public and, not later than 90 days after receipt by the President, transmitted to the Congress together with a statement of the President containing recommendations for implementing the report.

"(2) PUBLICATION AND DISTRIBUTION.—The Conference is authorized to publish and distribute the report described in this section. Copies of the report shall be provided to the Federal depository libraries and made available to local rural school leaders and teachers.

"PART C—AUTHORIZATION OF APPROPRIATIONS

"SEC. 16301. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated $50,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this title, of which—

"(1) 50 percent shall be made available to carry out part A; and

"(2) 50 percent shall be made available to carry out part B.

"(b) FEDERAL FUNDS TO SUPPLEMENT NOT SUPPLANT NON-FEDERAL FUNDS.—An eligible local educational agency may use funds received under this title only to supplement and, to the extent practicable, increase the level of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of students participating in activities assisted under this title, and in no such case may such funds be used to supplant funds from non-Federal sources.

"TITLE XVII—GUN-FREE SCHOOLS

"SEC. 17001. GUN-FREE REQUIREMENTS.

"(a) SHORT TITLE.—This section may be cited as the "Gun-Free Schools Act of 1994".

"(b) REQUIREMENTS.—

"(1) IN GENERAL.—Except as provided in paragraph (3), no assistance may be provided to any local educational agency under this Act unless such agency has in effect a policy requiring the expulsion from school for a period of not less than one year of any student who is determined to have brought a weapon to a school under the jurisdiction of such agency, except that such policy may allow the chief administering officer of such agency to modify such expulsion requirement for a student on a case-by-case basis.

"(2) CONSTRUCTION.—Nothing in this title shall be construed to prevent a local educational agency that has expelled a student from such student's regular school setting from providing educational services to such student in an alternative setting, as provided by State law, policy, or otherwise determined by such local educational agency.

"(3) SPECIAL RULE.—(A) Any local educational agency serving a State that has enacted a State law prior to the date of enactment of the Improving America's Schools Act of 1994 which is in conflict with the not less than 1 year expulsion requirement described in paragraph (1) shall have the period of time described in subparagraph (B) to comply with such requirement.

"(B) The period of time shall be the period beginning on the date of enactment of the Improving America's Schools Act and ending 1 year after such date.

"(4) DEFINITION.—For the purpose of this section, the term 'weapon' means a firearm as such term is defined in section 921 of title 18, United States Code.

"(c) REPORT TO STATE.—Each local educational agency requesting assistance from the State educational agency that is to be provided from funds made available to the State under this Act shall provide to the State, in the application requesting such assistance—

"(1) an assurance that such local educational agency has in effect the policy required by subsection (b); and

"(2) a description of the circumstances surrounding any expulsions imposed under the policy required by subsection (b), including—

"(A) the name of the school concerned;

"(B) the number of students expelled from such school; and

"(C) the types of weapons concerned.".

TITLE II—AMENDMENTS TO THE GENERAL EDUCATION PROVISIONS ACT

PART A—APPLICABILITY OF THE GENERAL EDUCATION PROVISIONS ACT

SEC. 211. TITLE; APPLICABILITY; DEFINITIONS.

Section 400 of the General Education Provisions Act (20 U.S.C. 1221 et seq.) (hereafter in this title (other than part G) referred to as the "Act") is amended to read as follows:

"SHORT TITLE; APPLICABILITY; DEFINITIONS

"SEC. 400. (a) This title may be cited as the 'General Education Provisions Act'.

"(b)(1) Except as otherwise provided, this title applies to each applicable program of the Department of Education.

"(2) Except as otherwise provided, this title does not apply to any contract made by the Department of Education.

"(c) As used in this title, the following terms have the following meanings:

"(1) The term 'applicable program' means any program for which the Secretary or the Department has administrative responsibility as provided by law or by delegation of authority pursuant to law. The term includes each program for which the Secretary or the Department has administrative responsibility under the Department of Education Organization Act or under Federal law effective after the effective date of that Act.

"(2) The term 'applicable statute' means—

"(A) the Act or the title, part, section, or any other subdivision of an Act, as the case may be, that authorizes the appropriation for an applicable program;

"(B) this title; and

"(C) any other statute that by its terms expressly controls the administration of an applicable program.

"(3) The term 'Department' means the Department of Education.

"(4) The term 'Secretary' means the Secretary of Education.

"(d) Nothing in this title shall be construed to affect the applicability of title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, title V of the Rehabilitation Act of 1973, the Age Discrimination Act, or other statutes prohibiting discrimination, to any applicable program.".

SEC. 212. REPEAL.

Section 400A of the Act (20 U.S.C. 1221–3) is repealed.

PART B—THE DEPARTMENT OF EDUCATION

SEC. 221. NEW HEADING FOR PART A.

The heading for part A of the Act is amended to read as follows:

"PART A—FUNCTIONS OF THE DEPARTMENT OF EDUCATION".

SEC. 222. GENERAL AUTHORITY OF THE SECRETARY.

Section 408 of the Act (20 U.S.C. 1221e–3) is amended to read as follows:

"GENERAL AUTHORITY OF THE SECRETARY

"SEC. 408. The Secretary, in order to carry out functions otherwise vested in the Secretary by law or by delegation of authority pursuant to law, and subject to limitations as may be otherwise imposed by law, is authorized to make, promulgate, issue, rescind, and amend rules and regulations governing the manner of operation of, and governing the applicable programs administered by, the Department.".

SEC. 223. REPEALS.

Sections 401, 402, 403 (20 U.S.C. 1221c), 406 (20 U.S.C. 1221e–1), 406A (20 U.S.C. 1221e–1a), 406B (20 U.S.C. 1221e–1b), 406C (20 U.S.C. 1221e–1c), and 407 (20 U.S.C. 1221e–2) of the Act are repealed.

PART C—APPROPRIATIONS AND EVALUATIONS

SEC. 231. AVAILABILITY OF APPROPRIATIONS.

(a) AMENDMENT TO HEADING.—The heading for section 412 of the Act (20 U.S.C. 1225) is amended to read as follows:

"AVAILABILITY OF APPROPRIATIONS ON ACADEMIC OR SCHOOL-YEAR BASIS; ADDITIONAL PERIOD FOR OBLIGATION OF FUNDS".

(b) AMENDMENT TO TEXT.—Section 412 of the Act (20 U.S.C. 1225) is further amended—

(1) in subsection (a)—

(A) by striking "to educational agencies or institutions";

(B) by striking "expenditure" and inserting "obligation"; and

(C) by striking "agency or institution concerned" and inserting "recipient";

(2) in subsection (b)—

(A) by amending the matter preceding paragraph (2) to read as follows:

"(b)(1)(A) Notwithstanding any other provision of law, unless enacted in express limitation of this subsection, any funds from appropriations to carry out any applicable State formula grant program that are not obligated by a recipient by the end of the fiscal year for which such funds were appropriated shall remain available for obligation by such recipient during the succeeding fiscal year.

"(B) As used in this subsection, the term 'applicable State formula grant program' means an applicable program the authorizing statute or implementing regulations of which provide a formula for allocating program funds among eligible States."; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A)—

(I) by striking "applicable program" and inserting "applicable State formula grant program"; and

(II) by striking "and expenditure" and inserting "and expended"; and

(ii) in subparagraph (B), by striking "such educational agencies or institutions" and inserting "the recipients of such funds"; and

(3) by striking subsection (c).

SEC. 232. CONTINGENT EXTENSION OF PROGRAMS.

Section 414 of the Act (20 U.S.C. 1226a) is amended to read as follows:

"CONTINGENT EXTENSION OF PROGRAMS

"SEC. 414. (a) The authorization of appropriations for, or duration of, an applicable program shall be automatically extended for two additional fiscal years unless the Congress, in the regular session that ends prior to the terminal fiscal year of such authorization or duration has passed legislation that becomes law and extends, or has rejected legislation that would have extended, the authorization or duration of such program.

"(b) The amount authorized to be appropriated for the period of automatic extension under subsection (a) of an applicable program shall be the amount authorized to be appropriated for such program for the terminal fiscal year of the applicable program.

"(c) If the Secretary is required, in the terminal fiscal year of an applicable program, to carry out certain acts or make certain determinations that are necessary for the continuation of such program, such acts or determinations shall be required to be carried out or made during the period of automatic extension under subsection (a).".

SEC. 233. BIENNIAL EVALUATION REPORT.

Section 417 of the Act (20 U.S.C. 1226c) is amended to read as follows:

"BIENNIAL EVALUATION REPORT

"SEC. 417. Not later than March 31, 1995, and every 2 years thereafter, the Secretary shall transmit to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate an evaluation report on the effectiveness of applicable programs in achieving their legislated intent and purposes during the 2 preceding fiscal years. Such report shall—

"(1) contain program profiles that include legislative citations, multiyear funding histories, and legislated purposes;

"(2) contain recent information on the progress being made toward the achievement of program objectives, including listings of program performance indicators, data from performance measurement based on the indicators, and information on the costs and benefits of the applicable programs being evaluated;

"(3) address significant program activities, such as initiatives for program improvement, regulations, and program monitoring and evaluation;

"(4) list the principal analyses and studies supporting the major conclusions in the report;

"(5) include available data to indicate the effectiveness of the programs and projects by the race, sex, disability and age of the beneficiaries of such programs and projects; and

"(6) include the results of the program evaluations conducted in accordance with section 10107 of the Elementary and Secondary Education Act of 1965.".

SEC. 234. TECHNICAL AMENDMENTS.

(a) PAYMENTS.—Section 415 of the Act (20 U.S.C. 1226a–1) is amended by striking "Commissioner" and inserting "Secretary".

(b) PROGRAM PLANNING AND EVALUATION.—Section 420 of the Act (20 U.S.C. 1228) is amended—

(1) by striking "title I of" and all that follows through "Congress)" and inserting "title IX of the Elementary and Secondary Education Act of 1965"; and

(2) by striking "subparagraph (C) of section 3(d)(2) or section 403(1)(C) of that Act" and inserting "subsections (d) and (g) of section 9004 of such Act or residing on property described in section 9014(10) of such Act".

SEC. 235. REPEALS.

Sections 411 (20 U.S.C. 1223), 413 (20 U.S.C. 1226), 416 (20 U.S.C. 1226b), and 419 (20 U.S.C. 1227) of the Act are repealed.

PART D—ADMINISTRATION OF EDUCATION PROGRAMS

SEC. 241. JOINT FUNDING OF PROGRAMS.

Section 421A of the Act (20 U.S.C. 1231) is amended to read as follows:

"JOINT FUNDING OF PROGRAMS

"SEC. 421A. (a)(1) The Secretary is authorized to enter into arrangements with other Federal agencies to jointly carry out projects of common interest, to transfer to such agencies funds appropriated under any applicable program, and to receive and use funds from such agencies, for projects of common interest.

"(2) Funds transferred or received pursuant to paragraph (1) shall be used only in accordance with the Federal law authorizing the appropriation of such funds and the Federal law appropriating such funds, and shall be made available only to parties eligible to receive such funds under such law.

"(3) If the Secretary enters into a agreement under this subsection for the administration of a project, the agency administering the project shall use such agency's procedures to select recipients of funds under such project and to administer the awards, unless the parties to the agreement specify the use of procedures of another agency that is a party to the agreement.

"(4) If the Secretary has entered into an agreement authorized under this subsection and the Secretary and the heads of the other agencies participating in the agreement determine that joint funding is necessary to address a special need consistent with the purposes and authorized activities of each program that provides funding under the joint project, the Secretary and the heads of the other participating agencies may develop a single set of criteria for the jointly funded project and require each applicant for such project to submit a single application for review by the participating agencies.

"(b) The Secretary may develop the criteria for, and require the submission of, joint applications under two or more applicable programs

under which funds are awarded on a competitive basis, and may jointly review and approve such applications separately from other applications under such programs, when the Secretary determines that such joint awards are necessary to address a special need consistent with the purposes and authorized activities of each such program. Any applicant for such a joint award shall meet the eligibility requirements of each such program.".

SEC. 242. COLLECTION AND DISSEMINATION OF INFORMATION.

Section 422 of the Act (20 U.S.C. 1231a) is amended to read as follows:

"COLLECTION AND DISSEMINATION OF INFORMATION

"SEC. 422. The Secretary shall—

"(1) prepare and disseminate to State and local educational agencies and institutions information concerning applicable programs, and cooperate with other Federal officials who administer programs affecting education in disseminating information concerning such programs;

"(2) inform the public regarding federally supported education programs; and

"(3) collect data and information on applicable programs for the purpose of obtaining objective measurements of the effectiveness of such programs in achieving the intended purposes of such programs.".

SEC. 243. REVIEW OF APPLICATIONS.

Section 425 of the Act (20 U.S.C. 1231b–2) is amended—

(1) in subsection (a)—

(A) by striking "Commissioner" and inserting "Secretary";

(B) by striking "and in the case of the program provided for in title I of the Elementary and Secondary Education Act of 1965,";

(C) in the third sentence, by inserting a comma after "the hearing"; and

(D) in the fourth sentence—

(i) by striking the comma after "guidelines"; and

(ii) by inserting a comma after "program";

(2) in subsection (b), by striking "Commissioner" each place such term appears and inserting "Secretary"; and

(3) in subsection (d)—

(A) by striking "Commissioner" each place such term appears and inserting "Secretary"; and

(B) by inserting before the period "or issue such other orders as the Secretary may deem appropriate to achieve such compliance".

SEC. 244. USE OF FUNDS WITHHELD.

Section 428 of the Act (20 U.S.C. 1231e) is amended to read as follows:

"USE OF FUNDS WITHHELD

"SEC. 428. (a) At any time that the Secretary makes an allotment or reallotment to any State under any applicable program, the Secretary shall reduce such allotment or reallotment by such amount as the Secretary determines such allotment or reallotment would have been reduced, had the data on which the allotment or reallotment is based excluded all data relating to local educational agencies of the State that, on the date of the Secretary's action, are ineligible to receive the Federal financial assistance involved because of failure to comply with title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, or the Age Discrimination Act of 1975.

"(b) The Secretary may use any funds withheld under subsection (a)—

"(1) to increase the allotments or reallotments of local educational agencies within the State that are not described in subsection (a), or the allotments or reallotment of all States, in accordance with the Federal law governing the program; or

"(2) for grants to local educational agencies of that State in accordance with section 405 of the Civil Rights Act of 1964, or for any other program administered by the Department that is designed to enhance equity in education or redress discrimination on the basis of race, color, national origin, sex, age, or disability.".

SEC. 245. APPLICATIONS.

Subsection (a) of section 430 of the Act (20 U.S.C. 1231g) is amended by striking "for three fiscal years" and inserting "for more than 1 fiscal year".

SEC. 246. REGULATIONS.

Section 431 of the Act (20 U.S.C. 1232) is amended to read as follows:

"REGULATIONS

"SEC. 431. (a) For the purpose of this section, the term 'regulation' means any generally applicable rule, regulation, guideline, interpretation, or other requirement that—

"(1) is prescribed by the Secretary or the Department; and

"(2) has legally binding effect in connection with, or affecting, the provision of financial assistance under any applicable program.

"(b) Regulations issued by the Secretary or the Department shall contain, immediately following each substantive provision of such regulations, citations to the particular section or sections of statutory law or other legal authority on which such provision is based.

"(c) All such regulations shall be uniformly applied and enforced throughout the 50 States.

"(d) The Secretary shall promulgate regulations in accordance with chapter 5 of title 5, United States Code, except that the exemption in section 553(a)(2) of such chapter for public property, loans, grants, and benefits shall apply only to regulations—

"(1) that govern a grant competition for the first year of a new program; or

"(2) where the Secretary determines that the requirements of this subsection will cause extreme hardship to the intended beneficiaries of the program affected by such regulations.

"(e)(1) Following the enactment of any Act, or any part of any Act, affecting the administration of any applicable program, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate a schedule in accordance with which the Secretary plans to promulgate final regulations that the Secretary determines are necessary to implement such Act or part of such Act. Subject to paragraph (2) of this subsection, such schedule shall provide that all such final regulations shall be promulgated within 480 days after the date of enactment of such Act or part of such Act.

"(2) If in developing such schedule the Secretary determines in an exceptional case, for good cause, that a final regulation cannot be promulgated within the period specified in paragraph (1), the Secretary shall include in such schedule the date by which such regulation will be promulgated and the reasons for such determination.

"(3) Except as provided in the following sentence, all such final regulations shall be promulgated in accordance with such schedule. If the Secretary, for good cause, later determines that the Secretary cannot comply with such schedule for reasons unforeseen at the time such schedule was submitted, the Secretary shall notify such committees of the reasons for such finding and submit a new schedule. All such final regulations shall be promulgated in accordance with such new schedule.

"(f) Concurrently with the publication of any final regulations, the Secretary shall transmit a copy of such final regulations to the Speaker of the House of Representatives and the President pro tempore of the Senate.".

SEC. 247. RECORDS; REDUCTION IN RETENTION REQUIREMENTS.

Section 437 of the Act (20 U.S.C. 1232f) is amended—

(1) in subsection (a)—

(A) by striking "grant, subgrant, contract, subcontract, loan, or other arrangement (other than procurement contracts awarded by an administrative head of an educational agency)" and inserting "grant, subgrant, cooperative agreement, loan or other arrangement";

(B) by inserting "financial or programmatic" before "audit."; and

(C) by striking the last sentence; and

(2) in subsection (b), by striking "to any records of a recipient which may be related, or pertinent to, the grants, subgrants, contracts, subcontracts, loans, or other arrangements" and inserting "to any records maintained by a recipient that may be related, or pertinent to, grants, subgrants, cooperative agreements, loans, or other arrangements".

SEC. 247A. PRIVACY RIGHTS.

Section 438 of the Act (20 U.S.C. 1232g) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(ii) by inserting after subparagraph (A) the following new subparagraph:

"(B) No funds under any applicable program shall be made available to any State educational agency (whether or not that agency is an educational agency or institution under this section) that has a policy of denying, or effectively prevents, the parents of students the right to inspect and review the education records maintained by the State educational agency on their children who are or have been in attendance at any school of an educational agency or institution that is subject to the provisions of this section.";

(iii) in clause (iii) of subparagraph (C) (as redesignated by clause (i)), by striking "(C)" and inserting "(D)"; and

(iv) in subparagraph (D) (as redesignated by clause (i)), by striking "(B)" and inserting "(C)"; and

(B) in paragraph (2), by striking "or other rights" and inserting "rights";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting ", including the educational interests of the child for whom consent would otherwise be required" before the semicolon;

(ii) in subparagraph (H), by striking "and" after the semicolon;

(iii) in subparagraph (I), by striking the period and inserting "; and"; and

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

"(J)(i) the entity or persons designated in a Federal grand jury subpoena, in which case the court shall order, for good cause shown, the educational agency or institution (and any officer, director, employee, agent, or attorney for such agency or institution) on which the subpoena is served, to not disclose to any person the existence or contents of the subpoena or any information furnished to the grand jury in response to the subpoena; and

"(ii) the entity or persons designated in any other subpoena issued for a law enforcement purpose, in which case the court or other issuing agency may order, for good cause shown, the educational agency or institution (and any officer, director, employee, agent, or attorney for such agency or institution) on which the subpoena is served, to not disclose to any person the existence or contents of the subpoena or any information furnished in response to the subpoena.";

(B) in paragraph (2)—

(i) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(ii) in clause (ii) (as redesignated by clause (i)), by inserting "except as provided in paragraph (1)(J)," before "such information"; and

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

"(B) If a third party outside the educational agency or institution permits access to information in violation of subparagraph (A)(i), or fails to destroy information in violation of paragraph (1)(F), the educational agency or institution shall be prohibited from permitting access to information from education records to that third party for a period of at least 5 years.";

(3) in subsection (c), by striking "The Secretary shall adopt appropriate regulations to" and inserting "Not later than 240 days after the date of enactment of the Improving America's Schools Act of 1994, the Secretary shall adopt appropriate regulations, or identify existing regulations, which";

(4) in subsection (e), by inserting "effectively" before "informs"; and

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

"(h) Nothing in this section shall prohibit an educational agency or institution from—

"(1) including appropriate information in the education record of any student whose presence at school is determined by school officials to pose a significant risk to the safety or well-being of that student, other students, or other members of the school community; or

"(2) disclosing such information to teachers and school officials, including teachers and school officials in other schools, who have legitimate educational interests in the behavior of the student.".

SEC. 248. TECHNICAL AMENDMENTS.

(a) HEADING FOR PART C.—The heading for part C of the Act (20 U.S.C. 1230 et seq.) is amended by striking "COMMISSIONER OF EDUCATION" and inserting "SECRETARY".

(b) SECTION 427.—Section 427 of the Act (20 U.S.C. 1231d) is amended—

(1) by striking "Commissioner" and inserting "Secretary"; and

(2) in the second sentence of the matter preceding paragraph (1), by inserting "is made" after "such determination".

(c) SECTION 430.—Section 430 of the Act (20 U.S.C. 1231g) is amended by striking "Commissioner" each place such term appears and inserting "Secretary".

(d) SECTION 433.—Section 433 of the Act (20 U.S.C. 1232b) is amended by striking "Except for emergency relief under section 7 of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), all laborers" and inserting "All laborers".

(e) SECTION 434.—

(1) AMENDMENT TO HEADING.—The heading for section 434 of the Act (20 U.S.C. 1232c) is amended by striking "EDUCATIONAL".

(2) AMENDMENT TO TEXT.—Section 434 of the Act (20 U.S.C. 1232c) is amended—

(A) by striking "Commissioner" each place such term appears and inserting "Secretary";

(B) by redesignating the matter following paragraph (3) of subsection (b) as subsection (c); and

(C) in subsection (c) (as redesignated by subparagraph (B)), by striking "paragraph (3)" and inserting "subsection (b)(3)".

(f) SECTION 435.—Section 435 of the Act (20 U.S.C. 1232d) is amended—

(1) by striking "Commissioner" each place such term appears and inserting "Secretary"; and

(2) in subsection (a)—

(A) by striking the comma after "submits a plan";

(B) by striking ", in the case of programs under chapter 1 and chapter 2 of title I of the Elementary and Secondary Education Act of 1965,"; and

(C) by striking "title V of such Act" and inserting "part A of title V of the Elementary and Secondary Education Act of 1965" before "title V".

(g) SECTION 436.—Section 436 of the Act (20 U.S.C. 1232e) is amended—

(1) in subsection (a), by striking "that local education agency" and inserting "that local educational agency"; and

(2) in subsection (b)—

(A) in paragraph (2), by inserting a comma after "program";

(B) in paragraph (4), by striking "Commissioner" each place such term appears and inserting "Secretary"; and

(C) in paragraph (7)(B), by striking "handicapped individuals" and inserting "individuals with disabilities".

(h) SECTION 438.—Section 438 of the Act (20 U.S.C. 1232g) is amended—

(1) in subsection (a)(4)(B)(ii), by striking the period and inserting a semicolon;

(2) in subsection (b)—

(A) in paragraph (1)(C), by striking "(iii) an administrative head of an education agency (as defined in section 408(c)), or (iv)" and inserting "or (iii)";

(B) in paragraph (1)(H), by striking "1954" and inserting "1986"; and

(C) in paragraph (3)—

(i) by striking "(C) an administrative head of an education agency or (D)" and inserting "or (C)"; and

(ii) by striking "education program" and inserting "education programs";

(3) in subsection (d), by inserting a comma after "education";

(4) in subsection (f)—

(A) by striking ", or an administrative head of an education agency,";

(B) by striking "enforce provisions of this section" and inserting "enforce this section";

(C) by striking "according to the provisions of" and inserting "in accordance with"; and

(D) by striking "comply with the provisions of this section" and inserting "comply with this section"; and

(5) in subsection (g)—

(A) by striking "of Health, Education, and Welfare"; and

(B) by striking "the provisions of".

SEC. 249. REPEALS.

Sections 421 (20 U.S.C. 1230), 423 (20 U.S.C. 1231b), 424 (20 U.S.C. 1231b-1), 426 (20 U.S.C. 1231c), 426A (20 U.S.C. 1231c-1), and 429 (20 U.S.C. 1231f) of the Act are repealed.

SEC. 250. EQUITY FOR STUDENTS, TEACHERS, AND OTHER PROGRAM BENEFICIARIES.

Subpart 1 of part C of the Act (20 U.S.C. 1231 et seq.) is further amended by inserting after section 425 the following new section:

"EQUITY FOR STUDENTS, TEACHERS, AND OTHER PROGRAM BENEFICIARIES

"SEC. 426. (a) The purpose of this section is to assist the Department in implementing its mission to ensure equal access to education and to promote educational excellence throughout the Nation, by ensuring equal opportunities to participate for all eligible students, teachers and other program beneficiaries in any project or activity carried out under an applicable program and promoting the ability of such students, teachers and beneficiaries to meet high standards.

"(b) The Secretary shall require each applicant for assistance under an applicable program (other than an individual) to develop and describe in such applicant's application the steps such applicant proposes to take to ensure equitable access to, and equitable participation in, the project or activity to be conducted with such assistance, by addressing the special needs of students, teachers, and other program beneficiaries in order to overcome barriers to equitable participation, including barriers based on gender, race, color, national origin, disability, and age.

"(c) The Secretary may establish criteria and provide technical assistance for meeting the requirements of this section.

"(d) Nothing in this section shall be construed to alter in any way the rights or responsibilities established under the statutes cited in section 400(d) of this Act.".

PART E—ADVISORY COMMITTEES

SEC. 251. REPEAL.

Part D of the Act (20 U.S.C. 1233 et seq.) is repealed.

PART F—RELATED AMENDMENTS TO OTHER ACTS

SEC. 261. DEPARTMENT OF EDUCATION ORGANIZATION ACT.

(a) OFFICE OF PRIVATE EDUCATION.—Title II of the Department of Education Organization Act (20 U.S.C. 3411 et seq.) is amended by adding at the end the following new section:

"OFFICE OF PRIVATE EDUCATION

"SEC. 216. Subject to section 413, there shall be in the Department an Office of Private Education to ensure the maximum participation of nonpublic school students in all applicable programs, as such term is defined in section 400(c)(1) of the General Education Provisions Act, for which such children are eligible.".

(b) RULES; ACQUISITION AND MAINTENANCE OF PROPERTY.—Part B of title IV of the Department of Education Organization Act (20 U.S.C. 3471 et seq.) is amended—

(1) in section 414—

(A) by striking "(a)"; and

(B) by striking subsection (b);

(2) in section 421, by inserting "and to accept donations of services" after "personal,"; and

(3) by repealing section 427.

PART G—CONFORMING AMENDMENTS

SEC. 271. THE REHABILITATION ACT OF 1973.

(a) SECTION 9.—Section 9 of the Rehabilitation Act of 1973 (29 U.S.C. 706) is repealed.

(b) SECTION 100.—Section 100 of the Rehabilitation Act of 1973 (29 U.S.C. 720) is amended by striking subsection (d).

TITLE III—AMENDMENTS TO OTHER ACTS

PART A—AMENDMENTS TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT

SEC. 311. ALLOCATIONS UNDER SECTION 611 OF THE IDEA.

(a) MAXIMUM AMOUNT.—Subsection (a) of section 611 of the Individuals with Disabilities Education Act (hereafter in this part referred to as the "Act") (20 U.S.C. 1141(a)) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) Except as provided in paragraph (5), the maximum amount of the grant for which a State is entitled under this section for any fiscal year is—

"(A) the sum of—

"(i) the number of children with disabilities in the State, aged 6 through 21, who are receiving special education and related services, as determined under paragraph (3); and

"(ii) if the State is eligible for a grant under section 619, the number of such children in the State, aged 3 through 5; multiplied by

"(B) 40 percent of the average per-pupil expenditure in public elementary and secondary schools in the United States.";

(2) by amending paragraph (2) to read as follows:

"(2) For the purpose of this section, the term 'State' means each of the 50 States, the District

of Columbia, and the Commonwealth of Puerto Rico."; and

(3) in paragraph (5)(A)—

(A) in clause (i), by striking "and the State" and inserting ", or the combined percentage of such children counted by the Secretary for the purpose of making fiscal year 1994 allocations under this section and under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (as such subpart was in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994), whichever is greater, if the State";

(B) in clause (ii)—

(i) by striking "and the State" and inserting ", or the combined percentage of such children counted by the Secretary for the purpose of making fiscal year 1994 allocations under this section and under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (as such subpart was in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994), whichever is greater, if the State"; and

(ii) by striking "; and" and inserting a period; and

(C) by striking clause (iii).

(b) STATE USES.—Subsection (b) of section 611 of the Act (20 U.S.C. 1141(b)) is amended to read as follows:

"(b)(1) Notwithstanding subsections (a) and (g), no State shall receive an amount under this section for any of the fiscal years 1995 through 1999 that is less than the sum of the amount such State received for fiscal year 1994 under—

"(A) this section; and

"(B) subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (as such subpart was in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994) for children with disabilities aged 3 through 21.

"(2) If, for fiscal year 1998 or 1999, the number of children determined under subsection (a)(3) for any State is less than the total number of children with disabilities, aged 3 through 21, counted for that State's fiscal year 1994 grants under this section and under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (as such subpart was in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994), then the amount determined under paragraph (1) for that State shall be reduced by the same percentage by which the number of those children so declined.

"(3)(A) If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all States are eligible to receive under paragraphs (1) and (2) for such year, the Secretary shall ratably reduce the allocations to such States for such year.

"(B) If additional funds become available for making payments under paragraphs (1) and (2) for such fiscal year, allocations that were reduced under subparagraph (A) shall be increased on the same basis as such allocations were reduced.".

(c) DISTRIBUTION.—Subsection (c) of section 611 of the Act (20 U.S.C. 1141(c)) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) Of the funds received under subsection (a) by any State for any fiscal year—

"(A) a State may use not more than 25 percent of such funds in accordance with paragraph (2); and

"(B) except as provided in paragraph (4), the State shall distribute at least 75 percent of such funds to local educational agencies and intermediate educational units, in accordance with subsection (d), for use in accordance with priorities established under section 612(3).'"; and

(2) in paragraph (2), by amending subparagraph (A) to read as follows:

"(A) From the funds that any State may use under paragraph (1)(A) for any fiscal year, the State—

"(i) may use 5 percent of the funds received under this section or $450,000, whichever is greater, for administrative costs related to carrying out sections 612 and 613; and

"(ii) shall use the remainder—

"(I) to provide support services and direct services, subject to subparagraph (B), in accordance with priorities established under section 612(3); and

"(II) for the administrative costs of monitoring and complaint investigation, but only to the extent that such costs exceed the costs of administration incurred during fiscal year 1985.".

(d) FORMULA.—Subsection (d) of section 611 of the Act (20 U.S.C. 1141(d)) is amended to read as follows:

"(d)(1) From the total amount of funds available for any fiscal year under subsection (c)(1)(B), the State shall provide to each local educational agency or intermediate educational unit an amount that bears the same ratio to such total amount as the number of children, aged 3 through 21, determined under subsection (a)(3) for such agency or unit bears to the total number of such children determined for all such agencies and units that apply for such funds.

"(2)(A) To the extent necessary, the State—

"(i) shall use funds available under subsection (c)(2)(A)(ii) to ensure that each State agency that received funds for fiscal year 1994 under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (as such subpart was in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994) receives, from the sum of such funds and funds provided under paragraph (1), an amount equal to—

"(I) the number of children, aged 6 through 21, determined under subsection (a)(3) for such agency; multiplied by

"(II) the per-child amount provided under such subpart for fiscal year 1994; and

"(ii) shall use such funds, for fiscal years 1995 and 1996, and may use such funds for fiscal years 1997, 1998 and 1999, to ensure that each local educational agency that received funds for fiscal year 1994 under such subpart for children who had transferred from a State-operated or State-supported school or program assisted under such subpart receives, from the sum of such funds and funds provided under paragraph (1), an amount for each such child, aged 3 through 21, determined under subsection (a)(3) for such agency, equal to the per-child amount the agency received under such subpart for fiscal year 1994.

"(B) For the purpose of subparagraph (A), the number of children determined under subsection (a)(3) for any State agency or local educational agency shall not exceed the number of children aged 3 through 21 for whom such agency received funds under such subpart for such fiscal year.".

(e) JURISDICTIONS.—Paragraph (1) of section 611(e) of the Act (20 U.S.C. 1141(e)(1)) is amended to read as follows:

"(1) The jurisdictions to which this subsection applies are Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and Palau.".

(f) INSUFFICIENT APPROPRIATIONS.—Subsection (g) of section 611 of the Act (20 U.S.C. 1141(g)) is amended to read as follows:

"(g)(1)(A) If the sums appropriated under subsection (h) for any fiscal year are not sufficient to pay in full the total of the amounts that all States are eligible to receive under subsection (a), each such amount shall be ratably reduced.

"(B) If additional funds become available for making such payments for any fiscal year, such reduced amounts shall be increased on the same basis as such payments were reduced.

"(C) Any State that receives any such additional funds shall distribute such funds in accordance with this section, except that any State that has used funds available under subsection (c)(2)(A)(ii) for the purposes described in subsection (d)(2) may—

"(i) deduct, from the amount that the State would otherwise be required to make available to local educational agencies and intermediate educational units, the same amount of such additional funds as the State so used; and

"(ii) use such funds in accordance with subsection (c)(2)(A)(ii).

"(2)(A) In any fiscal year for which payments have been reduced and additional funds have not been made available under paragraph (1) to pay in full the amounts for which all States are eligible under this section, each State educational agency shall fix dates by which each local educational agency or intermediate educational unit shall report to the State agency the amount of funds available to such agency under this section that such agency estimates such agency will expend.

"(B) The State educational agency shall, in accordance with this section, reallocate any funds that the State educational agency determines will not be used during the period of availability by local educational agencies and intermediate educational units, and by any such agency or unit to which such funds would be available if such agency or unit applied for such funds under this part, to those local educational agencies and intermediate educational units that the State educational agency determines will need, and be able to use, additional funds to carry out approved programs.".

SEC. 312. TREATMENT OF CHAPTER 1 STATE AGENCIES.

Part B of the Act (20 U.S.C. 1141 et seq.) is further amended by inserting after section 614 the following new section:

"TREATMENT OF CHAPTER 1 STATE AGENCIES

"SEC. 614A. (a) For the purpose of making payments under sections 611 and 619 of this Act, any State agency that received funds for fiscal year 1994 under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (as such subpart was in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994) shall be treated as if the State agency were a local educational agency.

"(b) Any State agency which desires to receive payments under section 611(d) and section 619(c)(3) for any fiscal year shall submit an application to the State educational agency. Such application shall—

"(1) include an assurance that all children with disabilities who are participating in programs and projects funded under this part receive a free appropriate public education, and that such children and their parents are provided all the rights and procedural safeguards described in this part; and

"(2) meet those requirements of section 614 that the Secretary finds appropriate.

"(c) Section 611(c)(4) shall not apply with respect to a State agency that is eligible for a payment under this part by application of this section.".

SEC. 313. INFANTS AND TODDLERS WITH DISABILITIES.

(a) AMENDMENT.—Subsection (c) of section 684 of the Act (20 U.S.C. 1484) is amended—

(1) by redesignating paragraph (2) as paragraph (6);

(2) by amending paragraph (1) to read as follows:

"(1) Except as provided in paragraphs (3), (4), and (5) from the funds remaining for each fiscal

year after the reservation and payments under subsections (a) and (b), the Secretary shall first allot to each State an amount that bears the same ratio to the amount of such remainder as the number of infants and toddlers in the State bears to the number of infants and toddlers in all States."; and

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

"(2) For fiscal year 1995 only, the Secretary shall allot $34,000,000 of the remaining funds described in paragraph (1) among the States in proportion to their relative numbers of infants and toddlers with disabilities who—

"(A) are counted on December 1, 1994; and

"(B) would have been eligible to be counted under section 1221(c)(1) of the Elementary and Secondary Education Act of 1965 (as such section was in effect on the day preceding the date of the enactment of the Improving America's Schools Act of 1994).

"(3) Except as provided in paragraphs (4) and (5), no State shall receive an amount under this section for any fiscal year that is less than the greater of—

"(A) one-half of one percent of the remaining amount described in paragraph (1), excluding any amounts allotted under paragraph (2); or

"(B) $500,000.

"(4)(A) Except as provided in paragraph (5), no State shall receive an amount under this section for any of the fiscal years 1995 through 1999 that is less than the sum of the amount such State received for fiscal year 1994 under—

"(i) this part; and

"(ii) subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (as such subpart was in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994) for children with disabilities from birth through age 2.

"(B) If, for fiscal year 1998 or 1999, the number of infants and toddlers in any State, as determined under paragraph (1), is less than the number of infants and toddlers so determined for fiscal year 1994, the amount determined under subparagraph (A) for that State shall be reduced by the same percentage by which the number of those infants and toddlers so declined.

"(5)(A) If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all States are eligible to receive under this subsection for such year, the Secretary shall ratably reduce the allocations to such States for such year.

"(B) If additional funds become available for making payments under this subsection for such fiscal year, allocations that were reduced under subparagraph (A) shall be increased on the same basis as such allocations were reduced.".

(b) EFFECTIVE DATE.—Subsection (a) and the amendments made by subsection (a) shall take effect on October 1, 1994.

SEC. 314. FAMILY SUPPORT FOR FAMILIES OF CHILDREN WITH DISABILITIES.

(a) SHORT TITLE.—This section may be cited as the "Support for Families of Children With Disabilities Act of 1994".

(b) FAMILY SUPPORT FOR FAMILIES OF CHILDREN WITH DISABILITIES.—

The Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) is amended by adding at the end the following new part:

"PART I—FAMILY SUPPORT

"SEC. 701. SHORT TITLE.

"This part may be cited as the 'Families of Children With Disabilities Support Act of 1994'.

"SEC. 702. FINDINGS, PURPOSES, AND POLICY.

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

"(1) It is in the best interest of our Nation to preserve, strengthen, and maintain the family.

"(2) Families are the greatest natural resource available to their children and are the major providers of support, care, and training of their children.

"(3) Families of children with disabilities enrich the lives of all citizens through the contributions of such families to the economic, health, and social fabric of their community, State, and Nation.

"(4) A growing number of families are searching for ways to empower themselves to raise their children with disabilities at home and in their communities. Supporting such families to enable them to care for their children with disabilities at home is efficient and can be cost-effective.

"(5) Children, including children with disabilities, benefit from enduring family relationships in a nurturing home environment.

"(6) Many families experience exceptionally high financial outlays and significant physical and emotional challenges in meeting the special needs of their children with disabilities.

"(7) There are financial disincentives for families to care for their children with disabilities at home.

"(8) Most families of children with disabilities do not have access to family-centered and family-directed services to support such families in their efforts to care for their children with disabilities at home.

"(9) There is a need in each State for a comprehensive, coordinated, interagency system of family support for families of children with disabilities that is family-centered and family-directed, is easily accessible, avoids duplication, uses existing resources more efficiently, and prevents gaps in services to families in all areas of the State.

"(10) The goals of the Nation properly include the goal of providing families of children with disabilities the family support necessary to accomplish the following:

"(A) To support the family.

"(B) To enable families of children with disabilities to nurture and enjoy their children at home.

"(C) To enable families of children with disabilities to make informed choices and decisions regarding the nature of services, supports, and resources made available to such families.

"(b) PURPOSES.—The purposes of this part are as follows:

"(1) To provide financial assistance to the States to support systems change λactivities designed to assist each State to develop and implement, or expand and enhance, a family-centered and family-directed, culturally competent, community-centered, comprehensive, statewide system of family support for families of children with disabilities that is designed to—

"(A) ensure the full participation, choice and control of families of children with disabilities in decisions related to the provision of such family support for their family;

"(B) ensure the active involvement of families of children with disabilities in the planning, development, implementation, and evaluation of such a statewide system;

"(C) increase the availability of, funding for, access to, and provision of family support for families of children with disabilities;

"(D) promote training activities that are family-centered and family-directed and that enhance the ability of family members of children with disabilities to increase participation, choice, and control in the provision of family support for families of children with disabilities;

"(E) increase and promote interagency coordination among State agencies, and between State agencies and private entities that are involved in carrying out activities under section 708; and

"(F) increase the awareness of laws, regulations, policies, practices, procedures, and organizational structures, which facilitate or impede the availability or provision of family support for families of children with disabilities.

"(2) To enhance the ability of the Federal Government to—

"(A) identify Federal policies that facilitate or impede family support for families of children with disabilities, and that are consistent with the principles in subsection (c);

"(B) provide States with technical assistance and information relating to the provision of family support for families of children with disabilities;

"(C) conduct an evaluation of the program of grants to States; and

"(D) provide funding for model demonstration and innovation projects.

"(c) POLICY.—It is the policy of the United States that all programs, projects, and activities receiving assistance under this part shall be family-centered and family-directed and shall be carried out in a manner consistent with the following principles:

"(1) Family support for families of children with disabilities must focus on the needs of the entire family.

"(2) Families of children with disabilities should be supported in determining their needs and in making decisions concerning necessary, desirable, and appropriate services.

"(3) Families should play decisionmaking roles in policies and programs that affect the lives of such families.

"(4) Family needs change over time and family support for families of children with disabilities must offer options that are flexible and responsive to the unique needs and strengths and cultural values of individual families.

"(5) Family support for families of children with disabilities is proactive and not solely in response to a crisis.

"(6) Families must be supported in their efforts to promote the integration and inclusion of their children with disabilities into all aspects of community life.

"(7) Family support for families of children with disabilities should promote the use of existing social networks, strengthen natural sources of support, and help build connections to existing community resources and services.

"(8) Youth with disabilities should be involved in decisionmaking about their own lives, consistent with the unique strengths, resources, priorities, concerns, abilities, and capabilities of each such youth.

"(9) Services and supports must be provided in a manner that demonstrates respect for individual dignity, personal responsibility, self-determination, personal preferences, and cultural differences of families.

"(d) RULE OF CONSTRUCTION.—Nothing in this part shall be construed to prevent families from choosing an out-of-home placement for their children with disabilities, including institutional placement for such children.

"SEC. 703. DEFINITIONS.

"For the purposes of this part, only the following definitions shall apply:

"(1) CHILD WITH A DISABILITY.—The term 'child with a disability' means an individual who from birth through 21 years of age meets the definition of disability under paragraph (4).

"(2) COUNCIL.—The term 'Council' means a State Policy Council for Families of Children with Disabilities established by a State under section 707.

"(3) CULTURALLY COMPETENT.—The term 'culturally competent' means services, supports, or other assistance that is conducted or provided in a manner that—

"(A) is responsive to the beliefs, interpersonal styles, attitudes, language, and behaviors of those individuals receiving services; and

"(B) has the greatest likelihood of ensuring maximum participation of such individuals.

"(4) DISABILITY.—The term 'disability' means—

"(A) in the case of an individual 6 years of age or older, a significant physical or mental impairment as defined pursuant to State policy to the extent that such policy is established without regard to type of disability; and

"(B) in the case of infants and young children, birth to age 5, inclusive, a substantial developmental delay or specific congenital or acquired conditions with a high probability of resulting in a disability if services are not provided.

"(5) EXISTING COUNCIL.—The term 'existing Council' means an entity or a committee of an entity that—

"(A) is established by a State prior to the date on which the State submits an application for funding under this part;

"(B) has authority to advise the State with respect to family support for families of children with disabilities; and

"(C) may have the authority to carry out other responsibilities and duties.

"(6) FAMILY.—The term 'family' means a group of interdependent persons residing in the same household that consists of a child with a disability and one or more of the following:

"(A) A mother, father, brother, sister or any combination.

"(B) Extended blood relatives, such as a grandparent, aunt, or uncle.

"(C) An adoptive parent.

"(D) One or more persons to whom legal custody of a child with a disability has been given by a court.

"(E) A person providing short-term foster care that includes a family reunification plan with the biological family.

"(F) A person providing long-term foster care for a child with a disability.

The term does not include employees who, acting in their paid employment capacity, provide services to children with disabilities in out-of-home settings such as hospitals, nursing homes, personal care homes, board and care homes, group homes, or other facilities.

"(7) FAMILY-CENTERED AND FAMILY-DIRECTED.—The term 'family-centered and family-directed' means, with respect to a service or program, that the service or program—

"(A) facilitates the full participation, choice, and control by families of children with disabilities in—

"(i) decisions relating to the supports that will meet the priorities of the family; and

"(ii) the planning, development, implementation, and evaluation of the statewide system of family support for families of children with disabilities;

"(B) responds to the needs of the entire family of a child with a disability in a timely and appropriate manner; and

"(C) is easily accessible to and usable by families of children with disabilities.

"(8) FAMILY SATISFACTION.—The term 'family satisfaction' means the extent to which a service or support meets a need, solves a problem, or adds value for a family, as determined by the individual family.

"(9) FAMILY SUPPORT FOR FAMILIES OF CHILDREN WITH DISABILITIES.—The term 'family support for families of children with disabilities'—

"(A) means supports, resources, services, and other assistance provided to families of children with disabilities that are designed to—

"(i) support families in the efforts of such families to raise their children with disabilities in the family home;

"(ii) strengthen the role of the family as primary caregiver;

"(iii) prevent inappropriate and unwanted out-of-the-home placement and maintain family unity; and

"(iv) reunite families with children with disabilities who have been placed out of the home, whenever possible; and

"(B) includes—

"(i) service coordination that includes individualized planning and brokering for services with families in control of decisionmaking;

"(ii) goods and services, which may include specialized diagnosis and evaluation, adaptive equipment, respite care (in and out of the home), personal assistance services, homemaker or chore services, behavioral supports, assistive technology services and devices, permanency or future planning, home and vehicle modifications and repairs, equipment and consumable supplies, transportation, specialized nutrition and clothing, counseling services and mental health services for family members, family education or training services, communication services, crisis intervention, day care and child care for a child with a disability, supports and services for integrated and inclusive community activities, parent or family member support groups, peer support, sitter service or companion service, and education aids; and

"(iii) financial assistance, which may include discretionary cash subsidies, allowances, voucher or reimbursement systems, low-interest loans, or lines of credit.

"(10) INTEGRATION AND INCLUSION.—The term 'integration and inclusion' with respect to children with disabilities and their families means—

"(A) the use of the same community resources that are used by and available to other individuals and families;

"(B) the full and active participation in the same community activities and utilization of the same community resources as individuals without disabilities, living, learning, working, and enjoying life in regular contact with individuals without disabilities; and

"(C) having friendships and relationships with individuals and families of their own choosing.

"(11) LEAD ENTITY.—The term 'lead entity' means an office or entity described in section 706.

"(12) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

"(13) SERVICE COORDINATION.—The term 'service coordination'—

"(A) means those family-centered and family-directed activities that assist and enable families to receive rights and procedural safeguards and to gain access to social, medical, legal, educational, and other supports and services; and

"(B) includes—

"(i) follow-along services that assure, through a continuing relationship between a family of a child with a disability and an individual or entity, that the changing needs of the child and family are recognized and appropriately met;

"(ii) the coordination and monitoring of services provided to children with disabilities and their families;

"(iii) the provision of information to children with disabilities and their families about the availability of services and assistance to such children and their families in obtaining appropriate services; and

"(iv) the facilitation and organization of existing social networks, and natural sources of support, and community resources and services.

"(14) STATEWIDE SYSTEM OF FAMILY SUPPORT.—The term 'statewide system of family support for families of children with disabilities' means a family-centered and family-directed, culturally competent, community-centered, comprehensive, statewide system of family support for families of children with disabilities developed and implemented by a State under this part that—

"(A) addresses the needs of all families of children with disabilities, including unserved and underserved populations; and

"(B) addresses such needs without regard to the age, type of disability, race, ethnicity, or gender of such children or the particular major life activity for which such children need the assistance.

"(15) SYSTEMS CHANGE ACTIVITIES.—The term 'systems change activities' means efforts that result in laws, regulations, policies, practices, or organizational structures—

"(A) that are family-centered and family-directed;

"(B) that facilitate and increase access to, provision of, and funding for, family support services for families of children with disabilities; and

"(C) that otherwise accomplish the purposes of this part.

"(16) UNSERVED AND UNDERSERVED POPULATIONS.—The term 'unserved and underserved populations' includes populations such as individuals from racial and ethnic minority backgrounds, disadvantaged individuals, individuals with limited-English proficiency, individuals from underserved geographic areas (rural or urban), and specific groups of individuals within the population of individuals with disabilities, including individuals with disabilities attributable to physical impairment, mental impairment, or a combination of physical and mental impairments.

"SEC. 704. GRANTS TO STATES.

"(a) IN GENERAL.—The Secretary shall make grants to States on a competitive basis, in accordance with the provisions of this part, to support systems change activities designed to assist States to develop and implement, or expand and enhance, a statewide system of family support for families of children with disabilities that accomplishes the purposes described in section 702.

"(b) AWARD PERIOD AND GRANT LIMITATION.—No grant shall be awarded for a period greater than 3 years. A State shall be eligible for not more than one grant.

"(c) AMOUNT OF GRANTS.—

"(1) GRANTS TO STATES.—From amounts appropriated under section 716(a), the Secretary shall pay to each State that has an application approved under section 705, for each year of the grant period, an amount that is not less than $200,000 and not more than $500,000.

"(2) GRANTS TO TERRITORIES.—From amounts appropriated under section 716(a) for any fiscal year, the Secretary shall pay to each territory that has an application approved under section 705 not more than $100,000.

"(3) CALCULATION OF AMOUNTS.—The Secretary shall calculate a grant amount described in paragraph (1) or (2) on the basis of the following:

"(A) The amounts available for making grants under this section.

"(B) The child population of the State or territory concerned.

"(4) DEFINITIONS.—As used in this subsection:

"(A) STATE.—The term 'State' means each of the 50 States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(B) TERRITORY.—The term 'territory' means the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or the Republic of Palau (upon the entry into force and effect of the Compact of Free Association between the United States and the Republic of Palau).

"(d) PRIORITY FOR PREVIOUSLY PARTICIPATING STATES.—Amounts appropriated for purposes of carrying out the provisions of this section in each of the 2 fiscal years succeeding the fiscal year in which amounts are first appropriated for such purposes shall first be made available to a State that—

"(1) received a grant under this section during the fiscal year preceding the fiscal year concerned; and

"(2) is making significant progress in accordance with section 710.

"(e) PRIORITIES FOR DISTRIBUTION.—To the extent practicable, the Secretary shall award grants to States under this section in a manner that—

"(1) is geographically equitable; and

"(2) distributes the grants among States that have differing levels of development of statewide systems of family support for families of children with disabilities.

"SEC. 705. APPLICATION.

"A State that desires to receive a grant under this part shall submit an application to the Secretary that contains the following information and assurances:

"(1) FAMILY-CENTERED AND FAMILY-DIRECTED APPROACH.—An assurance that the State will use funds made available under this part to accomplish the purposes described in section 702 and the goals, objectives, and family-centered outcomes described in section 709(b) by carrying out systems change activities in partnership with families and in a manner that is family-centered and family-directed.

"(2) DESIGNATION OF THE LEAD ENTITY.—Information identifying the lead entity, and evidence documenting the abilities of such entity.

"(3) STATE POLICY COUNCIL FOR FAMILIES OF CHILDREN WITH DISABILITIES.—An assurance of the following:

"(A) The State has established a Council that meets the criteria set forth in section 707.

"(B) The lead entity will seek and consider on a regular and ongoing basis advice from the Council regarding the development and implementation of the strategic plan under section 709, and other policies and procedures of general applicability pertaining to the provision of family support for families of children with disabilities in the State.

"(C) The lead entity will include, in its annual progress reports, a summary of advice provided by the Council, including recommendations from the annual report of the Council and the response of the lead entity to such advice and recommendations.

"(D) The lead entity will transmit to the Council any other plans, reports, and other information required under this part.

"(4) FAMILY INVOLVEMENT.—A description of the following:

"(A) The nature and extent of the involvement of families of children with disabilities and individuals with disabilities in the development of the application.

"(B) Strategies for actively involving families of children with disabilities and individuals with disabilities in the development, implementation, and evaluation of the statewide system of family support for families of children with disabilities.

"(C) Strategies for actively involving families of children with disabilities who use family support services in decisions relating to such services.

"(5) AGENCY INVOLVEMENT.—A description of the nature and extent of involvement of various State agencies or units within State agencies in the preparation of the application and the continuing role of each agency in the statewide system of family support for families of children with disabilities.

"(6) STATE RESOURCES.—A description of the State resources and other resources that are available to commit to the statewide system of family support for families of children with disabilities.

"(7) UNMET NEEDS.—A description of unmet needs for family support for families of children with disabilities within the State.

"(8) PRELIMINARY PLAN.—A preliminary plan that contains information on the program to be carried out under the grant with respect to the goals and objectives of the State for the program and the activities that the State plans to carry out under the program (including the process for appointing individuals to the Council) and that is consistent with the purposes of this part.

"(9) ACTIVITIES.—An assurance that, except for the first year of the grant, the State shall expend not less than 65 percent of the funds made available to a State under this part for grants and contracts to conduct the activities described in section 708.

"(10) LIMIT ON ADMINISTRATIVE COSTS.—An assurance that the lead entity that receives funding under this part in any fiscal year shall use not more than 5 percent of such funds in such year for administrative expenses. Such administrative expenses shall not include expenses related to the activities of the Council.

"(11) STRATEGIC PLAN.—A description of the measures that will be taken by the State to develop a strategic plan in accordance with section 709.

"(12) EVALUATION.—An assurance that the State will conduct an annual evaluation of the statewide system of family support for families of children with disabilities in accordance with section 710.

"(13) COORDINATION WITH STATE AND LOCAL COUNCILS.—An assurance that the lead entity will coordinate the activities funded through a grant made under this part with the activities carried out by other relevant councils within the State.

"(14) SUPPLEMENT OTHER FUNDS.—An assurance, with respect to amounts received under a grant, of the following:

"(A) Such grant will be used to supplement and not supplant amounts available from other sources that are expended for programs of family support for families of children with disabilities, including the provision of family support.

"(B) Such grant will not be used to pay a financial obligation for family support for families of children with disabilities that would have been paid with amounts available from other sources if amounts under such grant had not been available.

"(15) OTHER INFORMATION AND ASSURANCES.—Such other information and assurances as the Secretary may reasonably require.

"SEC. 706. DESIGNATION OF THE LEAD ENTITY.

"(a) DESIGNATION.—The Chief Executive Officer of a State that desires to receive a grant under section 704, shall designate the office or entity (referred to in this part as the "lead entity ") responsible for—

"(1) submitting the application under section 705 on behalf of the State;

"(2) administering and supervising the use of the amounts made available under the grant;

"(3) coordinating efforts related to and supervising the preparation of the application;

"(4) coordinating the planning, development, implementation (or expansion and enhancement), and evaluation of a statewide system of family support services for families of children with disabilities among public agencies and between public agencies and private agencies, including coordinating efforts related to entering into interagency agreements; and

"(5) coordinating efforts related to the meaningful participation by families in activities carried out under a grant awarded under this part.

"(b) QUALIFICATIONS.—In designating the lead entity, the Chief Executive Officer may designate—

"(1) an office of the Chief Executive Officer;

"(2) a commission appointed by the Chief Executive Officer;

"(3) a public agency;

"(4) a council established under Federal or State law; or

"(5) another appropriate office, agency, or entity.

"(c) CAPABILITIES OF THE LEAD ENTITY.—The State shall provide, in accordance with the requirements of section 705, evidence that the lead entity has the capacity—

"(1) to promote a statewide system of family support for families of children with disabilities throughout the State;

"(2) to promote and implement systems change activities;

"(3) to maximize access to public and private funds for family support services for families of children with disabilities;

"(4) to implement effective strategies for capacity building, family and professional training, and access to and funding for family support services for families of children with disabilities across agencies;

"(5) to promote and facilitate the implementation of family support services for families of children with disabilities that are family-centered and family-directed, and flexible, and that provide families with the greatest possible decisionmaking authority and control regarding the nature and use of services and supports;

"(6) to promote leadership by families in planning, policy development, implementation, and evaluation of family support services for families of children with disabilities, and parent-professional partnerships; and

"(7) to promote and develop interagency coordination and collaboration.

"SEC. 707. STATE POLICY COUNCIL FOR FAMILY SUPPORT FOR FAMILIES OF CHILDREN WITH DISABILITIES.

"(a) ESTABLISHMENT.—A State that desires to receive financial assistance under this part shall, prior to the receipt of funds under this part, establish a State Policy Council for Families of Children with Disabilities.

"(b) APPOINTMENTS.—

"(1) MEMBERS.—Members of the Council shall be appointed by the Chief Executive Officer of the State or the appropriate official within the State responsible for making appointments in accordance with subsection (c). The appointing authority shall select members after soliciting recommendations from the State Developmental Disabilities Council, parent or family organizations, and other organizations representing the full range of disabilities covered under this part. The appointing authority shall ensure that the membership of the Council reasonably represents the population of the State and shall establish guidelines for terms of Council members.

"(2) CHAIRPERSON.—The Council shall elect a member of the Council to serve as the Chairperson of the Council. The Chairperson shall be a family member, as described in subsection (c)(1).

"(c) COMPOSITION.—The Council shall be composed of—

"(1) a majority of members who are—

"(A) individuals who are family members of children with disabilities, are eligible for family support, and represent the diversity of families within the State; and

"(B) children with disabilities, from age 18 to 21, and are representative of the demographics of the State;

"(2) members—

"(A) who are from State agencies with significant responsibility for the provision of, or payment for, family support services to families of children with disabilities, and who have sufficient authority to engage in policy planning and implementation on behalf of such agencies; and

"(B) who are from the office of the Chief Executive Officer of the State with responsibility with respect to budget and finance; and

"(3) such additional members as the appointing authority considers appropriate.

"(d) FUNCTIONS.—The Council shall—

"(1) establish formal policies regarding the operation of the Council;

"(2) advise and assist the lead entity in the performance of responsibilities described in section 706(a), particularly the promotion of interagency agreements and the promotion of meaningful participation by families in all aspects of the statewide system of family support for families of children with disabilities;

"(3) advise and assist State agencies in the development of policies and procedures relating to the provision of family support for families of children with disabilities in the State;

"(4) advise and assist the lead entity in the development of all aspects of a strategic plan under section 709, including—

"(A) the mission, purpose, and principles of the statewide system of family support for families of children with disabilities;

"(B) the statement of family-centered outcomes;

"(C) the goals, objectives, and activities;

"(D) the quality improvement or quality enhancement system;

"(E) the appeals process;

"(F) the eligibility criteria to be used for all programs, projects, and activities carried out under this part;

"(G) the analysis of the extent to which family support for families of children with disabilities is defined as a benefit and not as income; and

"(H) the approach to the evaluation of the statewide system of family support for families of children with disabilities;

"(5) advise and assist the lead entity in the implementation of systems change activities;

"(6) advise and assist the lead entity in assessing family satisfaction with the statewide system of family support for families of children with disabilities;

"(7) review, analyze, and comment on the strategic plan and updates to the plan, progress reports, and annual budgets;

"(8) advise and assist the lead entity in the identification of Federal and State barriers that impede the development of a statewide system of family support for families of children with disabilities; and

"(9) prepare and submit to the Chief Executive Officer of the State, the State legislature, and to the Secretary an annual report on the status of family support services for families of children with disabilities, and make such report available to the public.

"(e) HEARINGS AND FORUMS.—The Council is authorized to hold such hearings and forums as the Council may determine to be necessary to carry out the duties of the Council.

"(f) CONFLICT OF INTEREST.—No member of the Council shall cast a vote on any matter that would provide direct financial benefit to such member or otherwise give the appearance of a conflict of interest under applicable State law.

"(g) COMPENSATION AND EXPENSES.—The Council may, consistent with State law, use such resources to reimburse members of the Council for reasonable and necessary expenses of attending Council meetings and performing Council duties (including child care and personal assistance services), and to pay compensation to a member of the Council, if such member is not employed or must forfeit wages from other employment, for each day the member is engaged in performing Council duties.

"(h) USE OF EXISTING COUNCIL.—

"(1) IN GENERAL.—To the extent that a State has an existing Council, the existing Council shall be considered in compliance with this section if the existing Council meets the requirements under paragraph (2).

"(2) REQUIREMENTS.—An existing Council shall—

"(A) include a majority of members who are family members of children with disabilities and who are children with disabilities (from age 18 to 21);

"(B) in the case in which the existing Council does not represent the full range of families and individuals described in subsection (c)(1), adopt strategies that will ensure the full participation of such families and individuals in all activities carried out by the Council; and

"(C) carry out functions and authorities that are comparable to the functions and authorities described in subsections (d) through (g).

"(3) DOCUMENTATION OF COMPLIANCE.—Any State that has an existing Council shall include in a grant application submitted under section 705 and in subsequent annual progress reports submitted to the Secretary under section 710, a description of the measures that are being taken or that are planned, to ensure that the existing Council of the State complies with this section.

"SEC. 708. AUTHORIZED ACTIVITIES.

"A State that receives a grant under section 704 may use the funds made available through the grant to carry out systems change activities, which accomplish the purposes described in section 702, such as the following activities:

"(1) TRAINING AND TECHNICAL ASSISTANCE.—The State may support training and technical assistance activities for family members, service providers, community members, professionals, members of the Council, students and others that will do the following:

"(A) Increase family participation, choice, and control in the provision of family support for families of children with disabilities.

"(B) Promote partnerships with families of children with disabilities at all levels of the service system.

"(C) Develop or strengthen family-centered and family-directed approaches to services, including service coordination services, service planning services, and respite care services.

"(D) Assist families of children with disabilities in accessing natural and community supports and in obtaining benefits and services.

"(2) INTERAGENCY COORDINATION.—The State may support activities that conduct the following:

"(A) Identification and coordination of Federal and State policies, resources, and services, relating to the provision of family support services for families of children with disabilities, including entering into interagency agreements.

"(B) Interagency work groups to enhance public funding options and coordinate access to funding for family support services for families of children with disabilities, with special attention to the issues of family involvement in the identification, planning, use, delivery, and evaluation of such services.

"(C) Documentation and dissemination of information about interagency activities that promote coordination with respect to family support services for families of children with disabilities, including evidence of increased participation of State and local health, maternal and child health, social service, mental health, mental retardation and developmental disabilities, child protection, education, early intervention, developmental disabilities councils, agencies, and departments.

"(3) LOCAL OR REGIONAL COUNCILS.—The State may support the development or enhancement of local or regional councils to review the status of family support for families of children with disabilities in the local or regional area, to advise and assist with the planning, development, implementation, and evaluation of family support for families of children with disabilities in such local or regional area, and to provide recommendations to the State regarding improvements and plans.

"(4) OUTREACH.—The State may conduct outreach activities to locate families who are eligible for family support for families of children with disabilities and to identify groups who are unserved or underserved. Such activities may involve the creation or maintenance of, support of, or provision of, assistance to statewide and community parent organizations, and organizations that provide family support to families of children with disabilities.

"(5) POLICY STUDIES.—The State may support policy studies that relate to the development and implementation, or expansion and enhancement, of a statewide system of family support for families of children with disabilities. Such studies may address issues regarding eligibility and access to services.

"(6) HEARINGS AND FORUMS.—The State may conduct hearings and forums to solicit input from families of children with disabilities regarding family support programs, policies, and plans for such families. Such hearings and forums may be conducted in collaboration with other statewide councils.

"(7) PUBLIC AWARENESS AND EDUCATION.—The State may develop and disseminate information relating to family support for families of children with disabilities designed to provide information to such families, parent groups and organizations, public and private agencies that are in contact with children with disabilities and families of such children, students, policymakers, and the public. Such information may relate to the nature, cost, and availability of, and accessibility to, family support for families of children with disabilities, the impact of family support for families of children with disabilities on other benefits, and the efficacy of family support for families of children with disabilities with respect to enhancing the quality of family life.

"(8) NEEDS ASSESSMENT.—The State may conduct a needs assessment, which may, in part, be based on existing State data.

"(9) PROGRAM DATA.—The State may support the compilation and evaluation of appropriate data related to the statewide system of family support for families of children with disabilities.

"(10) PILOT DEMONSTRATION PROJECTS.—The State may support pilot demonstration projects to demonstrate new approaches to the provision of family support for families of children with disabilities. Such projects may include the demonstration of family-centered and family-directed service coordination, approaches to improve access to services, including independent service coordination, peer support networks, and voucher programs.

"(11) OTHER ACTIVITIES.—The State may support other systems change activities that accomplish the purposes described in section 702.

"SEC. 709. STRATEGIC PLAN.

"(a) IN GENERAL.—Not later than 6 months after the date on which assistance is received by a State under this part, the lead entity of the State, in conjunction with the Council, shall prepare and submit to the Secretary a strategic plan designed to achieve the purposes and policy of this part.

"(b) CONTENTS.—The strategic plan shall include—

"(1) a statement of the mission, purpose, and principles of the statewide system of family support for families of children with disabilities in the State;

"(2) a statement of family-centered outcomes to be achieved by the statewide system of family support for families of children with disabilities;

"(3) specific goals and objectives for developing and implementing, or expanding and improving, the system for providing family support services for families of children with disabilities, and for achieving the family-centered outcomes;

"(4) systemic approaches for accomplishing the objectives and achieving the family-centered outcomes, including interagency coordination and cooperation, that builds upon state-of-the-art practices and research findings;

"(5) a description of the specific programs, projects, and activities funded under this part

and the manner in which the programs, projects, and activities accomplish the objectives and achieve the family-centered outcomes;

"(6) a description of an ongoing quality improvement or quality enhancement system, which utilizes information from ongoing measurements of the extent to which family-centered outcomes are achieved, to improve the system;

"(7) a description of an appeals process that will be used in resolving any disputes families of children with disabilities may have regarding the determination of eligibility or the provision of family support services to the family or to the child with a disability;

"(8) a description of the eligibility criteria to be used to carry out programs, projects, and activities under this part that includes all eligible families;

"(9) an analysis of the extent to which family support for a family of a child with a disability is defined as a benefit and not as income; and

"(10) a description of the plan to conduct an annual evaluation of the statewide system of family support for families of children with disabilities, in conjunction with the Council, to improve such statewide system and to document progress as required by section 710.

"(c) PERIOD AND UPDATES.—The strategic plan shall cover the period of the grant and shall be reviewed and updated on an annual basis to reflect actual experience and family satisfaction information over the preceding year and input from the Council, families of children with disabilities, and other interested parties.

"(d) RECOMMENDATIONS.—Prior to developing the strategic plan, the State shall solicit input and recommendations from interested members of the public, either by holding public hearings or through an alternative method or methods determined by the lead entity in consultation with the Council. The lead entity shall also obtain the comments and recommendations of the Council. The lead entity, in conjunction with the Council, shall consider the recommendations and attempt to reach a consensus with respect to such recommendations. If the lead entity and the Council are unable to reach a consensus, the lead entity shall include a written explanation of the reason a consensus was not reached in the strategic plan.

"(e) COMMENT.—The State shall develop a procedure for ensuring ongoing comment from the Council.

"(f) DISSEMINATION.—The State shall widely disseminate the strategic plan to families of children with disabilities, parent organizations, and other interested persons.

"(g) CONSTRUCTION.—Nothing in this section shall be construed to prevent a State from using an existing statewide strategic plan or parts thereof to meet the requirements of this section as long as such plan or the applicable parts thereof are comparable to the specifications of this section.

"SEC. 710. PROGRESS CRITERIA AND REPORTS.

"(a) GUIDELINES.—The Secretary shall develop guidelines to be used in assessing the extent to which a State that received a grant under section 704 is making significant progress in developing and implementing, or expanding and enhancing, a statewide system of family support for families of children with disabilities consistent with the purposes of this part.

"(b) PROGRESS REPORTS.—A State that receives a grant under section 704 shall submit annually to the Secretary a report that documents progress in developing and implementing, or expanding and enhancing, a statewide system of family support for families of children with disabilities consistent with this part. Such report shall include—

"(1) the results of the annual evaluation of the statewide system of family support for families of children with disabilities;

"(2) a description of the unanticipated problems with the achievement of the goals, objectives, and family-centered outcomes described in the application or strategic plan and the measures the State has taken to rectify such problems;

"(3) for the annual progress report concerning the first year of the grant period, the strategic plan developed by the State during the first year; and

"(4) for the annual progress report concerning subsequent years of the grant period, the updated strategic plan.

"SEC. 711. ADMINISTRATIVE PROVISIONS.

"(a) EVALUATION OF GRANT APPLICATIONS.—

"(1) PANELS.—The Secretary shall convene panels of experts who are competent, by virtue of their training or experience, to evaluate grant applications under this part.

"(2) COMPOSITION OF PANELS.—Panels shall be composed of a majority of family members of children with disabilities and individuals with disabilities, and may include service providers, State administrative personnel, and professionals. Panels shall include a majority of individuals who are not Federal employees.

"(3) EXPENSES AND FEES OF THE PANEL.—A member of the Panel who is not a Federal employee shall receive travel, per diem and consultant fees not to exceed the rate provided to other consultants used by the Secretary. The Secretary may use funds available under section 716 to pay expenses and fees of a member of a Panel who is not a Federal employee.

"(b) PROVISION OF INFORMATION.—To assist the Secretary in carrying out the responsibilities of the Secretary under this section, the Secretary may require States to provide relevant information, including recommendations and relevant reports of the Council.

"(c) APPEALS.—The Secretary shall establish appeals procedures for States that are found in noncompliance with the provisions of this part as the result of failure to supply information required under section 705 or 710. The Secretary shall take into consideration the comments of the Council.

"(d) EFFECT ON OTHER ASSISTANCE.—This part may not be construed as authorizing a Federal or State agency to reduce medical or other assistance available, or to alter eligibility, under any Federal law.

"(e) UNOBLIGATED FUNDS.—Any amount paid to a State for a fiscal year and remaining unobligated at the end of such year shall remain available to such State for the next fiscal year for the purposes for which such amount was paid.

"SEC. 712. TECHNICAL ASSISTANCE.

"(a) IN GENERAL.—The Secretary shall make grants, or enter into contracts or cooperative agreements, with appropriate public or private agencies and organizations, including institutions of higher education, with documented experience, expertise, and capacity, for the purpose of providing technical assistance and information with respect to the development and implementation, or expansion and enhancement, of a statewide system of family support for families of children with disabilities.

"(b) PURPOSE.—With respect to States receiving assistance under this part, the technical assistance and information described under subsection (a) shall be provided to the State agency designated as the lead entity, the Council, family members of children with disabilities, organizations, service providers, and policymakers involved with children with disabilities and their families. Such technical assistance shall also be available to States that do not receive assistance under this part. Such technical assistance and information shall—

"(1) facilitate effective systems change activities;

"(2) promote effective approaches to the development and implementation, or expansion and enhancement of, the statewide systems of family support for families of children with disabilities that increase access to, funding for, and awareness of family support for families of children with disabilities;

"(3) promote partnerships with families at all levels of the service system;

"(4) foster awareness and understanding of Federal, State, and local laws, regulations, policies, practices, procedures, and organizational structures, that facilitate, and overcome barriers to, funding for, and access to family support for families of children with disabilities;

"(5) foster the development and replication of effective approaches to strategic plan development, interagency coordination, training, outreach to underserved groups, and public awareness activities;

"(6) facilitate service delivery capacity, training, and the improvement of data collection and evaluation systems;

"(7) promote effective approaches to the development of family-centered and family-directed services, including approaches to the development and measurement of family-centered outcomes described in section 709(b)(2), and the assessment of family satisfaction; and

"(8) coordinate and facilitate an annual meeting of the chairpersons of the Councils.

"(c) REQUEST FOR TECHNICAL ASSISTANCE.—A request for technical assistance by a lead entity in a State receiving assistance under this part shall be made in conjunction with the Council.

"(d) REPORTS TO THE SECRETARY.—An entity providing the technical assistance under this section shall submit periodic reports to the Secretary regarding Federal policies and procedures identified within the States that facilitate or impede the delivery of family support to families of children with disabilities. The report shall include recommendations to the Secretary regarding the delivery of services, coordination with other programs, and integration of the policies and principles described in section 702 in other Federal legislation.

"SEC. 713. EVALUATION.

"(a) IN GENERAL.—The Secretary shall make grants, or enter into contracts or cooperative agreements, with appropriate public or private agencies and organizations, including institutions of higher education, with documented experience, expertise, and capacity for the purpose of conducting a national evaluation of the program of grants to States authorized by this part.

"(b) PURPOSE.—The purpose of an evaluation under subsection (a) shall be to assess the status and effects of State efforts to develop and implement, or expand and enhance, statewide systems of family support for families of children with disabilities in a manner consistent with the provisions of this part, particularly in terms of the impact of such efforts on families of children with disabilities, and to recommend amendments to this part that are necessary to assist States to fully accomplish the purposes of this part. The Secretary or recipient of assistance under this section shall work with the States to consider and develop an information system designed to report and compile, from information provided by the States, including the Council, a qualitative and quantitative description of the impact of the program of grants to States authorized by this part on—

"(1) families of children with disabilities, including families from ethnic and racial minority backgrounds;

"(2) access to and funding for family support for families of children with disabilities; and

"(3) the involvement of families at all levels of the service system.

"(c) REPORT TO CONGRESS.—Not later than 2½ years after the date of enactment of this part,

the Secretary shall prepare and submit to the appropriate committees of Congress a report concerning the results of the evaluation conducted under this section.

"(d) CONFLICT OF INTEREST.—The Secretary shall assure that a recipient of a grant, contract, or cooperative agreement under this section is independent from, and free from, any financial or personal relationships with the recipient of a grant, contract, or cooperative agreement selected to provide technical assistance under section 712.

"SEC. 714. PROJECTS OF NATIONAL SIGNIFICANCE.

"(a) STUDY BY THE SECRETARY.—The Secretary shall review Federal programs to determine the extent to which such programs facilitate or impede access to, provision of, and funding for family support for families of children with disabilities, consistent with the policies described in section 702.

"(b) DEMONSTRATION AND INNOVATION PROJECTS.—The Secretary shall make grants or enter into contracts for projects of national significance to support the development of national and State policies and practices related to the development and implementation, or expansion and enhancement, of family-centered and family-directed systems of family support for families of children with disabilities.

"SEC. 715. CONSTRUCTION.

"Notwithstanding any other provision of this title, nothing in parts A through H of this title shall be construed to apply to this part.

"SEC. 716. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this part, $10,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 and 1997.

"(b) RESERVATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall reserve for each fiscal year 10 percent, or $600,000 (whichever is greater), of the amount appropriated pursuant to the authority of subsection (a) to carry out—

"(A) section 712, with respect to the provision of technical assistance and information to States;

"(B) section 713, with respect to the conduct of the evaluations;

"(C) section 711(a), with respect to the evaluation of grant applications; and

"(D) section 714, with respect to the conduct of projects of national significance.

"(2) SPECIAL RULE.—The Secretary shall only use funds reserved under paragraph (1) for a fiscal year to carry out section 714 for such year if the amount of funds reserved under such paragraph for such fiscal year is $700,000 or greater.".

PART B—AMENDMENTS TO THE STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT

SEC. 321. STATE LITERACY INITIATIVES.

Section 702 of the Stewart B. McKinney Homeless Assistance Act (hereafter in this part referred to as "the Act") (42 U.S.C. 11421) is amended to read as follows:

"STATE LITERACY INITIATIVES

"SEC. 702. (a) GENERAL AUTHORITY.—

"(1) GRANTS.—The Secretary of Education is authorized to make grants to State educational agencies to enable each such agency to implement, either directly or through contracts and grants, a program of literacy training and academic remediation for adult homeless individuals within the State, which program shall—

"(A) include outreach activities; and

"(B) be coordinated with other agencies or organizations, such as community-based organizations, nonprofit literacy-action organizations, and recipients of funds under the Adult Education Act, title II of the Job Training Partnership Act, the Youth Fair Chance program under part H of title IV of the Job Training Partnership Act, the Volunteers in Service to America program under part A of title I of the Domestic Volunteer Service Act of 1973, part C of this title, or the Job Opportunity and Basic Skills program under part F of title IV of the Social Security Act.

"(2) ESTIMATES AND AMOUNTS.—The Secretary of Education, in awarding grants under this section, shall give special consideration to the estimates submitted in the application submitted under subsection (b) and make such awards in whatever amounts such Secretary determines will best serve the purposes of this section.

"(b) APPLICATION.—Each State educational agency desiring to receive a grant under this section shall submit to the Secretary of Education an application at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall include an estimate of the number of homeless individuals in the State and the number of such individuals expected to be served.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out the adult literacy and academic remediation programs authorized by this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(d) DEFINITION.—As used in this section, the term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and Palau (until the effective date of the Compact of Free Association with the Government of Palau).".

SEC. 322. EDUCATION FOR HOMELESS CHILDREN AND YOUTH.

Subtitle B of title VII of the Act (42 U.S.C. 11431 et seq.) is amended to read as follows:

"Subtitle B—Education for Homeless Children and Youth

"STATEMENT OF POLICY

"SEC. 721. It is the policy of the Congress that—

"(1) each State educational agency shall ensure that each child of a homeless individual and each homeless youth has equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youth;

"(2) in any State that has a compulsory residency requirement as a component of the State's compulsory school attendance laws or other laws, regulations, practices, or policies that may act as a barrier to the enrollment, attendance, or success in school of homeless children and youth, the State will review and undertake steps to revise such laws, regulations, practices, or policies to ensure that homeless children and youth are afforded the same free, appropriate public education as provided to other children and youth;

"(3) homelessness alone should not be sufficient reason to separate students from the mainstream school environment; and

"(4) homeless children and youth should have access to the education and other services that such children and youth need to ensure that such children and youth have an opportunity to meet the same challenging State student performance standards to which all students are held.

"GRANTS FOR STATE AND LOCAL ACTIVITIES FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH

"SEC. 722. (a) GENERAL AUTHORITY.—The Secretary is authorized to make grants to States in accordance with the provisions of this section to enable such States to carry out the activities described in subsections (d), (e), (f), and (g).

"(b) APPLICATION.—No State may receive a grant under this section unless the State educational agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

"(c) ALLOCATION AND RESERVATIONS.—(1) Subject to paragraph (2) and section 724(c), from the amounts appropriated for each fiscal year under section 726, the Secretary is authorized to allot to each State an amount that bears the same ratio to the amount appropriated for such year under section 726 as the amount allocated under section 1122 of the Elementary and Secondary Education Act of 1965 to the State for that year bears to the total amount allocated under section 1122 to all States for that year, except that no State shall receive less than $100,000.

"(2)(A) The Secretary is authorized to reserve 0.1 percent of the amount appropriated for each fiscal year under section 726 to be allocated by the Secretary among the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and Palau (until the effective date of the Compact of Free Association with the Government of Palau), according to their respective need for assistance under this subtitle, as determined by the Secretary.

"(B)(i) The Secretary is authorized to transfer one percent of the amount appropriated for each fiscal year under section 726 to the Department of the Interior for programs for Indian students served by schools funded by the Secretary of the Interior, as determined under the Indian Self-Determination and Education Assistance Act, that are consistent with the purposes of this Act.

"(ii) The Secretary and the Secretary of the Interior shall enter into an agreement, consistent with the requirements of this part, for the distribution and use of the funds described in clause (i) under terms that the Secretary determines best meet the purposes of the programs described in such clause. Such agreement shall set forth the plans of the Secretary of the Interior for the use of the amounts transferred, including appropriate goals, objectives and milestones.

"(3) As used in this subsection, the term 'State' shall not include the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or Palau.

"(d) MANDATED ACTIVITIES.—Grants under this section shall be used—

"(1) to carry out the policies set forth in section 721 in the State;

"(2) to provide activities for, and services to, homeless children, including preschool-aged children, and homeless youth that enable such children and youth to enroll in, attend, and succeed in school, or, if appropriate, in preschool programs;

"(3) to establish or designate an Office of Coordinator of Education of Homeless Children and Youth in the State educational agency in accordance with subsection (f);

"(4) to prepare and carry out the State plan described in subsection (g); and

"(5) to develop and implement professional development programs for school personnel to heighten their awareness of, and capacity to respond to, specific problems in the education of homeless children and youth.

"(e) STATE AND LOCAL GRANTS.—(1)(A) Subject to subparagraph (B), if the amount allotted to the State educational agency for any fiscal year under this subtitle exceeds the amount such agency received for fiscal year 1990 under this subtitle, such agency shall use such funds as exceed the amount such agency received for fiscal year 1990 under this subtitle to provide grants to local educational agencies in accordance with section 723.

"(B) The State educational agency may reserve not more than the greater of 5 percent of

the amount such agency receives under this subtitle for any fiscal year, or the amount such agency received under this subtitle for fiscal year 1990, to conduct activities under subsection (f) directly or through grants or contracts.

"(2) If the amount allotted to a State educational agency for any fiscal year under this subtitle is less than the amount such agency received for fiscal year 1990 under this subtitle, such agency, at such agency's discretion, may provide grants to local educational agencies in accordance with section 723 or may conduct activities under subsection (f) directly or through grants or contracts.

"(f) FUNCTIONS OF THE OFFICE OF COORDINATOR.—The Coordinator of Education of Homeless Children and Youth established in each State shall—

"(1) estimate the number of homeless children and youth in the State and the number of such children and youth served with assistance provided under the grants or contracts under this subtitle;

"(2) gather, to the extent possible, reliable, valid, and comprehensive information on the nature and extent of the problems homeless children and youth have in gaining access to public preschool programs and to public elementary and secondary schools, the difficulties in identifying the special needs of such children and youth, any progress made by the State educational agency and local educational agencies in the State in addressing such problems and difficulties, and the success of the program under this subtitle in allowing homeless children and youth to enroll in, attend, and succeed in, school;

"(3) develop and carry out the State plan described in subsection (g);

"(4) prepare and submit to the Secretary not later than October 1, 1997, and on October 1 of every third year thereafter, a report on the information gathered pursuant to paragraphs (1) and (2) and such additional information as the Secretary may require to carry out the Secretary's responsibilities under this subtitle;

"(5) facilitate coordination between the State educational agency, the State social services agency, and other agencies providing services to homeless children and youth, including homeless children and youth who are preschool age, and families of such children and youth; and

"(6) develop relationships and coordinate with other relevant education, child development, or preschool programs and providers of services to homeless children, homeless families, and runaway and homeless youth (including domestic violence agencies, shelter operators, transitional housing facilities, runaway and homeless youth centers, and transitional living programs for homeless youth), to improve the provision of comprehensive services to homeless children and youth and their families.

"(g) STATE PLAN.—(1) Each State shall submit to the Secretary a plan to provide for the education of homeless children and youth within the State, which plan shall describe how such children and youth are or will be given the opportunity to meet the same challenging State performance standards all students are expected to meet, shall describe the procedures the State educational agency will use to identify such children and youth in the State and to assess their special needs, and shall—

"(A) describe procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youth;

"(B) describe programs for school personnel (including principals, attendance officers, teachers and enrollment personnel), to heighten the awareness of such personnel of the specific needs of runaway and homeless youth;

"(C) describe procedures that ensure that homeless children and youth who meet the relevant eligibility criteria are able to participate in Federal, State, or local food programs;

"(D) describe procedures that ensure that—

"(i) homeless children have equal access to preschool programs provided to other children; and

"(ii) homeless children and youth who meet the relevant eligibility criteria are able to participate in Federal, State, or local before- and after-school care programs;

"(E) address problems set forth in the report provided to the Secretary under subsection (f)(4);

"(F) address other problems with respect to the education of homeless children and youth, including problems caused by—

"(i) transportation issues; and

"(ii) enrollment delays that are caused by—

"(I) immunization requirements;

"(II) residency requirements;

"(III) lack of birth certificates, school records, or other documentation; or

"(IV) guardianship issues;

"(G) demonstrate that the State educational agency and local educational agencies in the State have developed, and will review and revise, policies to remove barriers to the enrollment and retention of homeless children and youth in schools in the State; and

"(H) contain an assurance that the State educational agency and local educational agencies in the State will adopt policies and practices to ensure that homeless children and youth are not isolated or stigmatized.

"(2) Each plan adopted under this subsection shall also show how the State will ensure that local educational agencies in the State will comply with the requirements of paragraphs (3) through (9).

"(3)(A) The local educational agency of each homeless child and youth shall, according to the child's or youth's best interest, either—

"(i) continue the child's or youth's education in the school of origin—

"(I) for the remainder of the academic year; or

"(II) in any case in which a family becomes homeless between academic years, for the following academic year; or

"(ii) enroll the child or youth in any school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

"(B) In determining the best interests of the child or youth under subparagraph (A), the local educational agency shall comply, to the extent feasible, with the request made by a parent or guardian regarding school selection.

"(C) For purposes of this paragraph, the term 'school of origin' means the school that the child or youth attended when permanently housed, or the school in which the child or youth was last enrolled.

"(D) The choice regarding placement shall be made regardless of whether the child or youth lives with the homeless parents or has been temporarily placed elsewhere by the parents.

"(4) Each homeless child or youth shall be provided services comparable to services offered to other students in the school selected according to the provisions of paragraph (3), including—

"(A) transportation services, except as required by paragraph (9);

"(B) educational services for which the child or youth meets the eligibility criteria, such as services provided under title I of the Elementary and Secondary Education Act of 1965 or similar State or local programs, educational programs for children with disabilities, and educational programs for students with limited-English proficiency;

"(C) programs in vocational education;

"(D) programs for gifted and talented students; and

"(E) school meals programs.

"(5) Any record ordinarily kept by the school, including immunization records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, of each homeless child or youth shall be maintained—

"(A) so that the records are available, in a timely fashion, when a child or youth enters a new school district; and

"(B) in a manner consistent with section 438 of the General Education Provisions Act.

"(6) Each local educational agency serving homeless children and youth that receives assistance under this subtitle shall coordinate with local social services agencies and other agencies or programs providing services to such children or youth and their families.

"(7)(A) Each local educational agency that receives assistance under this subtitle shall designate a homelessness liaison to ensure that—

"(i) homeless children and youth enroll and succeed in the schools of that agency; and

"(ii) homeless families, children, and youth receive educational services for which such children and youth are eligible, including preschool programs, and referrals to health care services, dental services, mental health services, and other appropriate services.

"(B) State coordinators and local educational agencies shall inform school personnel, service providers, and advocates working with homeless families of the duties of the liaisons.

"(8) Each State educational agency and local educational agency shall review and revise any policies that may act as barriers to the enrollment of homeless children and youth in schools selected in accordance with paragraph (3). In reviewing and revising such policies, consideration shall be given to issues concerning transportation, immunization, residency, birth certificates, school records, and other documentation, and guardianship. Special attention shall be given to ensuring the enrollment and attendance of homeless children and youth who are not currently attending school.

"(9) Each plan adopted under this subsection shall—

"(A) demonstrate that transportation, to the extent possible, will be provided at no cost to homeless children and youth attending the school in which such children are enrolled; and

"(B) contain procedures for resolving disputes between local educational agencies or within a local educational agency concerning transportation costs for such children and youth.

"(10) Where applicable, each State and local educational agency shall coordinate with State and local housing agencies responsible for developing the comprehensive housing affordability strategy described in section 105 of the Cranston-Gonzalez National Affordable Housing Act to minimize educational disruption for children who become homeless.

"LOCAL EDUCATIONAL AGENCY GRANTS FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH

"SEC. 723. (a) GENERAL AUTHORITY.—(1) The State educational agency shall, in accordance with section 722(e) and from amounts made available to such agency under section 726, make grants to local educational agencies for the purpose of facilitating the enrollment, attendance, and success in school of homeless children and youth.

"(2) Unless otherwise specified, services under paragraph (1) may be provided through programs on school grounds or at other facilities. Where services are provided through programs on school grounds, such services may also be made available to children and youth who are determined by the local educational agency to be at risk of failing in, or dropping out of, schools, except that priority for such services shall be given to homeless children and youth.

To the maximum extent practicable, services shall be provided through existing programs and mechanisms that integrate homeless individuals with nonhomeless individuals.

"(3) Services provided under this section shall be designed to expand upon or improve services provided as part of the school's regular academic program.

"(b) APPLICATION.—A local educational agency that desires to receive a grant under this section shall submit an application to the State educational agency at such time, in such manner, and containing or accompanied by such information as the State educational agency may reasonably require according to guidelines issued by the Secretary. Each such application shall include—

"(1) a description of the services and programs for which assistance is sought and the problems to be addressed through the provision of such services and programs;

"(2) an assurance that the local educational agency's combined fiscal effort per student or the aggregate expenditures of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second preceding fiscal year;

"(3) an assurance that the applicant complies with, or will use requested funds to come into compliance with, paragraphs (3) through (9) of section 722(g); and

"(4) a description of policies and procedures that the agency will implement to ensure that activities carried out by the agency will not isolate or stigmatize homeless children and youth.

"(c) AWARDS.—(1) The State educational agency shall, in accordance with section 722(g) and from amounts made available to such agency under section 726, award grants under this section to local educational agencies submitting an application under subsection (b) on the basis of the need of such agencies.

"(2) In determining need under paragraph (1), the State educational agency may consider the number of homeless children and youth enrolled in preschool, elementary, and secondary schools within the area served by the agency, and shall consider the needs of such children and youth and the ability of the agency to meet such needs. Such agency may also consider—

"(A) the extent to which the proposed use of funds would facilitate the enrollment, retention, and educational success of homeless children and youth;

"(B) the extent to which the application reflects coordination with other local and State agencies that serve homeless children and youth, as well as the State plan required by section 722(g);

"(C) the extent to which the applicant exhibits in the application and in current practice a commitment to education for all homeless children and youth; and

"(D) such other criteria as the agency determines appropriate.

"(3) Grants awarded under this section shall be for terms not to exceed three years.

"(d) AUTHORIZED ACTIVITIES.—(1) A local educational agency may use funds awarded under this section for activities to carry out the purpose of this subtitle, including—

"(A) the provision of tutoring, supplemental instruction, and enriched educational services that are linked to the achievement of the same challenging State content standards and challenging State student performance standards the State establishes for other children or youth;

"(B) the provision of expedited evaluations of the strengths and needs of homeless children and youth, including needs and eligibility for programs and services (such as educational programs for gifted and talented students, children with disabilities, and students with limited-English proficiency, services provided under title I of the Elementary and Secondary Education Act of 1965 or similar State or local programs, programs in vocational education, and school meals programs);

"(C) professional development and other activities for educators and pupil services personnel that are designed to heighten the understanding and sensitivity of such personnel to the needs of homeless children and youth, the rights of such children and youth under this Act, and the specific educational needs of runaway and homeless youth;

"(D) the provision of referral services to homeless children and youth for medical, dental, mental, and other health services;

"(E) the provision of assistance to defray the excess cost of transportation for students pursuant to sections 722(g)(4) or 722(g)(9), not otherwise provided through Federal, State, or local funding, where necessary to enable students to attend the school selected under section 722(g)(3);

"(F) the provision of developmentally appropriate early childhood education programs, not otherwise provided through Federal, State, or local funding, for preschool-aged children;

"(G) the provision of before- and after-school and summer enrichment programs for homeless children and youth in which a teacher or other qualified individual provides tutoring, homework assistance, and supervision of educational activities;

"(H) where necessary, the payment of fees and other costs associated with tracking, obtaining, and transferring records necessary to enroll homeless children and youth in school, including birth certificates, immunization records, academic records, guardianship records, and evaluations for special programs or services;

"(I) the provision of education and training to the parents of homeless children and youth about the rights of, and resources available to, such children and youth;

"(J) the development of coordination between schools and agencies providing services to homeless children and youth;

"(K) the provision of pupil services (including violence prevention counseling) and referrals for such services;

"(L) activities to address the particular needs of homeless children and youth that may arise from domestic violence;

"(M) the adaptation of space and purchase of supplies for nonschool facilities made available under subsection (a)(2) to provide services under this subsection;

"(N) the provision of school supplies to be distributed at shelters or temporary housing facilities, or other appropriate locations; and

"(O) the provision of other extraordinary or emergency assistance needed to enable homeless children and youth to attend school.

"SECRETARIAL RESPONSIBILITIES

"SEC. 724. (a) REVIEW OF PLANS.—In reviewing the State plans submitted by the State educational agencies under section 722(g), the Secretary shall use a peer review process and shall evaluate whether State laws, policies, and practices described in such plans adequately address the problems of homeless children and youth relating to access to education and placement as described in such plans.

"(b) TECHNICAL ASSISTANCE.—The Secretary shall provide support and technical assistance to the State educational agencies to assist such agencies to carry out their responsibilities under this subtitle.

"(c) EVALUATION AND DISSEMINATION.—The Secretary shall conduct evaluation and dissemination activities of programs designed to meet the educational needs of homeless elementary and secondary school students, and may use funds appropriated under section 726 to conduct such activities.

"(d) REPORTS.—The Secretary shall prepare and submit a report to Congress on the programs and activities authorized by this subtitle by December 31, 1997, and every third year thereafter.

"DEFINITIONS

"SEC. 725. For the purpose of this subtitle, the following terms have the following meanings:

"(1) The term 'Secretary' means the Secretary of Education.

"(2) The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 726. For the purpose of carrying out this subtitle, there are authorized to be appropriated $30,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.".

PART C—REPEAL OF IMPACT AID STATUTES

SEC. 331. REPEAL OF IMPACT AID STATUTES.

(a) PUBLIC LAW 81–815.—The Act entitled "An Act relating to the construction of school facilities in areas affected by Federal activities, and for other purposes", approved September 23, 1950 (64 Stat. 967; 20 U.S.C. 631 et seq.) is repealed.

(b) PUBLIC LAW 81–874.—The Act entitled "An Act to provide assistance for local educational agencies in areas affected by Federal activities, and for other purposes", approved September 30, 1950 (64 Stat. 1100; 20 U.S.C. 236 et seq.) is repealed.

PART D—OTHER ACTS

SEC. 341. GOALS 2000: EDUCATE AMERICA ACT.

(a) REPEALS.—Sections 231, 232, 234, and 235 of the Goals 2000: Educate America Act are repealed.

(b) GIFT AUTHORITY.—

(1) NATIONAL EDUCATION GOALS PANEL.—Section 204 of the Goals 2000: Educate America Act is amended by adding at the end the following new subsection:

"(f) GIFTS.—The Goals Panel may accept, administer, and utilize gifts or donations of services, money, or property, whether real or personal, tangible or intangible.".

(2) NATIONAL EDUCATION STANDARDS AND IMPROVEMENT COUNCIL.—Section 215 of the Goals 2000: Educate America Act is amended by adding at the end the following new subsection:

"(f) GIFTS.—The Council may accept, administer, and utilize gifts or donations of services, money, or property, whether real or personal, tangible or intangible.".

(c) LOCAL AGENCY PLAN APPROVAL.—Paragraph 4 of section 309(a) of the Goals 2000: Educate America Act is amended by inserting the words "made by the local educational agency" after the word "modifications".

(d) SAFE SCHOOLS.—Paragraph (2) of section 702(b) of the Safe Schools Act of 1994 (20 U.S.C. 5962(b)(2)) is amended by striking "10 percent" and inserting "5 percent".

(e) STATE PLANNING FOR IMPROVING STUDENT ACHIEVEMENT THROUGH INTEGRATION OF TECHNOLOGY INTO THE CURRICULUM.—Subsection (b) of section 317 of the Goals 2000: Educate America Act (20 U.S.C. 5897(b)) is amended by adding at the end the following new paragraph:

"(3) OUTLYING AREAS.—(A) From the amount appropriated pursuant to the authority of subsection (f) for fiscal year 1994, the Secretary shall reserve a total of 1 percent to provide assistance under this section to the outlying areas.

"(B) The funds reserved under subparagraph (A) shall be distributed among the outlying areas by the Secretary according to the relative need of such areas for assistance under this section.".

SEC. 342. EDUCATION COUNCIL ACT OF 1991.

Title II of the Education Council Act of 1991 (20 U.S.C. 1221–1 note) is repealed.

SEC. 343. AUGUSTUS F. HAWKINS-ROBERT T. STAFFORD ELEMENTARY AND SECONDARY SCHOOL IMPROVEMENT AMENDMENTS OF 1988.

Title IV of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (20 U.S.C. 4901 et seq.) is repealed.

SEC. 344. STAR SCHOOLS PROGRAM ASSISTANCE ACT.

The Star Schools Program Assistance Act (20 U.S.C. 4081 et seq.) is repealed.

SEC. 345. FUND FOR THE IMPROVEMENT AND REFORM OF SCHOOLS AND TEACHING ACT.

The Fund for the Improvement and Reform of Schools and Teaching Act (20 U.S.C. 4801) is repealed.

SEC. 346. TECHNOLOGY-RELATED ASSISTANCE FOR INDIVIDUALS WITH DISABILITIES ACT OF 1988.

(a) IN GENERAL.—Title II of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2231 et seq.) is amended by striking part E.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the Technology-Related Assistance for Individuals With Disabilities Act Amendments of 1994.

SEC. 347. OFFICE OF INDIAN EDUCATION.

Title II of the Department of Education Organization Act (20 U.S.C. 3411 et seq.) (as amended by section 271) is further amended by adding at the end the following new section:

"OFFICE OF INDIAN EDUCATION

"SEC. 217. (a) There shall be in the Department an Office of Indian Education (hereafter in this section referred to as the 'Office').

"(b)(1) The Office shall be headed by a Director of Indian Education (hereafter in this section referred to as the 'Director') who shall—

"(A) be appointed by the Secretary; and

"(B) report directly to the Assistant Secretary for Elementary and Secondary Education.

"(2) The Director shall—

"(A) be responsible for administering title VI of the Elementary and Secondary Education Act of 1965;

"(B) be involved in, and be primarily responsible for, the development of all policies affecting Indian children and adults under programs administered by the Office;

"(C) coordinate the development of policy and practice for all programs in the Department relating to Indian persons; and

"(D) assist the Assistant Secretary of the Office of Educational Research and Improvement in identifying research priorities related to the education of Indian persons.

"(3) The Director shall be a career appointee in the Senior Executive Service, and shall be paid at a level determined by the Secretary.

"(c)(1) The Secretary shall give preference to Indian individuals with respect to all personnel actions of the Office.

"(2) Such preference shall be implemented in the same fashion as the preference given to any Indian under section 2609 of the Revised Statutes (25 U.S.C. 45).".

SEC. 348. INDIAN EDUCATION ACT OF 1988.

The Indian Education Act of 1988 (25 U.S.C. 2601 note) is repealed.

SEC. 349. HIGHER EDUCATION ACT OF 1965.

(a) SHORT TITLE.—This section may be cited as the "Equity in Athletics Disclosure Act".

(b) FINDINGS.—The Congress finds that—

(1) participation in athletic pursuits plays an important role in teaching young Americans how to work on teams, handle challenges and overcome obstacles;

(2) participation in athletic pursuits plays an important role in keeping the minds and bodies of young Americans healthy and physically fit;

(3) there is increasing concern among citizens, educators, and public officials regarding the athletic opportunities for young men and women at institutions of higher education;

(4) a recent study by the National Collegiate Athletic Association found that in Division I–A institutions, only 20 percent of the average athletic department operations budget of $1,310,000 is spent on women's athletics; 15 percent of the average recruiting budget of $318,402 is spent on recruiting female athletes; the average scholarship expenses for men is $1,300,000 and $505,246 for women; and an average of 143 grants are awarded to male athletes and 59 to women athletes;

(5) female college athletes receive less than 18 percent of the athletics recruiting dollar and less than 24 percent of the athletics operating dollar;

(6) male college athletes receive approximately $179,000,000 more per year in athletic scholarship grants than female college athletes;

(7) prospective students and prospective student athletes should be aware of the commitments of an institution to providing equitable athletic opportunities for its men and women students; and

(8) knowledge of an institution's expenditures for women's and men's athletic programs would help prospective students and prospective student athletes make informed judgments about the commitments of a given institution of higher education to providing equitable athletic benefits to its men and women students.

(c) AMENDMENT.—Section 485 of the Higher Education Act of 1965 (20 U.S.C. 1092) is amended by adding at the end the following new subsection:

"(g) DISCLOSURE OF ATHLETIC PROGRAM PARTICIPATION RATES AND FINANCIAL SUPPORT DATA.—

"(1) DATA REQUIRED.—Each institution of higher education that participates in any program under this title, and has an intercollegiate athletic program, shall annually submit a report to the Secretary that contains the following information:

"(A) For each men's team, women's team, and any team that includes both male and female athletes, the following data:

"(i) The total number of participants and their gender.

"(ii) The total athletic scholarship expenditures.

"(iii) A figure that represents the total athletic scholarship expenditures divided by the total number of participants.

"(iv) The total number of contests for the team.

"(v) The per capita operating expenses for the team.

"(vi) The per capita recruiting expenses for the team.

"(vii) The per capita personnel expenses for the team.

"(viii) Whether the head coach is male or female and whether the head coach is full time or part time.

"(ix) The number of assistant coaches that are male and the number of assistant coaches that are female and whether each particular coach is full time or part time.

"(x) The number of graduate assistant coaches that are male and the number of graduate assistant coaches that are female.

"(xi) The number of volunteer assistant coaches that are male and the number of volunteer assistant coaches that are female.

"(xii) The ratio of participants to coaches.

"(xiii) The average annual institutional compensation of the head coaches of men's sports teams, across all offered sports, and the average annual compensation of the head coaches of women's sports teams, across all offered sports.

"(xiv) The average annual institutional compensation of each of the assistant coaches of men's sports teams, across all offered sports, and the average annual compensation of the assistant coaches of women's sports teams, across all offered sports.

"(xv) The total annual revenues generated from attendance at athletic contests across all men's teams and women's teams.

"(B) A statement of the following data:

"(i) The ratio of male participants to female participants in the entire athletic program.

"(ii) The ratio of male athletic scholarship expenses to female athletic scholarship expenses in the entire athletic program.

"(2) DISCLOSURE TO PROSPECTIVE STUDENTS.—An institution of higher education described in paragraph (1) that offers admission to a potential student shall provide to such student, upon request, the information contained in the report submitted by such institution to the Secretary under paragraph (1), except that all such students shall be informed of their right to request such information.

"(3) DISCLOSURE TO THE PUBLIC.—An institution of higher education described in paragraph (1) shall make available to the public, upon request, the information contained in the report submitted by such institution to the Secretary under paragraph (1).

"(4) SECRETARY'S DUTY TO PUBLISH A REPORT OF THE DATA.—On or before July 1, 1995, and each July 1 thereafter, the Secretary, using the reports submitted under this subsection, shall compile, publish, and submit to the appropriate committees of the Congress, a report that includes the information contained in such reports identified by (A) the individual institutions, and (B) by the athletic conferences recognized by the National Collegiate Athletic Association and the National Association of Intercollegiate Athletics.

"(5) DEFINITION.—For the purposes of this subsection, the term 'operating expenses' means all nonscholarship expenditures.".

(d) EFFECTIVE DATE.—The amendment made by subsection (c) shall take effect on July 1, 1994.

SEC. 350. RURAL COMMUNITY SERVICE.

Title XI of the Higher Education Act of 1965 (20 U.S.C. 1136 et seq.) is amended by adding at the end the following new part:

"PART C—RURAL COMMUNITY SERVICE

"SEC. 1171. FINDINGS; PURPOSE.

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

"(1) the Nation's rural centers are facing increasingly pressing problems and needs in the areas of economic development, community infrastructure and service, social policy, public health, housing, crime, education, environmental concerns, planning and work force preparation;

"(2) there are, in the Nation's rural institutions, people with underutilized skills, knowledge, and experience who are capable of providing a vast range of services toward the amelioration of the problems described in paragraph (1);

"(3) the skills, knowledge, and experience in these rural institutions, if applied in a systematic and sustained manner, can make a significant contribution to the solution of such problems; and

"(4) the application of such skills, knowledge, and experience is hindered by the limited funds available to redirect attention to solutions to such rural problems.

"(b) PURPOSE.—It is the purpose of this part to provide incentives to rural academic institutions to enable such institutions to work with private and civic organizations to devise and implement solutions to pressing and severe problems in their communities.

"SEC. 1172. PROGRAM.

"The Secretary is authorized to carry out a program of providing assistance to eligible institutions to enable such institutions to carry out

the authorized activities described in section 1174 in accordance with the provisions of this part.

"SEC. 1173. APPLICATIONS FOR RURAL COMMUNITY SERVICE GRANTS.

"(a) APPLICATION.—

"(1) IN GENERAL.—Each eligible institution desiring a grant under this part shall submit to the Secretary an application at such time, in such form, and containing or accompanied by such information and assurances, as the Secretary may require by regulation.

"(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

"(A) describe the activities and services for which assistance is sought; and

"(B) contain assurances that the eligible institution will enter into a consortium to carry out the provisions of this part that includes, in addition to the eligible institution, one or more of the following entities:

"(i) A community college.

"(ii) A rural local educational agency.

"(iii) A local government.

"(iv) A business or other employer.

"(v) A nonprofit institution.

"(3) WAIVER.—The Secretary may waive the consortium requirements described in paragraph (2) for any applicant who can demonstrate to the satisfaction of the Secretary that the applicant has devised an integrated and coordinated plan which meets the purpose of this part.

"(b) SELECTION PROCEDURES.—The Secretary, by regulation, shall develop a formal procedure for the submission of applications under this part and shall publish in the Federal Register an announcement of that procedure and the availability of funds under this part.

"SEC. 1174. AUTHORIZED ACTIVITIES.

"Grant funds made available under this part shall be used to support planning, applied research, training, resource exchanges or technology transfers, the delivery of services, or other activities the purpose of which is to design and implement programs to assist rural communities to meet and address their pressing and severe problems, such as any of the following:

"(1) Work force preparation.

"(2) Rural poverty and the alleviation of such poverty.

"(3) Health care, including health care delivery and access as well as health education, prevention and wellness.

"(4) Underperforming school systems and students.

"(5) Problems faced by the elderly and individuals with disabilities in rural settings.

"(6) Problems faced by families and children.

"(7) Campus and community crime prevention, including enhanced security and safety awareness measures as well as coordinated programs addressing the root causes of crime.

"(8) Rural housing.

"(9) Rural infrastructure.

"(10) Economic development.

"(11) Rural farming and environmental concerns.

"(12) Other problem areas which participants in the consortium described in section 1173(a)(2)(B) concur are of high priority in rural areas.

"(13)(A) Problems faced by individuals with disabilities and economically disadvantaged individuals regarding accessibility to institutions of higher education and other public and private community facilities.

"(B) Amelioration of existing attitudinal barriers that prevent full inclusion of individuals with disabilities in their community.

"SEC. 1175. PEER REVIEW.

"The Secretary shall designate a peer review panel to review applications submitted under this part and make recommendations for funding to the Secretary. In selecting the peer review panel, the Secretary may consult with other appropriate Cabinet-level Federal officials and with non-Federal organizations, to ensure that the panel will be geographically balanced and be composed of representatives from public and private institutions of higher education, labor, business, and State and local government, who have expertise in rural community service or in education.

"SEC. 1176. DISBURSEMENT OF FUNDS.

"(a) MULTIYEAR AVAILABILITY.—Subject to the availability of appropriations, grants under this part may be awarded on a multiyear basis, except that no institution, individually or as a participant in a consortium, may receive a grant under this part for more than 5 years.

"(b) EQUITABLE GEOGRAPHIC DISTRIBUTION.—The Secretary shall award grants under this part in a manner that achieves an equitable geographic distribution of such grants.

"(c) MATCHING REQUIREMENT.—An applicant under this part and the local governments associated with its application shall contribute to the conduct of the program supported by the grant an amount from non-Federal funds equal to at least one-fourth of the amount grant, which contribution may be in cash or in kind, fairly evaluated.

"(d) The Secretary shall, to the maximum extent possible, coordinate this program with the Corporation for National and Community Service.

"SEC. 1177. DESIGNATION OF RURAL GRANT INSTITUTIONS.

"The Secretary shall publish a list of eligible institutions and shall designate such institutions of higher education as 'Rural Grant Institutions'. The Secretary shall establish a national network of Rural Grant Institutions so that the results of individual projects achieved in 1 rural area can be generalized, disseminated, replicated and applied throughout the Nation.

"SEC. 1178. DEFINITIONS.

"As used in this part:

"(1) RURAL AREA.—The term 'rural area' means any area that—

"(A) is outside an urban area, as such term is defined by the Bureau of the Census; and

"(B) contains a population of 75,000 or less.

"(2) ELIGIBLE INSTITUTION.—The term 'eligible institution' means an institution of higher education, or a consortium of such institutions any one of which meets all the requirements of this paragraph, which—

"(A) draws a substantial portion of its undergraduate students from the rural area served by such institution or consortium, or from contiguous areas;

"(B) carries out programs to make postsecondary educational opportunities more accessible to residents of such rural areas, or contiguous areas;

"(C) has the present capacity to provide resources responsive to the needs and priorities of such rural areas and contiguous areas;

"(D) offers a range of professional, technical, or graduate programs sufficient to sustain the capacity of such institution to provide such resources; and

"(E) has demonstrated and sustained a sense of responsibility to such rural area and contiguous areas and the people of such areas.

"SEC. 1179. AUTHORIZATION OF APPROPRIATIONS; FUNDING RULE.

"There are authorized to be appropriated $5,000,000 for fiscal year 1995 and such sums as may be necessary in each of the 4 succeeding fiscal years to carry out the provisions of this part.".

SEC. 350A. REHABILITATION ACT.

(a) Notwithstanding any other provision of the Rehabilitation Act of 1973, the amount otherwise payable to a State under section 111 of such Act shall be reduced—

(1) for fiscal years 1987 and 1988, by the amount by which expenditures from non-Federal sources under the State plan under title I of such Act for such year are less than the total of such expenditures for fiscal year 1972; and

(2) for fiscal year 1989, the lesser of—

(A) the amount by which expenditures from non-Federal sources under the State plan under title I of such Act for fiscal year 1989 are less than average of the total of such expenditures for fiscal years 1986, 1987, and 1988; or

(B) the amount by which expenditures from non-Federal sources under the State plan under title I of such Act for fiscal year 1988 are less than the average of the total of such expenditures for fiscal years 1985, 1986, and 1987.

(b) This section shall take effect on September 1, 1994.

SEC. 350B. HIGHER EDUCATION AMENDMENTS TO THE CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT.

(a) AMENDMENT.—The Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.) is amended—

(1) in paragraph (2) of section 232(d)—

(A) by inserting ", notwithstanding section 427(b)(2) of the Higher Education Amendments of 1992," before "has"; and

(B) by inserting "as such section was in effect on July 22, 1992" before the semicolon; and

(2) in subparagraph (B) of section 404(a)(4)—

(A) by inserting ", notwithstanding section 427(b)(2) of the Higher Education Amendments of 1992," before "has"; and

(B) by inserting "as such section was in effect on July 22, 1992" before the period.

(b) EFFECTIVE DATE.—Subsection (a) and the amendments made by subsection (a) shall take effect on the date of enactment of this Act, except that a State that, prior to such date, distributed funds under section 232 of the Carl D. Perkins Vocational and Applied Technology Education Act from funds appropriated for fiscal year 1994 for such program to proprietary institutions of higher education, as such term is defined in section 481(b) of the Higher Education Act of 1965, may continue to distribute such funds to such institutions until July 1, 1995.

SEC. 350C. TECHNICAL AMENDMENTS TO THE CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT.

The Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.) is amended—

(1) in section 101A—

(A) in paragraph (2) of subsection (a), by striking "and Palau" and all that follows through the end of the subsection, and inserting "the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau."; and

(B) in the matter preceding paragraph (1) of subsection (b), by inserting "the Republic of" immediately before "Palau";

(2) in clause (ii) of section 112(f)(1)(B), by striking "Palau" and all that follows through "99-658)", and inserting "the Federated States of Micronesia, the Republic of the Marshall Islands, the Republic of Palau"; and

(3) in paragraph (33) of section 521, by striking "and Palau" and all that follows through the end of the paragraph, and inserting "the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.".

SEC. 350D. TECHNICAL AMENDMENT TO THE SECOND MORRILL ACT.

Section 5 the Act of August 30, 1890 (26 Stat. 417, chapter 841; 7 U.S.C. 326a) (commonly known as the "Second Morrill Act") is amended by striking "and the Trust Territory of the Pacific Islands or its successor governments" and

inserting "the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau".

SEC. 350E. DEFINITIONS FOR PART A OF TITLE III.

Section 312 of the Higher Education Act of 1965 (20 U.S.C. 1058) is amended—

(1) in paragraph (1) of subsection (b)—

(A) in subparagraph (D), by striking "and" after the semicolon; and

(B) by adding after subparagraph (E) the following new subparagraph:

"(F) located in a State; and";

(2) by redesignating subsection (f) as subsection (g); and

(3) by inserting after subsection (e) the following new subsection:

"(f) STATE.—For the purpose of this part the term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.".

SEC. 350F. AUTHORIZATION OF APPROPRIATIONS FOR THE NATIONAL EARLY INTERVENTION SCHOLARSHIP AND PARTNERSHIP PROGRAM.

Section 404G of the Higher Education Act of 1965 (20 U.S.C. 1070a–27) is amended by striking the second sentence thereof.

SEC. 350G. LENDER-OF-LAST-RESORT PROGRAMS.

(a) AMENDMENT.—Paragraph (1) of subsection (c) of section 428 of the Higher Education Act of 1965 (20 U.S.C. 1078(c)(1)) is amended by adding at the end the following new subparagraph:

"(G) Notwithstanding any other provision of this section, the Secretary shall exclude a loan made pursuant to a lender-of-last-resort program when making reimbursement payment calculations under subparagraphs (B) and (C).".

(b) EFFECTIVE DATE.—Subsection (a) and the amendment made by subsection (a) shall take effect on August 10, 1993.

SEC. 350H. FEDERAL CONSOLIDATION LOANS.

Paragraph (4) of section 428C(a) of the Higher Education Act of 1965 (20 U.S.C. 1078–3(a)(4)) is amended—

(1) in subparagraph (B), by striking "or" after the semicolon;

(2) in subparagraph (C), by striking the period and inserting "; or"; and

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

"(D) made under subpart II of part B of title VIII of the Public Health Service Act.".

SEC. 350I. FACILITIES AUTHORITY OF THE STUDENT LOAN MARKETING ASSOCIATION.

Section 439 of the Higher Education Act of 1965 (20 U.S.C. 1087–2) is amended—

(1) in subparagraph (C) of subsection (d)(1)—

(A) in the matter preceding clause (i), by inserting "(including related equipment, instrumentation, and furnishings)" after "materials";

(B) in clause (ii), by striking the semicolon and inserting ", athletic facilities, dining halls, and student unions; and";

(C) in clause (iii), by striking "and" after the semicolon;

(D) in the matter following clause (iv)—

(i) by striking "15 percent" and inserting "30 percent"; and

(ii) by striking "type" and inserting "types"; and

(E) by striking clause (iv); and

(2) in subsection (n), by striking "a report of its operations and activities during each year" and inserting "a report of the Association's operations and activities, including a report with respect to all facilities transactions, during each year".

SEC. 350J. CLOCK AND CREDIT HOUR TREATMENT OF DIPLOMA NURSING SCHOOLS.

(a) AMENDMENT.—Part G of title IV of the Higher Education Act of 1965 (20 U.S.C. 1088 et seq.) is amended by inserting after section 481 the following new section:

"SEC. 481A. CLOCK AND CREDIT HOUR TREATMENT OF DIPLOMA NURSING SCHOOLS.

"Notwithstanding any other provision of this Act, any regulations promulgated by the Secretary concerning the relationship between clock hours and semester, trimester, or quarter hours in calculating student grant, loan, or work assistance under this title, shall not apply to a public or private nonprofit hospital-based school of nursing that awards a diploma at the completion of the school's program of education.".

(b) EFFECTIVE DATE.—Subsection (a) and the amendment made by subsection (a) shall take effect on July 1, 1994.

SEC. 350K. ELIGIBILITY FOR STUDENTS FROM PALAU.

Subsection (j) of section 484 of the Higher Education Act of 1965 (20 U.S.C. 1091(j)) is amended to read as follows:

"(j) ASSISTANCE UNDER SUBPARTS 1, 2, 3, 4, AND 6 OF PART A AND PART C.—Notwithstanding any other provision of law, a student shall be eligible, if otherwise qualified, for assistance under subparts 1, 2, 3, 4, and 6 of part A, and part C, of this title, if the student—

"(1) is a citizen of the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau, and attends an institution of higher education in a State or a public or nonprofit private institution of higher education in the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau; or

"(2) meets the requirements of subsection (a)(5) and attends a public or nonprofit private institution of higher education in the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau.".

SEC. 350L. FEDERAL INSURANCE FOR BONDS.

Subsection (b) of section 723 of the Higher Education Act of 1965 (20 U.S.C. 1132–c(b)) is amended—

(1) in paragraph (8)—

(A) in clause (i), by striking "and" after the semicolon;

(B) by amending clause (ii) to read as follows:

"(ii) shall be maintained in an amount not less than 10 percent of the outstanding principal of all loans under this part, with each eligible institution required to maintain in the escrow account an amount equal to 10 percent of the outstanding principal of all loans made to such institution under this part; and"; and

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

"(iii) shall be used to return to an eligible institution an amount equal to any remaining portion of such institution's 10 percent deposit of loan proceeds following scheduled repayment of such institution's loan;"; and

(2) in paragraph (11), by striking "regulations" and inserting "conditions".

SEC. 350M. DEFINITION OF ECONOMIC HARDSHIP.

Paragraph (1) of section 435(o) of the Higher Education Act of 1965 (20 U.S.C. 1085(o)(1)) is amended—

(1) in clause (ii) of subparagraph (A), by striking "or" after the semicolon;

(2) by redesignating subparagraph (B) as subparagraph (C);

(3) by inserting after subparagraph (A) the following new subparagraph:

"(B) such borrower does not have disposable income that is more than four times the amount specified in subparagraph (A) for a borrower who is working full-time and such borrower's Federal educational debt burden equals or exceeds 20 percent of such borrower's disposable income; or"; and

(4) in paragraph (2), by striking "(1)(B)" and inserting "(1)(C)".

SEC. 350N. AUTHORITY TO AWARD NEED-BASED AID.

Section 1544 of the Higher Education Amendments of 1992 (20 U.S.C. 1088, note) is amended to read as follows:

"SEC. 1544. AUTHORITY TO AWARD NEED-BASED AID.

"(a) EFFECT ON PENDING CASES PROHIBITED.—Nothing in this section shall in any way be construed to affect any antitrust litigation pending on the date of enactment of this Act.

"(b) IN GENERAL.—Except as provided in subsection (c), an institution of higher education that practices need-blind admissions may—

"(1) voluntarily agree with any other institution or institutions of higher education to award financial aid not awarded under the Higher Education Act of 1965 to students attending those institutions only on the basis of demonstrated financial need for such aid;

"(2) jointly discuss and voluntarily agree upon principles of need analysis for determining student financial need for aid not awarded under the Higher Education Act of 1965, provided that individual financial aid officers may exercise professional judgment with regard to individual applicants for financial aid;

"(3) use common aid application forms for aid not awarded under the Higher Education Act of 1965, provided that each such institution of higher education shall be free to request and use additional or different data from such institution's applicants; and

"(4) exchange through an independent third-party data on commonly admitted applicants regarding family and student assets, income, allowances against assets and income, number of family members, and the number of siblings in college, provided that each participating institution may retrieve such data only once for each commonly admitted applicant.

"(c) EXCEPTION.—Institutions of higher education shall not discuss or agree with each other on the prospective financial aid award to a specific applicant for financial aid.

"(d) RELATIONSHIP TO HIGHER EDUCATION ACT.—Nothing in this section shall be construed to affect the rights or obligations of an institution of higher education under sections 479A and 483.

"(e) RELATED MATTER.—No inference of unlawful conduct, combination or conspiracy shall be drawn from the fact that an institution of higher education engages in conduct authorized by this section.

"(f) DEFINITION.—For the purpose of this section the term 'institution of higher education that practices need-blind admissions' means an institution of higher education that admits as full-time students all United States citizens or aliens lawfully admitted for permanent residence (within the meaning of section 101(a)(20) of the Immigration and Nationality Act) to the undergraduate programs of such institution without regard to family financial circumstances, other than such citizens or aliens admitted from a waiting list.

"(g) SUNSET PROVISION.—This section shall expire on September 30, 1999.".

SEC. 350O. DEFERMENT ELIGIBILITY.

Subsection (f) of section 455 of the Higher Education Act of 1965 (20 U.S.C. 1087e(f)) is amended by adding at the end the following new paragraphs:

"(2) DEFINITION OF BORROWER.—For the purpose of this paragraph, the term "borrower" means an individual who is a new borrower on the date such individual applies for a loan under this part for which the first disbursement is made on or after July 1, 1993.

"(3) DEFERMENTS FOR PREVIOUS PART B LOAN BORROWERS.—A borrower of a loan made under this part, who at the time such individual applies for such loan, has an outstanding balance

of principal or interest owing on any loan made, insured, or guaranteed under part B of Title IV of the Act prior to July 1, 1993, shall be eligible for a deferment under section 427(a)(2)(C) or section 428(b)(1)(M) as such sections were in effect on July 22, 1992.".

SEC. 350P. FAMILY SUPPORT CENTER PROGRAM.

(a) ADMINISTRATIVE PROVISIONS.—Section 772(f) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11482(f)) is amended—

(1) in paragraph (1), to read as follows:

"(1) ADMINISTRATIVE COSTS.—Two percent of the amounts appropriated under this title may be used by the Secretary to administer the programs established under this title and three percent of the amounts appropriated under this title may be used by the Secretary to evaluate such program and to provide technical assistance to entities for the development and submission of applications for grants under this section.";

(2) in paragraph (3), by striking "2 years" and inserting "3 years"; and

(3) by adding at the end thereof the following new paragraph:

"(4) MINIMUM AMOUNT.—No grant made under subsection (a) may be less than $200,000 per year.".

(b) REPORT.—Section 777 of such Act (42 U.S.C. 11487) is amended by striking "1992" and inserting "1995".

(c) AUTHORIZATION FOR APPROPRIATIONS.—Section 779 of such Act (42 U.S.C. 11489) is amended by striking "for fiscal year 1993" and inserting "for each of the fiscal years 1993 through 1998".

(d) TECHNICAL AMENDMENT.—Section 774(a) of such Act (42 U.S.C. 11484(a)) is amended by striking "subsection (e)" and inserting "subsection (d)".

SEC. 350Q. THE NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES ACT OF 1965.

Subsection (c) of section 11 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(c)) is amended—

(1) in the second sentence of paragraph (1)—

(A) by striking "any fiscal year" and inserting "fiscal year 1995"; and

(B) by striking "$50,000" and inserting "$100,000"; and

(2) in the second sentence of paragraph (2)—

(A) by striking "any fiscal year" and inserting "fiscal year 1995"; and

(B) by striking "$50,000" and inserting "$100,000".

PART E—LIBRARY SERVICES AND CONSTRUCTION REAUTHORIZATION

SEC. 351. REFERENCES.

Except as otherwise specifically provided, whenever in this part an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Library Services and Construction Act (20 U.S.C. 351 et seq.).

SEC. 352. AUTHORIZATIONS.

(a) IN GENERAL.—Subsection (a) of section 4 (20 U.S.C. 351b(a)) is amended—

(1) by striking "for fiscal year 1990 and such sums as may be necessary for each of the 4 succeeding fiscal years" each place the phrase appears and inserting "for fiscal year 1995"; and

(2) in the matter following paragraph (7), by striking "each of the fiscal years 1990, 1991, 1992, 1993, and 1994" and inserting "fiscal year 1995".

(b) FAMILY LEARNING CENTERS.—Section 806 (20 U.S.C. 385e) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 806. There are authorized to be appropriated such sums as may be necessary for fiscal year 1995 to carry out this part.".

(c) LIBRARY LITERACY CENTERS.—Section 818 (20 U.S.C. 386g) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 818. There are authorized to be appropriated such sums as may be necessary for fiscal year 1995 to carry out this part.".

PART F—BUREAU OF INDIAN AFFAIRS

SEC. 361. GOALS 2000: EDUCATE AMERICA ACT.

(a) ASSISTANCE TO THE SECRETARY OF THE INTERIOR.—Section 315 of the Goals 2000: Educate America Act is amended—

(1) by amending subsection (c) to read as follows:

"(c) BUREAU OF INDIAN AFFAIRS COST ANALYSIS AND STUDIES.—

"(1) IN GENERAL.—The Secretary of the Interior shall reserve from the funds received pursuant to section 304(a)(1)(B) in the first and second fiscal year for which the Secretary of the Interior receives such funds an amount not to exceed $500,000 for each such year to provide, through a contract executed, after open solicitation, with an organization or institution having extensive experience in school finance, for an analysis of—

"(A) the costs associated with meeting the academic, home-living, and residential standards of the Bureau for each Bureau funded school and annual projections of such costs; and

"(B) the feasibility and desirability of changing the method of financing for Bureau funded schools from the weighted student unit formula method in effect on the date of enactment of this Act to a school-based budget system or other alternative system of financial support.

"(2) COST ANALYSIS PURPOSE.—The purpose of the cost analysis provided for in paragraph (1)(A) shall be to provide the Bureau and the panel described in subsection (b)(4) with baseline data regarding the current state of operations funded by the Bureau and to provide a framework for the implementation of opportunity-to-learn standards or strategies. Such analysis shall evaluate the costs of providing a program in each school operated or supported by the Bureau for the next succeeding academic year and shall be based on—

"(A) the standards either published in the Federal Register and effective for schools funded by the Bureau on the date of enactment of this Act, or the State or regional standards in effect on such date for a Bureau-funded school;

"(B) the best projections of student counts and demographics as provided by the Bureau and as independently reviewed by the organization or institution selected by the Secretary to perform the analysis described in this section; and

"(C) the pay and benefit schedules and other personnel requirements for each school operated by the Bureau, as such pay and benefit schedules and requirements existed on the date of enactment of this Act.

"(3) FEASIBILITY STUDY PURPOSE.—(A) The purpose of the feasibility analysis provided for in paragraph (1)(B) shall be to determine whether it is feasible and desirable for the Bureau to replace or modify the weighted student unit formula system in effect on the date of enactment of this Act.

"(B) For the purposes of the feasibility analysis described in paragraph (1)(B), the term 'school-based budget system' means a system based upon an initial determination, at each school site, of the number of students who shall be served at the site, the needs of those students, the standards which will best meet those needs (including any standards or conditions reflecting local community input and such community's program), the personnel profile necessary to establish such program and the cost (determined on an actual basis) of funding such a program. Such a system shall include procedures to aggregate the determinations for each school site to determine the amount needed to fund all Bureau funded schools, to prepare a budget submission based upon such aggregate, and to provide for a mechanism for distributing such sums as may be appropriated based upon the determination at each school site.

"(4) RESULTS REPORT.—The contractor selected shall be required to report the results of analyses provided for in this section, in aggregate and school-specific form to the chairpersons and ranking minority members of the Committee on Education and Labor and the Committee on Appropriations of the House of Representatives and the Committee on the Indian Affairs and the Committee on Appropriations of the Senate, and to the Secretary of the Interior, not later than six months after the date of enactment of the Improving America's Schools Act of 1994. The contractor shall also be required to provide an estimate of the costs of meeting the academic and residential standards of the Bureau for each Bureau funded school for each of the three succeeding forward-funded fiscal years following the date of submission of such report. The contractor shall provide an estimate of such costs to such persons and members not later than January 1 of each succeeding fiscal year."; and

(2) by adding at the end the following new subsections:

"(e) GRANTS.—The Secretary of the Interior may use not more than one percent of the funds received pursuant to section 304(a)(1)(B) in the first and second fiscal year for which the Secretary of the Interior receives such funds for the purpose of providing grants, if requested by Bureau funded school boards, to enable such school boards to carry out activities of reform planning as such activities are described for States in section 308(b)(2)(J), or to evaluate the feasibility of becoming a contract school pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), or a grant school pursuant to the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988.

"(f) STUDY.—In cooperation with the panel established in subsection (b)(4), the Secretary of the Interior shall conduct a study to evaluate the feasibility of contracting with a private management firm for the operation of one or more Bureau operated schools to facilitate the achievement of the National Education Goals and the efficient use of funds in the education of Indian children, and to report to the persons identified in subsection (c)(4) and to the panel described in subsection (b)(4) not later than 12 months after the date of enactment of the Improving America's Schools Act of 1994.".

(b) SYSTEMIC TECHNOLOGY PLANNING.—Subsection (b) of section 317 of the Goals 2000: Educate America Act is amended by adding at the end the following new paragraph:

"(3) SECRETARY OF THE INTERIOR.—From the amount appropriated pursuant to the authority of subsection (f) in each fiscal year, the Secretary shall reserve $75,000 for the Secretary of the Interior to enable the Secretary of the Interior to conduct, directly or through a contract, systemic technology planning for Bureau funded schools.".

SEC. 362. TRIBALLY CONTROLLED SCHOOLS ACT OF 1988.

(a) NEW CONSTRUCTION.—The second sentence of paragraph (4) of section 5205(b) of the Tribally Controlled Schools Act of 1988 (25 U.S.C.

2504(b)(4)) is amended by striking "were received." and inserting "were received, except that a school receiving a grant under this part for facilities improvement and repair may use such grant funds for new construction if the tribal government or other organization provides funding for the new construction equal to at least one-fourth of the total cost of such new construction.".

(b) COMPOSITION OF GRANTS.—Subsection (b) of section 5205 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2504(b)) is further amended by adding at the end the following new paragraph:

"(5) If the Secretary fails to make a determination within 180 days of a request filed by an Indian tribe or tribal organization to include in such tribe or organization's grant the funds described in subsection (a)(2), the Secretary shall be deemed to have approved such request and the Secretary shall immediately amend the grant accordingly. Such tribe or organization may enforce its rights under subsection (a)(2) and this paragraph, including any denial of or failure to act on such tribe or organization's request, pursuant to the disputes authority described in section 5209(e).".

(c) PAYMENTS.—Subsection (a) of section 5208 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2507(a)) is amended to read as follows:

"(a) PAYMENTS.—

"(1) Except as otherwise provided in this subsection, the Secretary shall make payments to grantees under this part in 2 payments, of which—

"(A) the first payment shall be made not later than July 1 of each year in an amount equal to one-half of the amount which the grantee was entitled to receive during the preceding academic year; and

"(B) the second payment, consisting of the remainder to which the grantee is entitled for the academic year, shall be made not later than December 1 of each year.

"(2) For any school for which no payment under this part was made from Bureau funds in the preceding academic year, full payment of the amount computed for the first academic year of eligibility under this part shall be made not later than December 1 of the academic year.

"(3) With regard to funds for grantees that become available for obligation on October 1 of the fiscal year for which such funds are appropriated, the Secretary shall make payments to grantees not later than December 1 of the fiscal year.

"(4) The provisions of the Prompt Payment Act (31 U.S.C. 3901 et seq.) shall apply to the payments required to be made by paragraphs (1), (2), and (3).

"(5) Paragraphs (1), (2), and (3) shall be subject to any restriction on amounts of payments under this part that are imposed by a continuing resolution or other Act appropriating the funds involved.".

(d) APPLICABILITY.—Subsection (a) of section 5209 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2508(a)) is amended to read as follows:

"(a) CERTAIN PROVISIONS TO APPLY TO GRANTS.—All provisions of section 5, 6, 7, 104, 105(f), 106(f), 109, and 111 of the Indian Self-Determination and Education Assistance Act, except those provisions relating to indirect costs and length of contract, shall apply to grants provided under this part.".

(e) EXCEPTIONS, PROBLEMS, AND DISPUTES.—Subsection (e) of section 5209 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2508(e)) is amended—

(1) by striking "the amount of a grant under section 5205 (and the amount of any funds referred to in that section), and payments to be made under section 5208 of this Act," and inserting "a grant authorized to be made pursuant to this part or any amendment to such grant,";

(2) by striking "the amount of, or payment of, the administrative grant" and inserting "an administrative cost grant"; and

(3) by adding at the end the following new sentence: "The Equal Access to Justice Act shall apply to administrative appeals filed after September 8, 1988, by grantees regarding a grant under this part, including an administrative cost grant.".

SEC. 363. EDUCATION AMENDMENTS OF 1978.

(a) BUREAU OF INDIAN AFFAIRS.—Subsections (a) through (f) of section 1121 of the Education Amendments of 1978 (25 U.S.C. 2001 et seq.) are amended to read as follows:

"(a)(1) The purpose of the standards developed under this section shall be to afford Indian students being served by a Bureau funded school with the same opportunities as all other students to achieve the high goals embodied in the Goals 2000: Educate America Act. Consistent with the provisions of this section and section 1131, the Secretary shall take such actions as are necessary to coordinate standards developed and implemented under this section with those in the State plans developed and implemented pursuant to the Goals 2000: Educate America Act for the States in which each Bureau funded school operates. In developing and reviewing such standards and such coordination, the Secretary shall utilize the findings and recommendations of the panel established in section 315(b)(4) of the Goals 2000: Educate America Act.

"(2) The Secretary shall take immediate steps to encourage school boards of Bureau funded schools to engage their communities in adopting declarations of purposes of education in their communities, analyzing the implications of such purposes for their schools, and determining how such purposes may be made to motivate students and faculties and otherwise animate their schools by May 1, 1995. Such declarations shall represent the aspirations of a community for the kinds of persons such community wants its children to increasingly become, and shall include such purposes as assuring that all learners are becoming accomplished in ways important to themselves and respected by their parents and communities, shaping worthwhile and satisfying lives for themselves, exemplifying the best values of the community and humankind, and becoming increasingly effective in shaping the character and quality of the world all learners share.

"(b) Within 18 months of the publication of the voluntary national content standards described in section 213(a) of the Goals 2000: Educate America Act, the Secretary, in consultation with the Secretary of Education and Indian organizations and tribes, shall carry out or cause to be carried out by contract with an Indian organization a review of the standards in effect on the date of enactment of the Improving America's Schools Act of 1994 for the basic education of Indian children attending Bureau funded schools. Such review shall take into account the voluntary national content standards and other factors such as academic needs, local cultural differences, type and level of language skills, geographic isolation, and appropriate teacher-student ratios for such children, and shall be directed toward the attainment of equal educational opportunity for such children.

"(c)(1) The Secretary shall revise the minimum academic standards published in the Federal Register on September 9, 1985 (50 Fed. Reg. 174) for the basic education of Indian children based upon the review conducted under subsection (b). The Secretary shall publish such proposed standards in the Federal Register for the purpose of receiving comments from the tribes and other interested parties. The Secretary shall establish final standards, distribute such final standards to all the tribes and publish such final standards in the Federal Register. The Secretary shall revise such final standards periodically as necessary. Prior to any revision of such final standards, the Secretary shall distribute such proposed revision to all the tribes, and publish such proposed revision in the Federal Register, for the purpose of receiving comments from the tribes and other interested parties.

"(2) The standards described in paragraph (1) shall apply to Bureau schools, and subject to subsection (f), to contract and grant schools, and may also serve as a model for educational programs for Indian children in public schools. In establishing and revising such standards, the Secretary shall take into account the special needs of Indian students and the support and reinforcement of the specific cultural heritage of each tribe.

"(d) The Secretary shall provide alternative or modified standards in lieu of the standards established under subsection (c), where necessary, so that the programs of each school shall be in compliance with the minimum standards required for accreditation of schools in the State where the school is located.

"(e) A tribal governing body, or the local school board so designated by the tribal governing body, shall have the local authority to waive, in part or in whole, the standards established under subsection (c), where such standards are deemed by such body to be inappropriate. The tribal governing body or designated school board shall, within 60 days thereafter, submit to the Secretary a proposal for alternative standards that take into account the specific needs of the tribe's children. Such revised standards shall be established by the Secretary unless specifically rejected by the Secretary for good cause and in writing to the affected tribes or local school board, which rejection shall be final and unreviewable.

"(f) The Secretary, through contracting and grant-making procedures, shall assist school boards of contract and grant schools in the implementation of the standards established under subsections (c) and (d), if the school boards request that such standards, in part or in whole, be implemented. At the request of a contract or grant school board, the Secretary shall provide alternative or modified standards for the standards established under subsections (c) and (d) to take into account the needs of the Indian children and the contract or grant school.".

(b) COUNSELORS FOR BOARDING SCHOOLS AND DORMITORIES.—Subsection (a) of section 1128 of the Education Amendments of 1978 (25 U.S.C. 2008(a)) is amended by adding at the end the following: "Prior to January 1, 1996, the Secretary shall review the formula established under this section and shall take such steps as may be necessary to increase the availability of counseling services for students in off-reservation boarding schools and other Bureau funded residential facilities. Concurrent with such action, the Secretary shall review the standards established under section 1121 to be certain that adequate provision is made for parental notification regarding, and consent for, such counseling services.".

(c) SCHOOL BOARD TRAINING.—Subparagraph (A) of section 1128(c)(2) of the Education Amendments of 1978 (25 U.S.C. 2008(c)(2)(A)) is amended by striking "fiscal year 1986" and inserting "fiscal year 1992, except that the contracts for distribution of such funds shall require that such funds be distributed by the recipient organizations in a manner that assures the same pro rata share is made available for training for each school board in the system.".

(d) FORMULA ADJUSTMENT.—Subsection (c) of section 1128 of the Education Amendments of

1978 (25 U.S.C. 2008(c)) is further amended by adding at the end thereof the following new paragraph:

"(4)(A) The Secretary shall adjust the formula established under subsection (a) to use a weighted unit of 0.25 for each eligible Indian student who is enrolled in a year-long credit course in an Indian or Native language as part of the regular curriculum of a school, in considering the number of eligible Indian students served by such school.

"(B) The adjustment required under subparagraph (A) shall be used for such school after—

"(i) the certification of the Indian or Native language curriculum by the school board of such school to the Secretary, together with an estimate of the number of full-time students expected to be enrolled in the curriculum in the second school year following the school year for which the certification is made; and

"(ii) the funds appropriated for allotment under this section are designated by the appropriations Act appropriating such funds as the amount necessary to implement such adjustment at such school without reducing allotments made under this section to any school by virtue of such adjustment.".

(e) GRANT SCHOOLS.—Paragraph (3) of section 1128(g) of the Education Amendments of 1978 (25 U.S.C. 2008(g)(3)) is amended by inserting "or grant school" after "contract school" each time such term appears.

(f) AVAILABILITY.—Subsection (h) of section 1128 of the Education Amendments of 1978 (25 U.S.C. 2008(h)) is amended by inserting "of a Bureau school" after "board".

(g) SPECIAL RULE.—Section 1128 of the Education Amendments of 1978 (25 U.S.C. 2008) is amended by adding at the end the following new subsection:

"(i) Beginning with academic year 1994-1995, tuition for the out-of-State students boarding at the Richfield Dormitory in Richfield, Utah, who attend Sevier County high schools in Richfield, Utah, shall be paid from the Indian school equalization program funds at a rate not to exceed the amount per weighted student unit for that year for the instruction of such students. Such payment shall be in lieu of payments that might otherwise be paid to Bureau funded or public schools on their reservations. No additional administrative cost funds will be added to the grant.".

(h) UNIFORM DIRECT FUNDING AND SUPPORT.—Subsection (a) of section 1129 of the Education Amendments of 1978 (25 U.S.C. 2009(a)) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) Within six months after the date of enactment of the Improving America's Schools Act of 1994, the Secretary shall establish, by regulation adopted in accordance with section 1138, a system for the direct funding and support of all Bureau funded schools. Such system shall allot funds in accordance with section 1128. All amounts appropriated for distribution under this section shall be made available as provided in paragraph (2).";

(2) by striking paragraphs (2) and (3) and inserting the following new paragraph:

"(2)(A) For the purpose of affording adequate notice of funding available pursuant to the allotments made by section 1128, amounts appropriated in an appropriation Act for any fiscal year shall become available for obligation by the affected schools on July 1 of the fiscal year in which such funds are appropriated without further action by the Secretary, and shall remain available for obligation through the succeeding fiscal year.

"(B) The Secretary shall, on the basis of the amount appropriated in accordance with this paragraph—

"(i) publish, on July 1 of the fiscal year for which the funds are appropriated, the allotments to be made under section 1128 to each affected school of 85 percent of such appropriation; and

"(ii) publish, not later than October 30 of such fiscal year, the allotments to be made under section 1128 of the remaining 15 percent of such appropriation, adjusted to reflect actual student attendance.";

(3) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively; and

(4) in paragraph (3) (as redesignated by paragraph (3)) by striking "$25,000" and inserting "$35,000".

(i) STUDENT PROJECTS AND MATCHING FUNDS.—Section 1129 of the Education Amendments of 1978 (25 U.S.C. 2009) is amended by adding at the end the following new subsections:

"(g) Notwithstanding any other provision of law, where there is agreement on action between the superintendent and the school board of a Bureau funded school, the product or result of a project conducted in whole or in major part by a student may be given to that student upon the completion of such project.

"(h) Notwithstanding any other provision of law, funds received by a Bureau funded school under this title shall not be considered Federal funds for purposes of meeting a matching funds requirement in any Federal program.".

SEC. 364. STAFF OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT.

Subsection (f) of section 1509 of the Higher Education Amendments of 1986 (20 U.S.C. 4416(f)) is amended to read as follows:

"(f) APPLICABILITY.—

"(1) This section shall apply to any individual appointed after October 17, 1986, for employment in the Institute. Except as provided in subsection (d) and (g), the enactment of this title shall not affect—

"(A) the continued employment of any individual employed immediately before October 17, 1986; or

"(B) such individual's right to receive the compensation attached to such position.

"(2) This section shall not apply to an individual whose services are procured by the Institute pursuant to a written procurement contract.

"(3) This section shall not apply to employees of an entity performing services pursuant to a written contract with the Institute.".

SEC. 365. ENDOWMENT FUNDS.

Section 302 of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1832) is amended—

(1) in subsection (a), by striking "section 333" and inserting in lieu thereof "section 331"; and

(2) in subsection (b)—

(A) by amending paragraph (1) to read as follows:

"(1) provides for the investment and maintenance of a trust fund, the corpus and earnings of which shall be invested in the same manner as funds are invested under paragraph (2) of section 331(c) of the Higher Education Act of 1965, except that for purposes of this paragraph, the term 'endowment fund' means a fund established by an institution of higher education or by a foundation that is exempt from taxation and is maintained for the purpose of generating income for the support of the institution, and may include real estate;"; and

(B) in paragraph (3) by striking "same" the first time such term appears.

SEC. 366. STUDY.

The Secretary of the Interior shall conduct a study, in consultation with the board of regents of the Haskell Indian Junior College to evaluate the possible need for alternative institutional and administrative systems at Haskell Indian Junior College to support the transition of such college to a four year university. If the study's conclusions require legislation to be implemented, the study shall be accompanied by appropriate draft legislation. Such study shall be transmitted to the Committee on Indian Affairs of the Senate and the Committee on Education and Labor of the House of Representatives by June 1, 1995.

PART G—CROSS REFERENCES AND CONFORMING AMENDMENTS

SEC. 381. CROSS REFERENCES.

(a) REFUGEE EDUCATION ASSISTANCE ACT OF 1980.—(1) Paragraph (1) of section 101 of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note) is amended by striking "section 198(a)" and inserting "section 10101".

(2) Paragraph (2) of section 201(b) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note) is amended by striking "(other than section 303 of the Elementary and Secondary Education Act of 1965)".

(3) Paragraph (3) of section 301(b) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note) is amended by striking ", except that no reduction under this paragraph shall be made for any funds made available to the State under section 303 of the Elementary and Secondary Education Act of 1965".

(4) Paragraph (2) of section 401(b) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note) is amended by striking "(other than section 303 of the Elementary and Secondary Education Act of 1965)".

(b) TITLE 10.—(1) Subparagraph (A) of section 1151(b)(2) of title 10, United States Code, is amended by striking "chapter 1 of".

(2) Subparagraph (A) of section 1151(b)(3) of title 10, United States Code, is amended by striking "chapter 1 of".

(3) Subparagraph (A) of section 1598(a)(2) of title 10, United States Code, is amended by striking "chapter 1 of".

(4) Section 2194 of title 10, United States Code, is amended—

(A) in subsection (a), by striking "education agency" and inserting "educational agency"; and

(B) in subsection (e)—

(i) by striking "education agency" and inserting "educational agency";

(ii) by striking "section 1471(12)" and inserting "section 10101"; and

(iii) by striking "(20 U.S.C. 1058(b)".

(5) Subparagraph (A) of section 2410j(a)(2) of title 10, United States Code, is amended by striking "chapter 1 of".

(c) TOXIC SUBSTANCES CONTROL ACT.—(1) Subparagraph (A) of section 202(7) of the Toxic Substances Control Act (15 U.S.C. 2642(7)(A)) is amended—

(A) by striking "section 198" and inserting "section 10101"; and

(B) by striking "(20 U.S.C. 3381)".

(2) Paragraph (9) of section 202 of the Toxic Substances Control Act (15 U.S.C. 2642(9)) is amended—

(A) by striking "section 198" and inserting "section 10101"; and

(B) by striking "(20 U.S.C. 2854)".

(3) Paragraph (12) of section 202 of the Toxic Substances Control Act (15 U.S.C. 2642(12)) is amended—

(A) by striking "section 198" and inserting "section 10101"; and

(B) by striking "(20 U.S.C. 2854)".

(4) Section 302(1) of the Toxic Substances Control Act (15 U.S.C. 2662(1)(A)) is amended—

(A) in subparagraph (A)—

(i) by striking "section 198" and inserting "section 10101"; and

(ii) by striking "(20 U.S.C. 3381)"; and

(B) in subparagraph (C), by inserting "or successor authority" after "1107)".

(d) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993.—Paragraph (1) of section 386(h) of the National Defense Authorization Act for Fiscal Year 1993 (20 U.S.C. 238 note) is amended—

(1) by striking "section 1471(12)" and inserting "section 10101"; and

(2) by striking "(20 U.S.C. 2891(12))".

(e) HIGHER EDUCATION ACT OF 1965.—(1) Paragraph (1) of section 404(c) (20 U.S.C. 1070a-23(c)(1)) is amended by striking "section 1005(c)" and inserting "section 1123(c)(1)".

(2) Clause (ii) of section 418A(b)(1)(B) of the Higher Education Act of 1965 (20 U.S.C. 1070d-2(b)(1)(B)(ii)) is amended by striking "subpart 1 of part D of chapter 1" and inserting "part D".

(3) Subparagraph (A) of section 418A(c)(1) of the Higher Education Act of 1965 (20 U.S.C. 1070d-2(c)(1)(A)) is amended—

(A) by striking "subpart 1 of part D of chapter 1" and inserting "part D"; and

(B) by inserting "(or such part's predecessor authority)" after "1965".

(4) Subparagraph (A) of section 465(a)(2) of the Higher Education Act of 1965 (20 U.S.C. 1087ee(a)(2)(A)) is amended—

(A) by striking "chapter 1 of the Education Consolidation and Improvement Act of 1981" and inserting "title I of the Elementary and Secondary Education Act of 1965"; and

(B) by striking "section 111(c)" and inserting "section 1123(c)(1)".

(5) Subsection (a) of section 469 of the Higher Education Act of 1965 (20 U.S.C. 1087ii(a)) is amended by striking "chapter 1 of".

(6) Subsection (b) of section 501 of the Higher Education Act of 1965 (20 U.S.C. 1102(b)) is amended—

(A) in subparagraph (B) of paragraph (1), by striking "sections 1005 and 1006 of chapter 1 of title I" and inserting "section 1123"; and

(B) in subclause (II) of paragraph (2)(A)(ii), by striking "sections 1005 and 1006" and inserting "section 1123".

(7) Subsection (b) of section 572 of the Higher Education Act of 1965 (20 U.S.C. 1111a(b)) is amended by striking "of chapter 1".

(8) Paragraph (1) of section 581(b) of the Higher Education Act of 1965 (20 U.S.C. 1113(b)(1)) is amended by striking "part A or subpart 1 of part D of chapter 1" and inserting "part A or D".

(9) Paragraph (3) of section 581(c) of the Higher Education Act of 1965 (20 U.S.C. 1113(c)(3)) is amended by striking "chapter 1 of".

(10) Subparagraph (C) of section 586(d)(1) of the Higher Education Act of 1965 (20 U.S.C. 1114(d)(1)(C)) is amended by striking "chapter 1 of".

(11) Subparagraph (D) of section 586(d)(1) of the Higher Education Act of 1965 (20 U.S.C. 1114(d)(1)(D)) is amended by striking "chapter 1 of".

(12) Subclause (I) of section 1144(b)(1)(B)(iv) of the Higher Education Act of 1965 (20 U.S.C. 1138c(b)(1)(B)(iv)(I)) is amended by striking "chapter 1 of".

(f) EDUCATION AMENDMENTS OF 1978.—Subsection (h) of section 1203 of the Education Amendments Act of 1978 (20 U.S.C. 1221-1 note) is amended by striking "section 183" and inserting "part F of title I".

(g) INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—(1) Clause (ii) of section 602(a)(21)(A) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(a)(21)(A)(ii)) is amended by striking "chapter 1 of".

(2) Paragraph (2) of section 613(a) of the Individuals with Disabilities Education Act (20 U.S.C. 1413(a)(2)) is amended by striking ", including subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965,".

(3) Subparagraph (B) of section 622(c)(2) of the Individuals with Disabilities Education Act (20 U.S.C. 1422(c)(2)) is amended by striking "and subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965,".

(h) EDUCATION AMENDMENTS OF 1972.—Subparagraph (B) of section 908(2) of the Education Amendments of 1972 (20 U.S.C. 1687(2)(B)) is amended by striking "section 198(a)(10)" and inserting "section 10101".

(i) DEPARTMENT OF EDUCATION ORGANIZATION ACT.—Section 204 of the Department of Education Organization Act (20 U.S.C. 3414) is amended by striking "subpart 1 of part B" and inserting "part D".

(j) EDUCATION AND TRAINING FOR A COMPETITIVE AMERICA ACT OF 1988.—The Education and Training for a Competitive America Act of 1988 (20 U.S.C. 5001 et seq.) is repealed.

(k) EDUCATIONAL PARTNERSHIPS ACT OF 1988.—The Educational Partnerships Act of 1988 (20 U.S.C. 5031 et seq.) is repealed.

(l) SECONDARY SCHOOLS BASIC SKILLS DEMONSTRATION ASSISTANCE ACT OF 1988.—The Secondary Schools Basic Skills Demonstration Assistance Act of 1988 (20 U.S.C. 5061 et seq.) is repealed.

(m) EXCELLENCE IN MATHEMATICS, SCIENCE AND ENGINEERING EDUCATION ACT OF 1990.—The Excellence in Mathematics, Science and Engineering Education Act of 1990 (20 U.S.C. 5311 et seq.) is repealed.

(n) NATIONAL ENVIRONMENTAL EDUCATION ACT.—Paragraph (5) of section 3 of the National Environmental Education Act (20 U.S.C. 5502(5)) is amended—

(1) by striking "local education" and inserting "local educational"; and

(2) by striking "section 198" and inserting "section 10101".

(o) JOB TRAINING PARTNERSHIP ACT.—(1) Paragraph (23) of section 4 of the Job Training Partnership Act (29 U.S.C. 1503(23)) is amended by striking "section 1471(23)" and inserting "section 10101".

(2) Subparagraph (B) of section 263(a)(2) of the Job Training Partnership Act (29 U.S.C. 1643(a)(2)(B)) is amended by striking "chapter 1 of".

(3) Subparagraph (B) of section 263(g)(1) of the Job Training Partnership Act (29 U.S.C. 1643(g)(1)(B)) is amended by striking "chapter 1 of".

(4) Paragraph (2) of section 265(b) of the Job Training Partnership Act (29 U.S.C. 1645(b)(2)) is amended by striking "parts A through D of chapter 1" and inserting "parts A through C".

(p) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993.—Paragraph (3) of section 1091(l) of the National Defense Authorization Act for Fiscal Year 1993 (32 U.S.C. 501 note) is amended by inserting "(as such section was in effect on the day preceding the date of enactment of this Act)" after "1965".

(q) SAFE DRINKING WATER ACT.—Section 1461 of the Safe Drinking Water Act (42 U.S.C. 300j-21(6)) is amended—

(1) in subparagraph (A) of paragraph (3)—

(A) by striking "section 198" and inserting "section 10101"; and

(B) by striking "(20 U.S.C. 3381)"; and

(2) in paragraph (6)—

(A) by striking "section 198" and inserting "section 10101"; and

(B) by striking "(20 U.S.C. 2854)".

(r) CIVIL RIGHTS ACT OF 1964.—Subparagraph (B) of section 606(2) of the Civil Rights Act of 1964 (42 U.S.C. 2000d-4a(2)(B)) is amended by striking "section 198(a)(10)" and inserting "section 10101".

(s) OLDER AMERICANS ACT OF 1965.—(1) Section 338(a) of the Older Americans Act of 1965 (42 U.S.C. 3030g-11(a)) is amended—

(A) by striking "section 1005(d)(2)" and inserting "1121(c)(1)(A)"; and

(B) by striking "(20 U.S.C. 2711(d)(2))".

(2) Section 338A of the Older Americans Act of 1965 (42 U.S.C. 3030g-12(a)(1)) is amended—

(A) in paragraph (1) of subsection (a)—

(i) by striking "section 1471" and inserting "section 10101"; and

(ii) by striking "(20 U.S.C. 2891)"; and

(B) in paragraph (3) of subsection (b)—

(i) by striking "projects under section 1015" and inserting "programs under section 1114"; and

(ii) by striking (20 U.S.C. 2025)".

(3) Subparagraph (B) of section 363(5) of the Older Americans Act of 1965 (42 U.S.C. 3030o(5)(B)) is amended—

(A) by striking "section 1471" and inserting "section 10101"; and

(B) by striking "(20 U.S.C. 2891)".

(t) CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT.—(1) Subsection (d) of section 111 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2321(d)) is amended by striking "chapter 1 of".

(2) Paragraph (14) of section 113(b) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2323(b)(14)) is amended by striking "chapter 1 of".

(3) Subsection (a) of section 115 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2325(a)) is amended—

(A) by striking "chapter 1 of"; and

(B) by inserting "of 1965" after "Secondary Education Act".

(4) Paragraph (1) of section 231(a) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2341(a)(1)) is amended by striking "section 1005" and inserting "section 1124 or such section's predecessor authority".

(5) Clause (iv) of section 231(d)(3)(A) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2341(d)(3)(A)(iv)) is amended by striking "chapter 1 of".

(6) Section 352 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2395a) is amended by striking "section 1006" and inserting "section 1124".

(7) Subsection (b) of section 353 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2396b) is amended by striking "section 1006" and inserting "section 1124".

(8) Paragraph (1) of section 368 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2396f(1)) is amended by striking "section 1006" and inserting section 1124".

(9) Paragraph (3) of section 420(a) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2420(a)(3)) is amended by striking "section 1562" and inserting "subpart 2 of part C of title II".

(10) Paragraph (20) of section 521 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2471(20) is amended by striking "section 1471(5)" and inserting "section 10101".

(11) Paragraph (21) of section 521 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2471(21)) is amended by striking "section 703(a)(1)" and inserting "section 7104".

(u) JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974.—Paragraph (2) of section 288E(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5667e-5(a)(2)) is amended by striking "chapter 1 of".

(v) AGE DISCRIMINATION ACT OF 1975.—Clause (ii) of section 309(4)(B) of the Age Discrimination Act of 1975 (42 U.S.C. 6107(4)(B)(ii)) is amended by striking "section 198(a)(10)," and inserting "section 10101".

(w) HEAD START TRANSITIONAL PROJECT ACT.—(1) Paragraph (4) of section 132 of the Head Start Transition Project Act (42 U.S.C. 9855(4)) is amended by striking "section 1471(12)" and inserting "section 10101".

(2) Subsection (a) of section 134 of the Head Start Transition Project Act (42 U.S.C. 9855b(a)) is amended by striking "of chapter 1".

(3) Subsection (b) of section 134 of the Head Start Transition Project Act (42 U.S.C. 9855b(b)) is amended by striking "of chapter 1".

(4) Subsection (d) of section 135 of the Head Start Transition Project Act (42 U.S.C. 9855c(d)) is amended by striking "schoolwide project under section 1015(a)" and inserting "schoolwide program under section 1114".

(5) Subparagraph (C) of section 136(a)(4) of the Head Start Transition Project Act (42 U.S.C. 9855d(a)(4)(C)) is amended—

(A) by striking "Follow Through Act, chapter 1 of"; and

(B) by striking "part B of chapter 1 of title I of the Elementary and Secondary Education Act of 1965".

(6) Paragraph (8) of section 136(a) of the Head Start Transition Project Act (42 U.S.C. 9855d(a)(8)) is amended by striking "part B of chapter 1" and inserting "part C".

(7) Paragraph (10) of section 136(a) of the Head Start Transition Project Act (42 U.S.C. 9855d(a)(10)) is amended by striking "part B of chapter 1" and inserting "part C".

(x) FOLLOW THROUGH ACT.—The Follow Through Act (42 U.S.C. 9861 et seq.) is repealed.

(y) COMPREHENSIVE CHILD DEVELOPMENT ACT.—Paragraph (5) of section 670S of the Comprehensive Child Development Act (42 U.S.C. 9886(5)) is amended by striking "section 1471(12)" and inserting "section 10101".

(z) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—Subparagraph (B) of section 112(b)(2) of the National and Community Service Act of 1990 (42 U.S.C. 12524(b)(2)(B)) is amended by striking "chapter 1 of".

(aa) TRAINING TECHNOLOGY TRANSFER ACT OF 1988.—Paragraph (1) of section 6144 of the Training Technology Transfer Act of 1988 (20 U.S.C. 5124(1)) is amended by striking "section 405(d)(4)(A)(i) of the General Education Provisions Act (20 U.S.C. 1221e(d)(4)(A)(i))" and inserting "section 941(h) of the Educational Research, Development, Dissemination, and Improvement Act of 1994".

SEC. 382. ADDITIONAL REPEALS AND TECHNICAL AND CONFORMING AMENDMENTS REGARDING IMPACT AID.

(a) ADDITIONAL REPEALS.—

(1) OMNIBUS BUDGET RECONCILIATION ACT OF 1981.—Subsection (c) of section 505 of the Omnibus Budget Reconciliation Act of 1981 is repealed.

(2) EDUCATION AMENDMENTS OF 1984.—Section 302 of the Education Amendments of 1984 is repealed.

(3) DEPARTMENT OF EDUCATION APPROPRIATIONS ACT, 1991.—Section 306 of the Department of Education Appropriations Act, 1991, is repealed.

(4) NATIONAL ASSESSMENT OF CHAPTER 1 ACT.—Paragraph (2) of section 3(a) of the 1992 National Assessment of Chapter 1 Act is repealed.

(5) PUBLIC LAW 92-277.—Section 2 of Public Law 92-277 (86 Stat. 124) is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1966.—Section 182 of the Elementary and Secondary Education Amendments of 1966 is amended by striking "by the Act of September 23, 1950 (Public Law 815, 81st Congress),".

(2) TOXIC SUBSTANCES CONTROL ACT.—Subparagraph (C) of section 302(1) of the Toxic Substances Control Act (15 U.S.C. 2662(1)(C)) is amended by inserting "as in effect before enactment of the Improving America's Schools Act of 1994" after "section 6 of the Act of September 30, 1950 (64 Stat. 1107),".

SEC. 383. INDIAN EDUCATION.

(a) ADULT EDUCATION ACT.—Paragraph (4) of section 322(a) of the Adult Education Act (20 U.S.C. 1203a(a)) is amended by striking "the Indian Education Act" and inserting "title VI of the Elementary and Secondary Education Act of 1965".

(b) EDUCATION AMENDMENTS OF 1978.—Paragraph (3) of section 1128(c) of the Education Amendments of 1978 (25 U.S.C. 2008(c)(3)) is amended—

(1) in clause (i) of subparagraph (A), by striking "(as determined pursuant to section 5324 of the Indian Education Act of 1988)"; and

(2) in subparagraph (B)—

(A) by striking "the later of the following" and all that follows through "(ii)"; and

(B) by inserting ", and for each fiscal year thereafter" before the period at the end thereof.

(c) INDIAN EDUCATION ASSISTANCE ACT.—Section 209 of the Indian Education Assistance Act (25 U.S.C. 458e) is amended by striking "title IV of the Act of June 23, 1972 (86 Stat. 235)" and inserting "title VI of the Elementary and Secondary Education Act of 1965".

(d) JOHNSON-O'MALLEY ACT.—Subsection (a) of section 5 of the Act of April 16, 1934, commonly known as the "Johnson-O'Malley Act" (25 U.S.C. 456(a)) is amended by striking "section 305(b)(2)(B)(ii) of the Act of June 23, 1972 (86 Stat. 235)" and inserting "section 6104(c)(4) of the Elementary and Secondary Education Act of 1965".

SEC. 384. OTHER TECHNICAL AND CONFORMING AMENDMENTS.

(a) ADULT EDUCATION ACT.—Paragraph (7) of section 342(c) of the Adult Education Act (20 U.S.C. 1206a(c)) is amended by striking "section 7004(a) of title VII" and inserting "section 7104(5)".

(b) AGE DISCRIMINATION ACT OF 1975.—Clause (ii) of section 309(4)(B) of the Age Discrimination Act of 1975 (42 U.S.C. 6107(4)(B)(ii)) is amended by striking "section 198(a)(10)" and inserting in lieu thereof "section 9101(13)".

(c) ANTI-DRUG ABUSE ACT OF 1988.—Subparagraph (A) of section 3521(d)(8) of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11841(d)(8)(A)) is amended by striking "the Drug-Free Schools and Communities Act of 1986" and inserting "part A of title V of the Elementary and Secondary Education Act of 1965".

(d) ASBESTOS SCHOOL HAZARD ABATEMENT ACT.—Section 511 of the Asbestos School Hazard Abatement Act of 1984 (20 U.S.C. 4020) is amended—

(1) in subparagraph (A) of paragraph (4), by striking "section 198(a)(10)" and inserting "section 10101"; and

(2) in subparagraph (A) of paragraph (5), by striking "section 198(a)(7)" and inserting "section 10101".

(e) CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT OF 1990.—Subsection (c) of section 658H of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858f(c)) is amended by striking "section 1006" and inserting "section 1124".

(f) CRANSTON-GONZALEZ NATIONAL AFFORDABLE HOUSING ACT.—Paragraph (10) of section 457 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12899f(10)) is amended by striking "section 7003 of the Bilingual Education Act" and inserting "section 7104(5) of the Elementary and Secondary Education Act of 1965".

(g) FAMILY AND MEDICAL LEAVE ACT OF 1993.—Subparagraph (A) of section 108(a)(1) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2618(a)(1)(A)) is amended by striking "section 1471(12) (20 U.S.C. 2891(12))" and inserting "section 10101".

(h) GOALS 2000: EDUCATION AMERICA ACT.—The Goals 2000: Educate America Act is amended—

(1) in section 3—

(A) in subsection (a)—

(i) in paragraph (6), by striking "section 1471" and inserting "section 10101"; and

(ii) in paragraph (10), by striking "section 602" and inserting "section 602(a)(17)"; and

(B) in paragraph (1) of subsection (b), by striking "section 1471" and inserting "section 10101";

(2) in paragraph (7) of section 231, by striking "chapter 1 of";

(3) in subsection (b) of section 232—

(A) in subparagraph (A) of paragraph (2), by striking "Star Schools Program Assistance Act" and inserting "Star Schools program authorized by part B of title III of the Elementary and Secondary Education Act of 1965"; and

(B) in subparagraph (F) of paragraph (3), by striking "the evaluation undertaken pursuant to section 908 of the Star Schools Program Assistance Act" and inserting "any evaluation of the Star School program undertaken by the Secretary";

(4) in subsection (b) of section 310, by striking "section 1017" and inserting "sections 1117 and 10503"; and

(5) in subsection (b) of section 311, by amending paragraphs (1) through (6) to read as follows:

"(1) Title I of the Elementary and Secondary Education Act of 1965.

"(2) Part A of title II of the Elementary and Secondary Education Act of 1965.

"(3) Part A of title V of the Elementary and Secondary Education Act of 1965.

"(4) Title VIII of the Elementary and Secondary Education Act of 1965.

"(5) Part B of title IX of the Elementary and Secondary Education Act of 1965.

"(6) The Carl D. Perkins Vocational and Applied Technology Education Act.".

(i) IMMIGRATION AND NATIONALITY ACT.—Subparagraph (D) of section 245A(h)(4) of the Immigration and Nationality Act (8 U.S.C. 1255a(h)(4)(D)) is amended to read as follows:

"(D) Title I of the Elementary and Secondary Education Act of 1965.".

(j) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—The National and Community Service Act of 1990 is amended—

(1) in section 101—

(A) in paragraph (8), by striking "section 1471(8) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(8))" and inserting "section 10101 of the Elementary and Secondary Education Act of 1965";

(B) in paragraph (14), by striking "section 1471(12) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(12))" and inserting "section 10101 of the Elementary and Secondary Education Act of 1965;

(C) in paragraph (22), by striking "section 1471(21) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(21))" and inserting "section 10101 of the Elementary and Secondary Education Act of 1965"; and

(D) in paragraph (28), by striking "section 1471(23) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(23))" and inserting "section 10101 of the Elementary and Secondary Education Act of 1965";

(2) in subparagraph (B) of section 112(b)(2), by inserting "or its successor authority" after "(20 U.S.C. 2711 et seq.)"; and

(3) in subsection (b) of section 115A, by inserting ", as in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994" after "(20 U.S.C. 2727(b))".

(k) REHABILITATION ACT OF 1973.—The Rehabilitation Act of 1973 is amended—

(1) in section 202(b)(4)(A)(i), by striking "paragraphs (8) and (21), respectively, of section 1471 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891 (8) and (21))" and inserting "section 10101 of the Elementary and Secondary Education Act of 1965"; and

(2) in subparagraph (B) of section 504(b)(2), by striking "section 1471(12)" and inserting "section 10101".

(l) SCHOOL-TO-WORK OPPORTUNITIES ACT OF 1994.—The School-to-Work Opportunities Act of 1994 is amended—

(1) in paragraph (15) of section 4, by striking "section 602(17)" and inserting "section 602(a)(17)"; and

(2) in subsection (b) of section 502, by amending paragraphs (1) through (6) to read as follows:

"(1) title I of the Elementary and Secondary Education Act of 1965;

"(2) part A of title II of the Elementary and Secondary Education Act of 1965;

"(3) part A of title V of the Elementary and Secondary Education Act of 1965;

"(4) part B of title IX of the Elementary and Secondary Education Act of 1965;

"(5) title XIII of the Elementary and Secondary Education Act of 1965; and

"(6) the Carl D. Perkins Vocational and Applied Technology Education Act.".

(m) SOCIAL SECURITY ACT.—Paragraph (7) of section 402(g) of the Social Security Act (42 U.S.C. 602(g)(7)) is amended by striking "chapter 1 of the Education Consolidation and Improvement Act of 1981" and inserting "title I of the Elementary and Secondary Education Act of 1965".

(n) STATE DEPENDENT CARE DEVELOPMENT GRANTS ACT.—Section 670G of the State Dependent Care Development Grants Act (42 U.S.C. 9877) is amended—

(1) in paragraph (6), by striking "section 198(a)(10)" and inserting "section 10101 of the Elementary and Secondary Education Act of 1965"; and

(2) in paragraph (11), by striking "section 198(a)(17)" and inserting "section 10101".

(o) TRIBALLY CONTROLLED SCHOOLS ACT OF 1988.—The Tribally Controlled Schools Act of 1988 is amended—

(1) in subparagraph (C) of section 5204(a)(3), by striking "chapter 1 of"; and

(2) in section 5205—

(A) in subparagraph (A) of subsection (a)(3), by striking "chapter 1 of"; and

(B) in subsection (b)—

(i) in subparagraph (A) of paragraph (2), by striking "chapter 1 of"; and

(ii) in clause (i) of paragraph (3)(A), by striking "chapter 1 of".

TITLE IV—MISCELLANEOUS

SEC. 401. DOCUMENTS TRANSMITTED TO CONGRESS.

In documents transmitted to Congress explaining the President's budget request for the Special Education account, the Department of Education shall display amounts included in the request to offset the termination of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 by the Improving America's Schools Act of 1994.

SEC. 402. PARENTAL INVOLVEMENT.

It is the policy of the Congress that the States, in cooperation with local educational agencies, schools, and parent groups, should be encouraged to involve parents of children who display criminal or violent behavior toward teachers, students, or others on school property in disciplinary actions affecting such children.

SEC. 403. GRANTS TO STATES FOR WORKPLACE AND COMMUNITY TRANSITION TRAINING FOR INCARCERATED YOUTH OFFENDERS.

(a) FINDINGS.—The Congress finds the following:

(1) Over 150,000 youth offenders age 21 and younger are incarcerated in the Nation's jails, juvenile facilities, and prisons.

(2) Most youth offenders who are incarcerated have been sentenced as first-time adult felons.

(3) Approximately 75 percent of youth offenders are high school dropouts who lack basic literacy and life skills, have little or no job experience, and lack marketable skills.

(4) The average incarcerated youth has attended school only through grade 10.

(5) Most of these youths can be diverted from a life of crime into productive citizenship with available educational, vocational, work skills, and related service programs.

(6) If not involved with educational programs while incarcerated, almost all of these youths will return to a life of crime upon release.

(7) The average length of sentence for a youth offender is about 3 years. Time spent in prison provides a unique opportunity for education and training.

(8) Even with quality education and training provided during incarceration, a period of intense supervision, support, and counseling is needed upon release to ensure effective reintegration of youth offenders into society.

(9) Research consistently shows that the vast majority of incarcerated youths will not return to the public schools to complete their education.

(10) There is a need for alternative educational opportunities during incarceration and after release.

(b) DEFINITION.—The term "youth offender" means a male or female offender under the age of 25, who is incarcerated in a State prison, including a prerelease facility.

(c) GRANT PROGRAM.—The Secretary shall establish a program in accordance with this section to provide grants to the States to assist and encourage incarcerated youths to acquire functional literacy, life, and job skills, through the pursuit of a postsecondary education certificate, or an associate of arts or bachelor's degree while in prison, and employment counseling and other related services which start during incarceration and continue through prerelease and while on parole.

(d) APPLICATION.—To be eligible for a grant under this section, a State agency shall submit to the Secretary a proposal for a youth offender program that—

(1) identifies the scope of the problem, including the number of incarcerated youths in need of postsecondary education and vocational training;

(2) lists the accredited public or private educational institution or institutions that will provide postsecondary educational services;

(3) lists the cooperating agencies, public and private, or businesses that will provide related services, such as counseling in the areas of career development, substance abuse, health, and parenting skills;

(4) describes the evaluation methods and performance measures that the State will employ, provided that such methods and measures are appropriate to meet the goals and objectives of the proposal, and that they include measures of—

(A) program completion;

(B) student academic and vocational skill attainment;

(C) success in job placement and retention; and

(D) recidivism;

(5) describes how the proposed programs are to be integrated with existing State correctional education programs (such as adult education, graduate education degree programs, and vocational training) and State industry programs;

(6) addresses the educational needs of youth offenders who are in alternative programs (such as boot camps); and

(7) describes how students will be selected so that only youth offenders eligible under subsection (f) will be enrolled in postsecondary programs.

(e) PROGRAM REQUIREMENTS.—Each State agency receiving a grant under this section shall—

(1) integrate activities carried out under the grant with the objectives and activities of the school-to-work programs of such State, including—

(A) work experience or apprenticeship programs;

(B) transitional worksite job training for vocational education students that is related to the occupational goals of such students and closely linked to classroom and laboratory instruction;

(C) placement services in occupations that the students are preparing to enter;

(D) employment-based learning programs; and

(E) programs that address State and local labor shortages;

(2) annually report to the Secretary and the Attorney General on the results of the evaluations conducted using the methods and performance measures contained in the proposal; and

(3) provide to each State not more than $1,500 annually for tuition, books, and essential materials, and not more than $300 annually for related services such as career development, substance abuse counseling, parenting skills training, and health education, for each eligible incarcerated youth.

(f) STUDENT ELIGIBILITY.—A youth offender shall be eligible for participation in a program receiving a grant under this section if the youth offender—

(1) is eligible to be released within 5 years (including a youth offender who is eligible for parole within such time); and

(2) is 25 years of age or younger.

(g) LENGTH OF PARTICIPATION.—A program receiving a grant under this section shall provide educational and related services to each participating youth offender for a period not to exceed 5 years, 1 year of which may be devoted to study in a graduate education degree program or to remedial education services for students who have obtained a high school diploma. Educational and related services shall start during the period of incarceration in prison or prerelease and may continue during the period of parole.

(h) EDUCATION DELIVERY SYSTEMS.—Correctional education agencies and cooperating institutions shall, to the extent practicable, use high-tech applications in developing programs to meet the requirements and goals of this program.

(i) ALLOCATION OF FUNDS.—From the amounts appropriated pursuant to subsection (j), the Secretary shall allot to each State an amount that bears the same relationship to such funds as the total number of eligible students in such State bears to the total number of eligible students in all States.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $18,000,000 for fiscal year 1995; and

(2) such sums as may be necessary for fiscal year 1996 and each fiscal year thereafter.

SEC. 404. LOCAL CONTROL OVER SCHOOL VIOLENCE.

(a) IN GENERAL.—In any school that receives Federal funds, if a student brings to or possesses on school property or at a school-sponsored event a weapon as such term is defined in, and in contravention of, school policy, or has demonstrated life threatening behavior in the classroom or on school premises, then the student shall be subjected to the disciplinary actions as determined by the local educational agency.

(b) INDIVIDUALS WITH DISABILITIES.—Paragraph (3) of section 615(e) of the Act (20 U.S.C. 1415(e)(3)) is amended—

(1) by striking "During" and inserting "(A) Except as provided in subparagraph (B), during", and

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

"(B)(i) Except as provided in clause (iii), if the proceedings conducted pursuant to this section involve a child with a disability who brings to or possesses on school property or at a school-sponsored event a weapon as such term is defined in, and in contravention of, school policy, or a child with a disability who has demonstrated life threatening behavior in the classroom or on school premises, then the child may be placed in an interim alternative educational setting for not more than 90 days.

"(ii) The interim alternative educational setting described in clause (i) shall be decided by the individuals described in section 602(a)(20).

"(iii) If a parent or guardian of a child described in clause (i) requests a due process hearing pursuant to paragraph (2) of subsection (b), then the child shall remain in the alternative educational setting described in such clause during the pendency of any proceedings conducted pursuant to this section, unless the parents and the local educational agency agree otherwise.".

(c) SUNSET PROVISION.—This section, and the amendments made by this section, shall be effective during the period beginning on the date of enactment of this Act and ending on the date of enactment of an Act (enacted after the date of the enactment of this Act) that reauthorizes the Individuals With Disabilities Education Act.

(d) DEFINITIONS.—For the purposes of this section, the term "life threatening behavior" is defined as "an injury involving a substantial risk of death; loss or substantial impairment of the function of a bodily member, organ, or mental faculty that is likely to be permanent; or an obvious disfigurement that is likely to be permanent.".

SEC. 405. LOCAL CONTROL OVER VIOLENCE.

(a) AMENDMENTS.—

(1) IN GENERAL.—In paragraph (3) of section 615(e) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(e)(3)) is amended—

(A) by striking 'During' and inserting '(A) Except as provided in subparagraph (B), during'; and

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

"(B)(i) Except as provided in clause (iii), if the proceedings conducted pursuant to this section involve a child with a disability who is determined to have brought a weapon to school under the jurisdiction of such agency, then the child may be placed in an interim alternative educational setting for not more than 90 days, consistent with State law.

"(ii) The interim alternative educational setting described in clause (i) shall be decided by the individuals described in section 602(a)(20).

"(iii) If a parent or guardian of a child described in clause (i) requests a due process hearing pursuant to paragraph (2) of subsection (b), then the child shall remain in the alternative educational setting described in such clause during the pendency of any proceedings conducted pursuant to this section, unless the parents and the local educational agency agree otherwise.".

(2) EFFECTIVE DATE.—Paragraph (1) and the amendments made by paragraph (1) shall be effective during the period beginning on the date of enactment of this Act and ending on the date of enactment of an Act (enacted after the date of the enactment of this Act) that reauthorizes the Individuals with Disabilities Education Act.

(b) Nothing in the Individuals with Disabilities Education Act shall supersede the provisions of the Gun-Free Schools Act (section 17001 of the Elementary and Secondary Education Act) when the child's behavior is unrelated to his or her disability.

SEC. 406. 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.

SEC. 407. YOUTH PROGRAMS LIMITATION.

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.

SEC. 408. LIMITATION.

None of the funds authorized to be appropriated under this Act may be used to make condoms available in a public school.

SEC. 409. CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT.

Notwithstanding any other provision of law, beginning on June 1, 1994, and ending on the date of enactment of an Act reauthorizing the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.), the Secretary shall not issue any new final regulations to implement such Act.

SEC. 410. THERAPEUTIC MODEL DEMONSTRATION SCHOOLS.

(a) AUTHORIZATION.—

(1) IN GENERAL.—The Secretary of the Interior, acting through the Bureau of Indian Affairs, is authorized to establish demonstration schools based on the therapeutic model described in this section, to provide services necessary to achieve positive changes in the attitudes, behavior, and academic performance of Indian youth attending off-reservation boarding schools.

(2) PURPOSE.—The purpose of the therapeutic model demonstration schools shall be—

(A) to provide a program, based on an annual written plan, linking clinicians, counselors, and mental health professionals with academic program personnel in a culturally sensitive residential program tailored to the particular needs of Indian students;

(B) to provide for a continued evaluation of the planning and implementation of the therapeutic model in the designated schools; and

(C) to determine what steps the Bureau of Indian Affairs must take and what resources are required to transform existing off-reservation boarding schools to meet the needs of chemically dependent, emotionally disturbed, socially troubled, or other at-risk Indian youth who attend such schools.

(b) LOCATION.—The Secretary shall initiate the therapeutic model at two schools in school years 1994 through 1996, and shall give priority to—

(1) one school that is the recipient of a grant under section 5204 of the August F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 during the 1994–1995 school year; and

(2) one school operated by the Bureau of Indian Affairs during the 1995–1996 school year.

(c) SERVICES.—The demonstration schools shall provide an integrated residential environment that may include—

(1) mental health services;

(2) education;

(3) recreation therapy;

(4) social service programs;

(5) substance abuse education and prevention; and

(6) other support services for aftercare.

(d) STAFFING.—The demonstration schools shall be staffed with health and social service professionals, and educators, and may include, but not be limited to—

(1) clinical psychologists;

(2) child psychologists;

(3) substance abuse counselors;

(4) social workers; and

(5) health educators.

(e) ENROLLMENT.—Notwithstanding any other provision of law, the Secretary of the Interior may limit the enrollment at the demonstration schools.

(f) ASSISTANCE.—The Secretary is authorized to enter into agreements with other organizations and agencies, including the Indian Health Service, to carry out this section.

(g) REPORT.—Not later than July 31 of each year, the Secretary of the Interior shall submit a report to the Committee on Indian Affairs of the Senate and the Committee on Education and Labor of the House of Representatives on the progress of the Department of the Interior in the development of the demonstration schools.

SEC. 411. CRIMINAL HISTORY INVESTIGATIONS OF SCHOOL BUS DRIVERS.

(a) REQUIREMENT FOR INVESTIGATIONS.—(1) Notwithstanding any other provision of law, a local educational agency may not employ a person as a driver of a school bus of or on behalf of the agency until the agency conducts a background check under procedures that meet the guidelines set forth in section 3(b) of the National Child Protection Act of 1993 (Public Law 103–209; 107 Stat. 2491; 42 U.S.C. 5119a(b)).

(2) Subject to paragraph (3), the prohibition set forth in paragraph (1) shall take effect on the date of the enactment of this Act.

(b) INTERIM REQUIREMENT.—Prior to the establishment of the procedures referred to in subsection (a)(1), or a State's participation in the procedures referred to in subsection (a)(1), local educational agencies shall conduct a fingerprint based check through the criminal history files maintained by the Criminal Justice Information Services Division of the Federal Bureau of Investigation.

(c) DEFINITION.—In this section, the term "local educational agency" has the meaning given such term in section 10101 of the Elementary and Secondary Education Act of 1965, as amended by title I of this Act.

SEC. 412. RATE OF PAY FOR THE DEPUTY DIRECTOR OF THE NATIONAL INSTITUTE ON DISABILITY AND REHABILITATION RESEARCH.

Notwithstanding section 202(c)(2) of the Rehabilitation Act of 1973 (29 U.S.C. 761a(c)(2)), the Secretary of Education is authorized to compensate anyone appointed during calendar year 1994 to be the Deputy Director of the National Institute on Disability and Rehabilitation Research at the rate of pay for level 5 of the Senior Executive Service Schedule.

TITLE V—WORKERS TECHNOLOGY SKILL DEVELOPMENT

SEC. 501. SHORT TITLE.

This title may be cited as the "Workers Technology Skill Development Act".

SEC. 502. FINDINGS.

Congress finds and declares the following:

(1) In an increasingly competitive world economy, the companies and nations that lead in the rapid development, commercialization, and application of new and advanced technologies, and in the high-quality, competitively priced production of goods and services, will lead in

economic growth, employment, and high living standards.

(2) While the United States remains the world leader in science and invention, it has not done well in rapidly making the transition from achievement in its research laboratories to high-quality, competitively priced production of goods and services. This lag and the unprecedented competitive challenge that the United States has faced from abroad have contributed to a drop in real wages and living standards.

(3) Companies that are successfully competitive in the rapid development, commercialization, application, and implementation of advanced technologies, and in the successful delivery of goods and services, recognize that worker participation and labor-management cooperation in the deployment, application, and implementation of advanced workplace technologies make an important contribution to high-quality, competitively priced production of goods and services and in maintaining and improving real wages for workers.

(4) The Federal Government has an important role in encouraging and augmenting private sector efforts relating to the development, application, manufacture, and deployment of new and advanced technologies. The role should be to—

(A) work with private companies, States, worker organizations, nonprofit organizations, and institutions of higher education to ensure the development, application, production, and implementation of new and advanced technologies to promote the improvement of workers' skills, wages, job security, and working conditions, and a healthy environment;

(B) encourage worker and worker organization participation in the development, commercialization, evaluation, selection, application, and implementation of new and advanced technologies in the workplace; and

(C) promote the use and integration of new and advanced technologies in the workplace that enhance workers' skills.

(5) In working with the private sector to promote the technological leadership and economic growth of the United States, the Federal Government has a responsibility to ensure that Federal technology programs help the United States to remain competitive and to maintain and improve living standards and to create and retain secure jobs in economically stable communities.

SEC. 503. PURPOSES.

The purposes of this title are to—

(1) improve the ability of workers and worker organizations to recognize, develop, assess, and improve strategies for successfully integrating workers and worker organizations into the process of evaluating, selecting, and implementing advanced workplace technologies, and advanced workplace practices in a manner that creates and maintains stable well-paying jobs for workers; and

(2) assist workers and worker organizations in developing the expertise necessary for effective participation with employers in the development of strategies and programs for the successful evaluation, selection, and implementation of advanced workplace technologies and advanced workplace practices through the provision of a range of education, training, and related services.

SEC. 504. DEFINITIONS.

As used in this title:

(1) ADVANCED WORKPLACE PRACTICES.—The term "advanced workplace practices" means innovations in work organization and performance, including high-performance workplace systems, flexible production techniques, quality programs, continuous improvement, concurrent engineering, close relationships between suppliers and customers, widely diffused decisionmaking and work teams, and effective integration of production technology, worker skills and training, and workplace organization, and such other characteristics as determined appropriate by the Secretary of Labor, in consultation with the Secretary of Commerce.

(2) ADVANCED WORKPLACE TECHNOLOGIES.—The term "advanced workplace technologies" includes—

(A) numerically controlled machine tools, robots, automated process control equipment, computerized flexible manufacturing systems, associated computer software, and other technology for improving the manufacturing and industrial production of goods and commercial services, which advance the state-of-the-art; or

(B) novel industrial and commercial techniques and processes not previously generally available that improve quality, productivity, and practices, including engineering design, quality assurance, concurrent engineering, continuous process production technology, inventory management, upgraded worker skills, communications with customers and suppliers, and promotion of sustainable economic growth.

(3) DEPARTMENT.—The term "Department" means the Department of Labor.

(4) NONPROFIT ORGANIZATION.—The term "nonprofit organization" means a tax-exempt organization, as described in paragraph (3), (4), or (5) of section 501(c) of the Internal Revenue Code of 1986.

(5) SECRETARY.—The term "Secretary" means the Secretary of Labor.

(6) WORKER ORGANIZATION.—The term "worker organization" means a labor organization within the meaning of section 501(c)(5) of the Internal Revenue Code of 1986.

SEC. 505. GRANTS.

(a) IN GENERAL.—The Secretary of Labor, after consultation with the Secretary of Commerce, shall, to the extent appropriations are available, award grants to eligible entities to carry out the purposes described in section 503.

(b) ELIGIBILITY.—To be eligible to receive a grant under this section, an entity shall—

(1) be a nonprofit organization, or a partnership consortium of such institutions or organizations;

(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a description of the activities that the entity will carry out using amounts received under the grant; and

(3) agree to make available (directly or through donations from public or private entities) non-Federal contributions toward the costs of the activities to be conducted with grant funds, in an amount equal to the amount required under subsection (d).

(c) USE OF AMOUNTS.—An entity shall use amounts received under a grant awarded under this section to carry out the purposes described in section 503 through activities such as—

(1) the dissemination of information to workers, worker organizations, employers, State economic development agencies, State industrial extension programs, Advanced Technology Centers, and National Manufacturing Technology Centers regarding successful practices relating to the effective deployment of advanced workplace technologies, and advanced workplace practices;

(2) the provision of technical assistance to workers, worker organizations, employers, State economic development agencies, State industrial extension programs, Advanced Technology Centers, and National Manufacturing Technology Centers to identify advanced workplace practices and strategies that enhance the effective evaluation, selection, and implementation of advanced workplace technologies;

(3) the researching and identification of new and advanced workplace technologies, and advanced workplace practices that promote the improvement of workers' skills, wages, working conditions, and job security, that research the link between advanced workplace practices and long-term corporate performance, and that are consistent with the needs of local communities and the need for a healthy environment; and

(4) the development and dissemination of training programs and materials relating to the services provided pursuant to paragraphs (1) through (3).

(d) TERMS OF GRANTS AND NON-FEDERAL SHARES.—

(1) TERMS.—Grants awarded under this section shall be for a term not to exceed 6 years.

(2) NON-FEDERAL SHARE.—Amounts required to be contributed by an entity under subsection (b)(3) shall equal—

(A) an amount equal to 15 percent of the amount provided under the grant in the first year for which the grant is awarded;

(B) an amount equal to 20 percent of the amount provided under the grant in the second year for which the grant is awarded;

(C) an amount equal to 33 percent of the amount provided under the grant in the third year for which the grant is awarded;

(D) an amount equal to 40 percent of the amount provided under the grant in the fourth year for which the grant is awarded; and

(E) an amount equal to 50 percent of the amount provided under the grant in the fifth and sixth years for which the grant is awarded.

(e) EVALUATION.—The Department shall develop mechanisms for evaluating the effectiveness of the use of a grant awarded under this section in carrying out the purposes under section 503 and, not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, prepare and submit a report to Congress concerning such evaluation.

SEC. 506. IDENTIFICATION AND DISSEMINATION OF BEST PRACTICES.

(a) IN GENERAL.—

(1) INFORMATION.—The Secretary, in cooperation and after consultation with the Secretary of Commerce, shall assist workers, worker organizations, and employers in successfully adopting advanced workplace technologies, and advanced workplace practices by identifying, collecting, and disseminating information on best workplace practices and workplace assessment tools, including—

(A) methods, techniques, and successful models of labor-management cooperation and of worker and worker organization participation in the development, evaluation, selection, and implementation of new and advanced workplace technologies, and advanced workplace practices;

(B) methods, techniques, and successful models for the design and implementation of new and advanced workplace practices;

(C) methods, techniques, and successful models for the design and implementation of advanced forms of work organization; and

(D) methods, techniques, and successful models for the assessment of worker skills and training needs relating to the effective development, evaluation, selection, and implementation of advanced workplace technologies, and advanced workplace practices.

(2) CONTENTS.—Such information on best workplace practices shall include—

(A) summaries and analyses of best practice cases;

(B) criteria for assessment of current workplace practices; and

(C) information on the best available education and training materials and services relating to the development, implementation, and operation of systems utilizing new and advanced workplace technologies, and advanced workplace practices.

(b) DISTRIBUTION.—The information and materials developed under this section shall be distributed through an appropriate entity designated by the Secretary of Commerce to the Regional Centers for the Transfer of Manufacturing Technology, to the Manufacturing Outreach Center, to other technology training entities, and directly to others as determined appropriate by the Secretary of Labor and the Secretary of Commerce.

SEC. 507. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title such sums as may be necessary for each of the fiscal years 1995 through 1997.

(b) AVAILABILITY.—Amounts appropriated under subsection (a) shall remain available until expended.

TITLE VI—MULTIETHNIC PLACEMENT

SEC. 601. SHORT TITLE.

This title may be cited as the "Multiethnic Placement Act of 1994".

SEC. 602. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) nearly 500,000 children are in foster care in the United States;

(2) tens of thousands of children in foster care are waiting for adoption;

(3) 2 years and 8 months is the median length of time that children wait to be adopted;

(4) child welfare agencies should work to eliminate racial, ethnic, and national origin discrimination and bias in adoption and foster care recruitment, selection, and placement procedures; and

(5) active, creative, and diligent efforts are needed to recruit parents, from every race and culture, for children needing foster care or adoptive parents.

(b) PURPOSE.—It is the purpose of this title to decrease the length of time that children wait to be adopted and to prevent discrimination in the placement of children on the basis of race, color, or national origin.

SEC. 603. MULTIETHNIC PLACEMENTS.

(a) ACTIVITIES.—

(1) PROHIBITION.—An agency, or entity, that receives Federal assistance and is involved in adoption or foster care placements may not—

(A) categorically deny to any person the opportunity to become an adoptive or a foster parent, solely on the basis of the race, color, or national origin of the adoptive or foster parent, or the child, involved; or

(B) delay or deny the placement of a child for adoption or into foster care, or otherwise discriminate in making a placement decision, solely on the basis of the race, color, or national origin of the adoptive or foster parent, or the child, involved.

(2) PERMISSIBLE CONSIDERATION.—An agency or entity to which paragraph (1) applies may consider the race, color, or national origin of a child as a factor in making a placement decision if such factor is relevant to the best interests of the child involved and is considered in conjunction with other factors.

(3) DEFINITION.—As used in this subsection, the term "placement decision" means the decision to place, or to delay or deny the placement of, a child in a foster care or an adoptive home, and includes the decision of the agency or entity involved to seek the termination of birth parent rights or otherwise make a child legally available for adoptive placement.

(b) LIMITATION.—The Secretary of Health and Human Services shall not provide placement and administrative funds under section 474(a)(3) of the Social Security Act (42 U.S.C. 674(a)(3)) to an agency or entity described in subsection (a) that is not in compliance with subsection (a).

(c) EQUITABLE RELIEF.—Any individual who is aggrieved by an action in violation of subsection (a), taken by an agency or entity described in subsection (a), shall have the right to bring an action seeking relief in a United States district court of appropriate jurisdiction.

(d) CONSTRUCTION.—Nothing in this section shall be construed to affect the application of the Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.).

TITLE VII—ALBERT EINSTEIN DISTINGUISHED EDUCATOR FELLOWSHIP ACT

SEC. 701. SHORT TITLE.

This title may be cited as the "Albert Einstein Distinguished Educator Fellowship Act of 1994".

SEC. 702. FINDINGS.

The Congress finds that—

(1) the Department of Energy has unique and extensive mathematics and science capabilities that contribute to mathematics and science education programs throughout the Nation;

(2) a need exists to increase understanding, communication, and cooperation between the Congress, the Department of Energy, other Federal agencies, and the mathematics and science education community;

(3) elementary and secondary school mathematics and science teachers can provide practical insight to the Legislative and Executive branches in establishing and operating education programs; and

(4) a pilot program that placed elementary and secondary school mathematics and science teachers in professional staff positions in the Senate and the House of Representatives has proven successful and demonstrated the value of expanding the program.

SEC. 703. PURPOSE; DESIGNATION.

(a) PURPOSE.—The purpose of this title is to establish within the Department of Energy a national fellowship program for elementary and secondary school mathematics and science teachers.

(b) DESIGNATION.—A recipient of a fellowship under this title shall be known as an "Albert Einstein Fellow".

SEC. 704. DEFINITIONS.

As used in this title—

(1) the term "elementary school" has the meaning provided by section 10101(11) of the Elementary and Secondary Education Act of 1965, as amended by title I of this Act;

(2) the term "local educational agency" has the meaning provided by section 10101(15) of the Elementary and Secondary Education Act of 1965, as so amended;

(3) the term "secondary school" has the meaning provided by section 10101(21) of the Elementary and Secondary Education Act of 1965, as so amended; and

(4) the term "Secretary" means the Secretary of Energy.

SEC. 705. FELLOWSHIP PROGRAM.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—The Secretary shall establish the Albert Einstein Distinguished Educator Fellowship Program (referred to in this title as the "Program") to provide 12 elementary or secondary school mathematics or science teachers with fellowships in each fiscal year in accordance with this title.

(2) ORDER OF PRIORITY.—The Secretary may reduce the number of fellowships awarded under this title for any fiscal year in which the amount appropriated for the Program is insufficient to support 12 fellowships. If the number of fellowships awarded under this title is reduced for any fiscal year, then the Secretary shall award fellowships based on the following order of priority:

(A) Three fellowships in the Department of Energy.

(B) Two fellowships in the Senate.

(C) Two fellowships in the House of Representatives.

(D) One fellowship in each of the following entities:

(i) The Department of Education.

(ii) The National Institutes of Health.

(iii) The National Science Foundation.

(iv) The National Aeronautics and Space Administration.

(v) The Office of Science and Technology Policy.

(3) TERMS OF FELLOWSHIPS.—Each fellowship awarded under this title shall be awarded for a period of ten months that, to the extent practicable, coincides with the academic year.

(4) ELIGIBILITY.—To be eligible for a fellowship under this title, an elementary or secondary school mathematics or science teacher must demonstrate—

(A) that such teacher would bring unique and valuable contributions to the Program;

(B) that such teacher is recognized for excellence in mathematics or science education; and

(C)(i) a sabbatical leave from teaching will be granted in order to participate in the Program; or

(ii) the teacher will return to a teaching position comparable to the position held prior to participating in the Program.

(b) ADMINISTRATION.—The Secretary shall—

(1) provide for the development and administration of an application and selection process for fellowships under the Program, including a process whereby final selections of fellowship recipients are made in accordance with subsection (c);

(2) provide for the publication of information on the Program in appropriate professional publications, including an invitation for applications from teachers listed in the directories of national and State recognition programs;

(3) select from the pool of applicants 12 elementary and secondary school mathematics teachers and 12 elementary and secondary school science teachers;

(4) develop a program of orientation for fellowship recipients under this title; and

(5) not later than August 31 of each year in which fellowships are awarded, prepare and submit an annual report and evaluation of the Program to the appropriate Committees of the Senate and the House of Representatives.

(c) SELECTION.—

(1) IN GENERAL.—The Secretary shall arrange for the 24 semifinalists to travel to Washington, D.C., to participate in interviews in accordance with the selection process described in paragraph (2).

(2) FINAL SELECTION.—(A) Not later than May 1 of each year preceding each year in which fellowships are to be awarded, the Secretary shall select and announce the names of the fellowship recipients.

(B) The Secretary shall provide for the development and administration of a process to select fellowship recipients from the pool of semifinalists as follows:

(i) The Secretary shall select three fellowship recipients who shall be assigned to the Department of Energy.

(ii) The Majority Leader of the Senate and the Minority Leader of the Senate, or their designees, shall each select a fellowship recipient who shall be assigned to the Senate.

(iii) The Speaker of the House of Representatives and the Minority Leader of the House of Representatives, or their designees, shall each select a fellowship recipient who shall be assigned to the House of Representatives.

(iv) Each of the following individuals, or their designees, shall select one fellowship recipient who shall be assigned within the department, office, agency, or institute such individual administers:

(I) The Secretary of Education.

(II) The Director of the National Institutes of Health.

(III) The Director of the National Science Foundation.

(IV) The Administrator of the National Aeronautics and Space Administration.

(V) The Director of the Office of Science and Technology Policy.

SEC. 706. FELLOWSHIP AWARDS.

(a) FELLOWSHIP RECIPIENT COMPENSATION.—Each recipient of a fellowship under this title shall be paid during the fellowship period at a rate of pay that shall not exceed the minimum annual rate payable for a position under GS–13 of the General Schedule.

(b) LOCAL EDUCATIONAL AGENCY.—The Secretary shall seek to ensure that no local educational agency penalizes a teacher who elects to participate in the Program.

SEC. 707. WASTE MANAGEMENT EDUCATION RESEARCH CONSORTIUM (WERC).

The Secretary is authorized to establish a partnership of Department of Energy laboratories, academic institutions, and private sector industries to conduct environmentally related education programs, including programs involving environmentally conscious manufacturing and waste management activities that have undergraduate and graduate educational training as a component.

SEC. 708. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated for the Program $700,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 through 2001.

(b) WERC PROGRAM.— There are authorized to be appropriated for the WERC program under section 707 such sums as may be necessary for each of the fiscal years 1996 through 2001.

TITLE VIII—1994 INSTITUTIONS

SEC. 801. SHORT TITLE.

This title may be cited as the "Equity in Educational Land-Grant Status Act of 1994".

SEC. 802. DEFINITION.

As used in this title, the term "1994 Institutions" means any one of the following colleges:

(1) Bay Mills Community College.
(2) Blackfeet Community College.
(3) Cheyenne River Community College.
(4) D–Q University.
(5) Dullknife Memorial College.
(6) Fond Du Lac Community College.
(7) Fort Belknap Community College.
(8) Fort Berthold Community College.
(9) Fort Peck Community College.
(10) LacCourte Oriellesc Ojibwa Community College.
(11) Little Big Horn Community College.
(12) Little Hoop Community College.
(13) Nebraska Indian Community College.
(14) Northwest Indian College.
(15) Oglala Lakota College.
(16) Salish Kootenai College.
(17) Sinte Gleska University.
(18) Sisseton Wahpeton Community College.
(19) Standing Rock College.
(20) Stonechild Community College.
(21) Turtle Mountain Community College.
(22) Navajo Community College.
(23) United Tribes Technical College.
(24) Southwest Indian Polytechnic Institute.
(25) Institute of American Indian and Alaska Native Culture and Arts Development.
(26) Crownpoint Institute of Technology.
(27) Haskell Indian Junior College.
(28) Leech Lake Tribal College.
(29) College of the Menominee Nation.

SEC. 803. LAND-GRANT STATUS FOR 1994 INSTITUTIONS.

(a) IN GENERAL.—

(1) STATUS OF 1994 INSTITUTIONS.—Except as provided in paragraph (2), 1994 Institutions shall be considered land-grant colleges established for the benefit of agriculture and the mechanic arts in accordance with the provisions of the Act of July 2, 1862 (12 Stat. 503; 7 U.S.C. 301 et seq.).

(2) 1994 INSTITUTIONS.—(A) 1994 Institutions shall not be considered as land-grant colleges that are eligible to receive funding under—

(i) the Act of March 2, 1887 (24 Stat. 440, chapter 314; 7 U.S.C. 361a et seq.);

(ii) the Act of May 8, 1914 (38 Stat. 373, chapter 79; 7 U.S.C. 343), except as provided under section 3(b)(3) of such Act (as added by section 804(b)(1) of this title); or

(iii) the Act of August 3, 1890 (26 Stat. 417, chapter 841; 7 U.S.C. 322 et seq.).

(B) In lieu of receiving donations under the provisions of the Act of July 2, 1862, relating to the donations of public land or scrip for the endowment and maintenance of colleges for the benefit of agriculture and the mechanic arts, 1994 Institutions shall receive funding pursuant to the authorization under subsection (b).

(b) AUTHORIZATION OF APPROPRIATIONS.—For each of fiscal years 1996 through 2000, there are authorized to be appropriated $4,600,000. Amounts appropriated pursuant to this section shall be held and considered to have been granted to 1994 Institutions to establish an endowment pursuant to subsection (c).

(c) ENDOWMENT.—

(1) IN GENERAL.—In accordance with this subsection, the Secretary of the Treasury shall establish a 1994 Institutions Endowment Fund (referred to in this subsection as the "endowment fund"). The Secretary may enter into such agreements as are necessary to carry out this subsection.

(2) DEPOSIT TO THE ENDOWMENT FUND.—The Secretary shall deposit in the endowment fund any—

(A) amounts made available by appropriations pursuant to subsection (b) (referred to in this subsection as the "endowment fund corpus"); and

(B) interest earned on the endowment fund corpus.

(3) INVESTMENTS.—The Secretary shall invest the endowment fund corpus and income in interest-bearing obligations of the United States.

(4) WITHDRAWALS AND EXPENDITURES.—The Secretary may not make a withdrawal or expenditure from the endowment fund corpus. On the termination of each fiscal year, the Secretary shall withdraw the amount of income from the endowment fund for the fiscal year, and after making adjustments for the cost of administering the endowment fund, distribute the adjusted income as follows:

(A) 60 percent of the adjusted income shall be distributed among the 1994 Institutions on a pro rata basis. The proportionate share of the adjusted income received by a 1994 Institution under this subparagraph shall be based on the Indian student count (as defined in section 390(3) of the Carl D. Perkins Vocational Education Act (20 U.S.C. 2397h(3)) for each Institution for the fiscal year.

(B) 40 percent of the adjusted income shall be distributed in equal shares to the 1994 Institutions.

SEC. 804. APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—For fiscal year 1996, and for each fiscal year thereafter, there are authorized to be appropriated to the Department of the Treasury an amount equal to—

(A) $50,000; multiplied by

(B) the number of 1994 Institutions.

(2) PAYMENTS.—For each fiscal year, the Secretary of the Treasury shall pay to the treasurer of each 1994 Institution an amount equal to—

(A) the total amount made available by appropriations pursuant to paragraph (1); divided by

(B) the number of 1994 Institutions.

(3) USE OF FUNDS; REQUIREMENTS.—The amounts authorized to be appropriated under this subsection shall be used in the same manner as is prescribed for colleges under the Act of August 30, 1890 (26 Stat. 417, chapter 841; 7 U.S.C. 322 et seq.), and, except as otherwise provided in this subsection, the requirements of such Act shall apply to 1994 Institutions.

(b) FUNDING.—Section 3 of the Act of May 8, 1914 (38 Stat. 373, chapter 79; 7 U.S.C. 343) is amended—

(1) in subsection (b), by adding at the end the following new paragraph:

"(3) There are authorized to be appropriated for the fiscal year ending June 30, 1996, and for each fiscal year thereafter, for payment on behalf of the 1994 Institutions (as defined in section 802 of the Equity in Educational Land-Grant Status Act of 1994), $5,000,000 for the purposes set forth in section 2. Such sums shall be in addition to the sums appropriated for the several States and Puerto Rico, the Virgin Islands, and Guam under the provisions of this section. Such sums shall be distributed on the basis of a competitive application process to be developed and implemented by the Secretary and paid by the Secretary to State institutions established in accordance with the provisions of the Act of July 2, 1862 (12 Stat. 503, chapter 130; 7 U.S.C. 301 et seq.) (other than 1994 Institutions) and administered by such institutions through cooperative agreements with 1994 Institutions in the States of the 1994 Institutions in accordance with regulations that the Secretary shall adopt.";

(2) by redesignating subsection (f) as subsection (g); and

(3) by inserting after subsection (e) the following new subsection:

"(f) There shall be no matching requirement for funds made available pursuant to subsection (b)(3).".

SEC. 805. INSTITUTIONAL CAPACITY BUILDING GRANTS.

(a) DEFINITIONS.—As used in this section:

(1) FEDERAL SHARE.—The term "Federal share" means, with respect to a grant awarded under subsection (b), the share of the grant that is provided from Federal funds.

(2) NON-FEDERAL SHARE.—The term "non-Federal share" means, with respect to a grant awarded under subsection (b), the matching funds paid with funds other than funds referred to in paragraph (1), as determined by the Secretary.

(3) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(b) IN GENERAL.—

(1) INSTITUTIONAL CAPACITY BUILDING GRANTS.—For each of fiscal years 1996 through 2000, the Secretary shall make two or more institutional capacity building grants to assist 1994 Institutions with constructing, acquiring, and remodeling buildings, laboratories, and other capital facilities (including fixtures and equipment) necessary to conduct research more effectively in agriculture and sciences.

(2) REQUIREMENTS FOR GRANTS.—The Secretary shall make grants under this section—

(A) on the basis of a competitive application process under which appropriate officials of 1994 Institutions may submit applications to the Secretary in such form and manner as the Secretary may prescribe; and

(B) in such manner as to ensure geographic diversity with respect to the 1994 Institutions that are the subject of the grants.

(3) DEMONSTRATION OF NEED.—The Secretary shall require, as part of an application for a grant under this subsection, a demonstration of need. The Secretary may only award a grant under this subsection to an applicant that demonstrates a failure to obtain funding for a project after making a reasonable effort to otherwise obtain the funding.

(4) PAYMENT OF NON-FEDERAL SHARE.—A grant awarded under this subsection shall be

made on the condition that the recipient of the grant pay a non-Federal share in an amount specified by the Secretary.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Agriculture to carry out this section, $1,700,000 for each of fiscal years 1996 through 2000.

FOREST FIRES IN THE NORTHWEST

Mr. GORTON. Mr. President, the fires burning in central Washington State have captured national attention, and the devastation left behind now deserves national assistance. During the prime tourist seasons, the town of Leavenworth and the resort of Lake Clelan have suffered untold economic damage from the out-of-control forest fires. In addition to the destruction of the landscape, the fires have destroyed jobs and economic opportunities that will impact the entire region. The hard-working people of central Washington do not often ask for Federal assistance, but Mother Nature has made such aid impossible to do without.

It is my understanding that the Department of Labor has two programs that can help these communities immediately. Mr. President, those programs can help central Washingtonians get back on their feet. They do not ask for much, and we must be willing to act as heroically as they have fought the fires.

It is my understanding that once the Governor has asked for the assistance, it will be forthcoming within 24 hours. As a member of the subcommittee that appropriates funds for the Department of Labor, this Senator will see to it that the Department of Labor responds.

Mrs. MURRAY. I wish to add my voice to the comments of the senior Senator from Washington. These fires hit hard, they hit fast, and they are still burning. Damage reports are already streaming in: 94 buildings, including 38 homes, have been consumed; over 160,000 acres of prime wilderness and forestlands are now blackened. People are hurting, and it may get worse.

It is very important at this point that we send a clear signal that help is available for rebuilding and cleaning up. Does the chairman concur that emergency Department of Labor programs are available now—with fiscal year 1994 reserves—to help our communities respond to this emergency?

Mr. HARKIN. The Senators from the great State of Washington are correct. I sympathize with your plight. Last year, when the great State of Iowa was experiencing the flooding disaster, the Department of Labor provided funding under the JTPA special emergency assistance program which allowed us to hire individuals to work on projects to help restore their communities from the devastation.

Mrs. MURRAY. What does this program provide for?

Mr. HARKIN. This program employs dislocated workers to assist with the clean-up, reconstruction and restoration activities that enable the resumption of regular employment. These special temporary jobs may also facilitate the provision of much needed humanitarian assistance to victims of the disaster. these temporary jobs may be in public or private nonprofit agencies, and may last for up to 6 months. Individuals who work in these special temporary jobs may earn as much as $12,000 in base wages.

These funds may also be used to provide reemployment services and retraining activities for workers dislocated by the natural disaster who are unable to return to their previous employment. While priority is given to workers who are dislocated by the disaster—in this case, the fires—long-term unemployed workers may also participate in such disaster employment programs.

Mr. GORTON. We understand that the Secretary of Labor can respond to requests for emergency assistance quickly.

Mr. HARKIN. That's true. The Department of Labor has developed an expedited application process that States may use to access these special funds. It is my understanding that the Department of Labor is waiting to respond to a request from Governor Lowry which meets the requirements for such assistance. Based on my State's experience, funding can be provided in 24 hours or less.

Mrs. MURRAY. Are there other services available from the Department of Labor to assist us address the needs of the citizens of the great State of Washington who are being affected by this disaster?

Mr. HARKIN. Yes there are. If a presidential disaster declaration has been made, individuals who are unemployed as a result of the disaster are eligible for unemployment insurance benefits. In the case of workers who are not eligible for unemployment insurance, disaster unemployment assistance is available.

Mrs. MURRAY. Thank you very much, Mr. Chairman. We appreciate your assistance and sympathy with our situation.

Mr. GORTON. I would like to thank the chairman as well for his assurances. The people of central Washington are grateful as well.

NUCLEAR PROLIFERATION IN PAKISTAN: REAFFIRMING THE INTENT OF THE PRESSLER AMENDMENT

Mr. PRESSLER. Mr. President, in 1990 President Bush no longer could certify that Pakistan did not possess a nuclear weapon. As a consequence, U.S. assistance was cut off. Over the past year, the Clinton administration has attempted to waive current law to allow the shipment of at least 38 F-16's to Pakistan. The language in the Foreign Assistance Act which prevents the administration from sending the planes to Pakistan, as my colleagues know, is the "Pressler amendment."

In 1985 when the Pressler amendment became law, I was gravely concerned about regional arms building. Those concerns remain today. I have opposed the President's desire to exempt the F-16's for Pakistan. When the Pressler amendment was triggered in 1990, U.S. assistance ended. I did not intend to allow exemptions then. I do not intend to allow exemptions now.

Recently, I wrote a chapter for a book titled "Future Imperiled." In the chapter, I detail the history and current interpretation of the Pressler amendment. As a way of reiterating the intent of the amendment and to remind the administration of the amendment's importance in thwarting a South Asian arms race, I ask unanimous consent to place a copy of this chapter in the RECORD at this time.

THE RESTRAINT OF FURY: US NON-PROLIFERATION POLICY AND SOUTH ASIA

(By Larry Pressler)

While the end of the Cold War brings with it a waning danger of super power nuclear confrontation, the world remains troubled and unstable. A new security concern has risen from the dust and shadows of the Cold War's rubble. Regional nuclear weapons proliferation is replacing the competition for global hegemony as the world's most pressing security threat. Indeed, mounting evidence suggests that regional nuclear proliferation has been a greater danger than super power weapons-building all along—a danger that has been tolerated, or even ignored, so long as it was creeping rather than leaping, and discreet rather than blatant. This threat is no longer creeping, and it certainly is no longer discreet.

Over the last several decades, the hostilities, suspicions, and border disputes in South Asia have created a complex amalgam of policies and perceptions. Conflicting interests in this region of the world have heightened the concern that rivalries between countries will spur nuclear proliferation in the developing countries of the world. According to Peter Herrly, a US Department of Defence official, 'The growing spread of chemical and advanced weapons to Third World combat zones has undermined the restraints against escalation and could bring to a shattering end, a half-century of non-use of nuclear weapons.[1]

Traditional suspicions among South Asians have dampened hopes of establishing long-term regional security agreements. New worries and old rivalries fuel the desire for stronger, more highly modernized, nuclear-oriented militaries. This military blueprint led to a reality in which humanity's most lethal form of fury—the nuclear bomb—is precariously held in check. This fury must be restrained.

Of the numerous security considerations in South Asia, Pakistan's nuclear capability is a special concern. Anxiety over Islamabad's

[1] Footnotes at end of article.

nuclear weapons program has sparked much controversy. Pakistan's aspirations for membership to the nuclear club has raised significant US foreign policy questions. The following narrative assesses Pakistan and India's desire for nuclear military status. Further, it details US reactions and initiatives to counter the threat of nuclear weapons proliferation.

HISTORICAL RELATIONSHIPS

To understand America's pressing need to develop a specific non-proliferation policy regarding Pakistan better, one must closely examine Pakistan's relationship with India. That association is especially important to understanding both Pakistan's perceived need for building up its military as well as its actual ability to acquire nuclear weapons.

Indo-Pakistani relations have evolved into an intricate and tenuous configuration, heavily influenced by historical antagonisms. The history of conflict between these two nations, combined with each country's deep suspicions over the other's nuclear intentions, has promoted additional instability in an already unstable South Asia. In 1974, demonstrating its ability to produce highly modernized weaponry, India exploded a nuclear device. This 'peaceful' demonstration sent shock-waves around the globe, heralding India's distinct nuclear technology and its more equivocal nuclear ambitions.

In an effort to counter India's aspiring nuclear programme, Pakistan retaliated in kind with its own modernization plans. Evidence suggests that Pakistan embarked on nuclear weapons research projects shortly after the initial Indian nuclear tests in 1974.[2] According to a Carnegie Task Force report on South Asian security, 'Islambad's nuclear ambitions stem principally from its efforts to meet the threat from India's conventional military superiority and its nuclear potential, as well as to counter more subtle forms of Indian dominance in regional affairs.'[3] More assertively, a once-classified State Department memorandum claims: 'Pakistan's long-term goal is to establish a nuclear deterrent to aggression by India, which remains Pakistan's greatest security concern.[4]

And so began a South Asian chain reaction of attempted nuclear bomb acquisition. India, fearing China, built a tomb. Pakistan, partially because it considered India's nuclear programme a threat to its own national security, developed its own nuclear programme. While both India and Pakistan may believe this tit for tat nuclear policy lowers the risk of conflict, should a hot conflict erupt, the stakes would be much higher with nuclear weapons figured into the calculation. Therefore, 'The Indian high command must not go past a certain threshold that might provoke a nuclear exchange. They cannot be sure what Pakistan thinks the threshold is. One must go with impressions and guesses'[5]

The mutual suspicion over the other's clandestine nuclear arsenal and the ever-present, still unresolved disputes over Kashmir have impeded Western attempts at persuading the two nations to shrink their expanding nuclear programmes. Added to frustrated US efforts, some Indian and Pakistani military strategists enthusiastically espouse their beliefs in the presumable benefits of nuclear weapons. 'There are some senior military strategists in both countries who apparently believe that a nuclear war on the subcontinent would be winnable in both tactical and strategic terms.[6] As a result of this distorted yet discernible military perspective, India has maintained its nuclear threshold status.

India's nuclear drive can be traced to a deep-rooted desire for regional respect, command, and even economic self-sufficiency. To achieve this great, regional hegemonic status, India believes a nuclear weapons capability is essential. According to an Indian public opinion poll conducted in the early 1980s, 'more than 70 per cent of the urban residents in 15 of India's leading cities wanted the country to acquire nuclear weapons capability regardless of what its neighbours were doing.'[7] The Indian populace seems to concur with what military strategists have believed all along—calculated ambiguity keeps the region on its collective toes! This policy, 'has proven to be an extremely useful policy to keep both hawks and doves hopeful, contributes somewhat indirectly toward collective efforts of total nuclear disarmament, provides a face-saving device and can pay desired dividends in the national politics.'

India and Pakistan can choose to aggravate or to prevent the South Asian weapons competition. Unless India and Pakistan constrain their nuclear weapons research and development programmes, these technological programmes could create the political momentum within each country to build and test nuclear weapons. The main goal in the region should centre on verifiable commitments not to build nuclear weapons.

While India maintains that its nuclear objectives are peaceful, Pakistan remains suspicious. 'Whether or not India in fact possesses a number of nuclear weapons at this time, it clearly has the capability to manufacture them quickly, and Pakistani strategists have to assume that Pakistan would confront a nuclear-armed adversary in any future conflict.'[8] Politically destabilizing events involving India and Pakistan constantly offer the potential for an explosion. Regional tensions and violent internal eruptions in India or Pakistan threaten to provide just the catalyst needed to trigger a nuclear reaction. For that reason, it is necessary to counteract such risks before they escalate beyond the region. This raises a substantial foreign policy question for the United States: How can American influence stop a nuclear arms race in South Asia?

US NON-PROLIFERATION POLICY

As one nation obtains the technology and the components necessary to construct atomic weapons, it is politically difficult for another country, that feels threatened by the first, to withstand temptations to strengthen its own nuclear programme. This competition substantially increases the possibility that disputes between the two nations could end in an atomic clash.

International pleas urging India and Pakistan to halt their nuclear programmes have met significant resistance. Attempts to persuade the two nations to sign the Non-Proliferation Treaty (NPT) have been fruitless in recent years. 'India considers the treaty discriminatory since it allows the nuclear-weapon States to keep their nuclear arsenals while denying nuclear weapons to other countries, and because the treaty imposes inspections of civil nuclear facilities on non-nuclear weapon States but not on nuclear-weapons States. India has also said that it will not sign the NPT unless the nuclear-weapons States disarm.'[9]

Indian opposition to the NPT creates little reasonable incentive for the Pakistani government to support accession to the treaty. The Indian government appears willing to support only a nuclear pact that includes the world-wide elimination of all nuclear weapons. Pakistan has proposed several initiatives designed to eliminate atomic weapons in the region. The then Pakistani Prime Minister, Nawaz Sharif, advanced an agreement to control nuclear weapons in South Asia in June 1991. This proposal, supported by the United States, would allow India and Pakistan to negotiate weapons reduction with mediation provided by China, the United States, and Russia. India rejected this offer and refused to sign the Sharif agreement, citing again its opposition to regional settlements.[10]

The United States, in November 1991, urged India to reconsider its objections to signing a regional agreement with the Pakistani government. The Indian government, to date, has not accepted that request. While the two South Asian adversaries have signed an agreement not to attack each other's nuclear facilities—itself a positive move toward non-proliferation—a nuclear-free compromise has not been achieved in South Asia. Because of this continued inability to obtain a regional arms agreement, other US foreign policy action has been warranted.

While the United States has pressured India moderately to discontinue its nuclear programme, US policy has been aimed more heavily at Pakistan. The rationale for the country-specific policy is based on several factors. At the time a US policy response was being developed to address nuclear proliferation in South Asia, India's programme was already in place. Pakistan, however, had not yet acquired the technology. In addition, because of its smaller industrial base, Pakistan turned its attention to acquiring critical technology and components from abroad—sometimes in violation of US and other countries' export laws.

Pakistani violations of US domestic laws governing the export of sensitive materials and technology have been particularly vexing. In June 1984, US Customs agents arrested and charged three Pakistanis in Houston with violating US law by attempting to export krytons, extremely high-speed switches that can be used to detonate nuclear weapons. One of the suspects eventually was convicted and deported to Pakistan. In another case, Arshad Z. Pervez, a Canadian national of Pakistani origin, was arraigned in the United States in July 1987 on the charge that he attempted to bribe US Customs agents to grant licenses required for the export of maraging steel, very hard steel which can be used in uranium enrichment centrifuges. Pervez was later convicted of conspiracy to export beryllium illegally and making false statements, but was acquitted on the grounds of entrapment of attempted bribery and of illegally seeking to export maraging steel.

Yet another factor in US policy toward Pakistan was American intelligence assessments during the late 1970s and early 1980s that indicated India was not actually building nuclear weapons. On the other hand, other intelligence did indicate that Pakistan was pursuing an aggressive nuclear weapons development programme. For these reasons, US policy-makers believed India was less vulnerable to US influence than Pakistan. The United States and other industrialized countries had more leverage to manipulate the Pakistani nuclear agenda.

United States policy-makers also believed Pakistan was susceptible to a 'carrot and stick' approach in terms of US economic and military assistance because of the United States' role as a major provider of aid to Pakistan. India, on the other hand, was much more closely aligned with the former Soviet Union and received comparatively little assistance from the United States. The

level of US assistance to India was insufficient to serve as a bargaining tool in obtaining US non-proliferation objectives in India.

Another basis for focusing US initiatives on Pakistan was US concern over potential Pakistani ties to Islamic fundamentalism. Anti-Western factions have taken hold in several Islamic countries in recent years, including Iran, Libya and Syria. While certainly not governed by religious fanatics, given its religious and cultural foundations, Pakistan was viewed more likely than India to cooperate with such governments. In this regard, US foreign policy was designed to slow the possible proliferation of nuclear weapons beyond south Asia to the Middle-East.

In 1976, Congress adopted Section 669 as an amendment to the Foreign Assistance Act of 1961. This provision of law was modified in 1977 by Senator John Glenn, and it is now known as the Symington-Glenn Amendment. That amendment was designed to prohibit US assistance to any country that acquires unsafeguarded uranium enrichment technology, unless the country places all of its nuclear facilities under full-scope safeguards; or unless the President certifies he has reliable assurances that the country will neither acquire nuclear weapons nor help other nations to do so.

The Carter Administration in April 1979 invoked the Symington-Glenn Amendment after it received intelligence assessments confirming Pakistan was building a secret uranium enrichment facility. Pakistan is the only country ever to be designated as violating Section 669 and sanctioned under its terms. In late 1981, Congress enacted section 620E of the Foreign Assistance Act to allow the President, under certain conditions, to waive Section 669 sanctions. This move allowed the resumption of US assistance at a time when Pakistan ws being threatened by the Soviet invasion of Afghanistan.

In 1984, faced with mounting evidence that Pakistan wsa intensively developing a nuclear weapons capability, Congress began consideration of legislative proposals to strengthen conditions on US assistance to Pakistan. In that year, the US Senate Foreign Relations Committee considered an amendment offered by Senators Alan Cranston and John Glenn to cut off US assistance to Pakistan unless the President, on a yearly basis, was able to certify that Pakistan did not possess a nuclear explosive device, was not developing such a device, and was not acquiring technology, material, or equipment for the purpose of either manufacturing or detonating a nuclear weapon. The Cranston-Glenn Amendment was defeated in the face of strong Administration opposition.

THE PRESSLER AMENDMENT

In 1985, in an effort to curtail the fledgling nuclear programme in Pakistan, I offered a non-proliferation amendment to the US foreign aid authorization legislation. The provision, commonly known as the 'Pressler Amendment', amended Section 620E of the Foreign Assistance Act to read as follows:

No assistance shall be furnished to Pakistan and no military equipment or technology shall be sold or transferred to Pakistan, pursuant to the authorities contained in this Act or any other Act, unless the President shall have certified in writing to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, during the fiscal year in which assistance is to be furnished or military equipment or technology is to be sold or transferred, that Pakistan does not possess a nuclear explosive device and that the proposed United States assistance programme will reduce significantly the risk that Pakistan will possess a nuclear explosive device.

In 1985, the Reagan Administration welcomed the Pressler Amendment, insisting that Pakistan not develop a nuclear weapon. Because some members of the US Senate Foreign Relations Committee wished to cut off all US assistance to Pakistan in 1985, Congress, and indeed Pakistani leaders, viewed the amendment as a viable compromise—aid to Pakistan would continue, provided the President could certify that the country did not possess a nuclear explosive device.

In 1985, Pakistan faced 120,000 Soviet troops on its border, repeated cross-border raids from Afghanistan, and wanton acts of Soviet-inspired terrorism in the crowded bazaars of Peshawar and Islamabad. A draconian cut in US foreign assistance to Pakistan at that time would have undermined the security interests of both Pakistan and the United States. Nevertheless, I believed, as did the Reagan Administration, that it was important to send a strong but fair message to Pakistan. The Administration-supported Pressler Amendment compromise established a clear policy on US assistance to Pakistan. The standard merely required the President to certify that Pakistan did not possess a nuclear weapon. If the President made the certification, generous levels of economic and military assistance would be available.

From the time the Pressler Amendment was adopted until the beginning of the US Government's 1991 fiscal year (1 October, 1990), the President was able to make the required certification and the US Congress supported annually the President's request for both security and economic assistance to Pakistan. Pakistani officials were well aware of the provisions of the Pressler Amendment. They were reminded of it time and again by senior US officials. It offered no surprises. So long as Pakistan did not cross the nuclear line, it would continue to receive US assistance. Until 1990, Pakistan was among the largest recipients of US foreign assistance. In 1990, however, President George Bush was not able to certify that Pakistan did not possess a nuclear weapon. Consequently, All economic and military assistance to Pakistan was cut off.

In early spring 1991, President Bush proposed to strike the Pressler Amendment. In a letter dated 12 April, 1991, Bush indicated that this action was consistent with his approach of removing country-specific provisions from the US Foreign Assistance Act—not because he disagreed with the substance of the law's provisions.

The President indicated he would continue to hold Pakistan to the same standard embodied in the Pressler Amendment even if the amendment were struck. His letter stated:

While the proposed elimination of the Pakistan-specific certification requirement is intended to uphold the general principle of Presidential authority, I will continue to insist on unambiguous specific steps by Pakistan in meeting non-proliferation standards, including those specifically reflected in the omitted language known as the Pressler Amendment. Satisfaction of the Pressler standard will remain the essential basis for exercising the national interest waiver that is in the Administration's proposal.

The Administration's attempt to strike all provisions it perceived to be Congressional micromanagement of foreign policy, failed. During the US House of Representatives' consideration of the Foreign Assistance Act, an amendment to repeal the Pressler Amendment was offered. This effort failed by the significant margin of 151–252 on 12 June, 1991.

Despite the aid ban, the bonds of friendship continue to exist between Pakistan and the United States. Pakistan supported the Afghan freedom fighters during the brutal Soviet invasion. During the recent Persian Gulf war, Pakistan's Government, led by Prime Minister Nawaz Sharif, stood courageously with the United States—in spite of contrary pressures from powerful elements in the Pakistan military. Notwithstanding the mutual desire for continuation of the historic friendship between the United States and Pakistan, the US Congress should not retreat from its fair and principled non-proliferation objectives in that region of the world. Eliminating the Pressler Amendment in no way would further US non-proliferation policy. The current non-proliferation policy in South Asia should continue with regard to Pakistan. The solution is squarely in the hands of Pakistani leaders. They can dismantle their nuclear weapons and, by the terms of the Pressler Amendment, Pakistan once again legally would be able to receive aid.

Why does Pakistan need a nuclear programmeme? Pakistani leaders have claimed that they must do whatever is necessary to protect themselves against potential aggression from India. Although India is known to have exploded a nuclear device in 1974, there is no evidence that India has sought to develop a nuclear arsenal. Is it really protection that Pakistan seeks, or is it something else? As already mentioned, anti-Western factions have taken hold in several Islamic countries in recent years. Such forces are on the verge of victory in Algeria and have enough power to threaten the stability of Pakistan's government. The direction the now independent Soviet Islamic republics will take is unclear. Should control of these nations shift to religious fanatics, these countries suddenly could find that they have much in common, both ideologically and geographically.

This could well be enough incentive for these countries to form, at the very least, some kind of loose-knit confederation. It is true that several of these countries historically have had serious disputes. However, religious fundamentalism may very well provide the tie that binds. Past differences, at least on one level, could be put aside. The result can be a new nuclear power in the world.

Since the dissolution of the former Soviet Union, it has been fashionable to talk about a 'New World Order' in which the United States has new leadership responsibilities. As the world's sole remaining super power and faced with significant domestic problems exacerbated by excessive federal budget deficits, the United States must rethink its role in the world.

America no longer can conduct business as usual with any developing nation that continues to squander resources on the development of nuclear, chemical, or conventional weapons. For instance, in July 1992, I visited nine of the countries emerging from the former Soviet Union, as well as Latvia. Just prior to that trip, the US Senate Foreign Relations Committee considered the Strategic Arms Reduction Treaty (START) and the full Senate passed the 'Freedom Support Act' to provide aid to the former Soviet republics. Under the terms of the Lisbon Protocol to the START Treaty, Belarus, Kazakhstan and Ukraine each agreed to sign

the Nuclear Non-Proliferation Treaty as non-nuclear States parties.

Such assurances would be equally valuable from the other nations emerging from the former Soviet Union, as well as other developing countries around the world. The terms of the Pressler Amendment should be applied to other developing nations receiving aid from the United States. The United States should use economic means to encourage countries to remain non-nuclear. It should be made clear that, should they decide to pursue a nuclear weapons programme, it will be without the help of the United States.

INTERPRETING THE PRESSLER AMENDMENT

Andrew Hamilton once said: 'Power may justly be compared to a great river; while kept within its bounds it is both beautiful and useful, but when it overflow its banks, it is then too impetuous to be stemmed; it bears down all before it, and brings destruction and desolation wherever it comes.' The power of the Pakistani military machine, when kept within proper bounds, serves to protect its nation and deter potential adversaries. When, however, that military might becomes too powerful, perhaps through the illegal acquisition of U.S. technology and equipment transfers, that protection becomes the very threat it was designed to defend against.

In February 1992, reports emerged charging that U.S. manufacturers had continued private military sales to Pakistan despite the U.S. assistance embargo mandated by the Pressler Amendment. 'The Bush Administration has quietly permitted the Pakistani armed forces to buy American-made arms from commercial firms for the last year and a half; according to classified documents and Administration officials. Among the military items licensed for sale to Pakistan are spare parts for American-made F-16 fighter planes, which form the nucleus of Islamabad's Air Force. Officials said the equipment is intended to help Pakistan maintain its current arsenal.'[11] Such sales can only be made pursuant to licenses issued by the U.S. Government under authorities contained in the Arms Export Control Act. But U.S. Government-licensed commercial sales of arms and military technology violate the U.S. non-proliferation policy embodied in the Pressler Amendment.

As a result, when the then Secretary of State, James Baker, appeared before the US Senate Foreign Relations Committee in February 1992, I questioned him as to how the Administration could interpret the Pressler Amendment to allow the licensing of commercial sales of military parts and technology to Pakistan. In response, Secretary Baker stated:

"We have indeed cut off all foreign assistance to Pakistan because we were unable to certify within the parameters of [the Pressler] amendment. We have legislative history, and as a legal matter we do not believe it applies to commercial sales or exports controlled by the Department of Commerce, so we look at munitions and spare parts that are necessary to maintain the Pakistani military at current levels on a case-by-case basis."[12]

I then asked for a copy of the documents used by the Administration to reach this policy decision. I was provided an unsigned paper consisting of an outline of the reasons why a suspension of such licensing was not legally required by the Pressler Amendment:

It is not reasonable to interpret the language of the Pressler Amendment as prohibiting Executive branch licensing of arms exports pursuant to private sales.

Licensing of arms exports pursuant to private sales have consistently been treated as not covered by statutory language comparable to that used in the Pressler Amendment.

When Congress intends that provisions in foreign assistance legislation apply to private arms transactions, it consistently uses language making clear that intention.

The legislative history of the Pressler Amendment confirms that it was meant to apply to US Government sales and assistance, but not to licensing of arms exports pursuant to private sales.[13]

In a series of letters between myself and Secretary Baker from March through July 1992, I explained that the paper failed to answer how the US State Department, as a matter of law, could permit continuation of the licensing of private sales of arms and military technology in light of a straightforward statutory ban on the sale or transfer of any military equipment or technology to Pakistan.

Before being elected to Congress, I served as a lawyer at the US State Department. During my tenure there, departmental interpretations of legislation were based on memoranda of law written in a specific legal format, and signed by the lawyer responsible for providing the opinion—not unsigned papers created in response to a Senator's question after a policy decision was implemented.

On 30 July, 1992 the US Senate Foreign Relations Committee held a hearing on the Administration's interpretation of the Pressler Amendment. During that hearing, the Committee explored the process by which the Executive Branch of the United States Federal Government exercises its responsibility of interpreting and enforcing laws passed by the Legislative Branch of Government. The hearing also considered what the proper level of consultation should be between the Executive and Legislative Branches, as the process of Interpreting and implementing federal law unfolds. Finally, the hearing considered U.S. policy toward Pakistan.

During the hearing, State Department officials were presented with a letter to Secretary Baker from myself and Senators John Glenn and Alan Cranston, both of whom played an active role in the development of the Pressler Amendment. Our letter expressed our opposition to the Administration's position. A reading of the Pressler Amendment that allows the Federal Government to license the private sales of arms and military technology is without foundation within the plain language of the statute or its legislative history.

While the policy conflict between the US Congress and the Administration has yet to be resolved, the debate certainly will continue. The global stakes are simply too high to allow otherwise. The issue involves much more than simply US-Pakistani relations. It tests the United States' resolve to develop a strong non-proliferation policy.

CONCLUSION

The expressive words of Russel Watson articulately describe the consequences of modern military conflict:

The history of war is an arms race. As men keep finding more ingenious ways to kill each other, they become caught in what the war-college gurus call an 'offense-defense spiral.' The lance overcomes the shield, the bullet pierces the armor. Tanks crush men in their trenches, the missile destroys the bunker.[14]

Peace in South Asia is fragile—its delicate state predicated upon the balancing actions of the industrialized world. For the sake of future South Asian stability and to deter nuclear confrontation in the region, the United States unquestionably should maintain its nuclear non-proliferation policy toward Pakistan.

US export decisions that have steadily provided Pakistan with the wherewithal to modernize its nuclear weapons capabilities have created military and political consequences for all of South Asia. As possibilities for regional conflict multiply, so too does the potential arms market. International nuclear arms traffic renews tensions recently calmed by the demise of United States-Soviet Union rivalry. The presence of nuclear devices in South Asia increases the possibility that these weapons may be used.

As the United States attempts to reorder priorities and alliances in the aftermath of the Cold War, non-proliferation matters must be high on the agenda. In the case of South Asia, the Pressler Amendment directly confronts the issue of nuclear weapons acquisitions in the developing world. The amendment sends a strong message that the United States will not reward a nation that covertly or overtly maintains a nuclear weapons programme.

The Pressler Amendment was not designed to punish Pakistan. Rather, it reflects the commitment of the US Congress to stopping nuclear weapons proliferation and ensuring that US taxpayers are not forced to subsidize, however indirectly, the building of nuclear weapons in another country. The highly specialized technology, skill, and intelligence necessary for the Pakistani military to modernize its nuclear arsenal depends upon crucial US assistance. This assistance, if renewed or illegally continued, would sent the wrong signals to Pakistan and other nations. Arms shipments and technology transfers to Pakistan will not encourage that country to enter into an arms control regime.

In the final analysis, the issues and debate surrounding the Pressler Amendment pertain to more than Pakistan or even South Asia. They involve global concerns. Unless the United States acts decisively to stop nuclear proliferation among the world's developing nations, it will not be able to defend its non-proliferation policy. Other countries seeking membership in the nuclear club surely will reach their own conclusions from any failure on the part of America to act with resolve. Russell Watson's vision of the "offense-defense spiral" could take on a wholly new and tragic dimension. Ironically, this could occur in a world, which for the first time, is witnessing meaningful progress toward nuclear disarmament by the major powers.

NOTES

[1] Peter Herrly, "Middleweight Forces and the Army's Deployability Dilemma", in *Parameters*, September 1989, p. 47.

[2] "Memorandum: The Pakistani Nuclear Program", The US State Department, 23 June 1983, p. 5.

[3] Carnegie Task Force on Non-Proliferation and South Asian Security, *Nuclear Weapons and South Asian Security*, Washington, D.C., 1988, p. 1.

[4] "Memorandum: The Pakistani Nuclear Program", p. 1.

[5] Steve Coll, "South Asia Retains Its Nuclear Option: India and Pakistan Pose Dual Risk as Potential Flashpoints", in *The Washington Post*, 30 September, 1991, p. A01.

[6] *Ibid.*

[7] Pervaiz Iqbal Cheema, "Prospects for Nuclear Freeze in South Asia", in the *Asian Defence Journal*, December 1991, p. 23.

[8] Leonard S. Spector, *The Undeclared Bomb*, Cambridge, Massachusetts: Ballinger Publishing Company, 1988, p. 106.

[9] US Library of Congress, Congressional Research Service Issue Brief, "India and Nuclear Weapons", Washington, D.C., 1992, p. 4.

[10] Steve Coll, "Pakistan Seeks Talks on Nuclear Weapons: Announcement Timed to Improve US Ties", in *The Washington Post*, 1 June, 1991, p. A20.

[11] Murray Waas and Douglas Frantz, "Despite Ban, US Arms are Sold to Pakistan", in *The Los Angeles Times*, 6 March, 1992, p. 1.

[12] Testimony by Secretary of State James Baker before the Senate Foreign

Relations Committee. Hearing on Foreign Policy Overview, 5 February, 1992.

[13] State Department Paper, reprinted in *Congressional Record*, 19 March, 1992, p. S3950.

[14] "Borders", in *Newsweek*, 31 December, 1990, p. 31.

THE REV. CHARLES GAREL

Mr. FEINGOLD. Mr. President, I rise today to mark the passing of a great and good man. A man who was loved and respected by everyone who knew him. A man whose work in the civil rights movement and for the well-being of his fellow citizens made him not just a powerful moral force in the African-American community, which he certainly was, but also a pillar of the entire community.

The Rev. Charles Garel, a longtime community activist and civil rights leader in Madison, WI, passed away last week of complications from diabetes at the age of 81.

Reverend Garel and his wife of 51 years, Beatrice, came to Madison in 1969 to set up a halfway house for teenaged girls. They founded Garel House, a transition home for foster girls. And they assisted in providing needed housing for disabled American veterans.

As president of the Madison chapter of the NAACP and minister of the United Methodist and Mount Zion Baptist Churches, he will be remembered as a unifying voice, a problem-solver, a peacemaker, and a steadfast advocate for justice. His legacy will live on as a wonderful inspiration of commitment, compassion, and humanity for us all.

COMMENCEMENT SPEECH BY THE REVEREND RONALD COLEMAN

Mr. THURMOND. Mr. President, this is the time of year when young people throughout the Nation are celebrating their graduation from high school.

I remember 2 years ago when my daughter, Juliana, graduated from Aiken High School, I had the pleasure of listening to an especially fine commencement speech, given by the Rev. Ronald Coleman, the proud father of another graduate. I found Reverend Coleman's remarks to be inspiring and thought they contained a great deal of good advice. As a matter of fact, I want to take this opportunity to share them with my colleagues here in the Senate in the hope that they will pass them on to any young graduates they might know.

Mr. President, I request unanimous consent that a copy of Reverend Coleman's speech be placed in the RECORD following my remarks.

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

KEEP THE COURAGE TO ACHIEVE

"Be strong and of a good courage: For unto this people shall thou divide for an inheritance the land, which I swear unto their fathers to give them. Only be thou strong and very courageous, that thou mayest, observe to do according to all the law, which Moses my servant commanded thee: Turn not from it to the right hand or to the left, that thou mayest prosper whither so ever

I congratulate each of you for an academic job well done. All of you should pat yourselves on the back because today is perhaps, thus far in your school life, "the day". It represents the culmination of 12 years of laborious study, hard work, dedication, sacrifice, devotion, and competition. It represents the end of academic boot camp and you are now required to enter the battlefield of life, with the knowledge and understanding of the enemies' strategies, tactics, and methods, with the ability to counter them. The Marine slogan is true that boot camp separates the men from the boys: Likewise, does graduation separate the achievers from the nonachievers, the learned from the unlearned and the hard workers from the showoffs. Hence in the minds of some graduates, there may exist thoughts concerning this occasion because you know that only the fittest will survive, and self-survival depends upon how well the academic skills and knowledge were learned in the classroom setting, prior to this day. Guiding forces other than your own, probably, determined the pathways, roads and directions, that you should travel, as you fulfilled the essentials of life. Mother, father, sisters and others, perhaps helped mold your self-image through precepts and examples.

Nevertheless, be it resolved that on this day, May 31, 1992, at the First Baptist Church, located at the corners of York Street and Richland Avenue, and having been invited by the principal and faculty of Aiken High School, may the history books of life reflect that Reverend Coleman challenged the graduating seniors of Aiken High to keep the courage to achieve, as evidenced by the scriptural text read in your hearing. Joshua and his followers were encouraged to be strong and courageous, and to know there is no gratification in turning to the left or right. They knew to prosper one must possess the faith to believe you can achieve, and the courage to try. Success in life does not come by wishing it into existence. If success is worth having then it is worth the time, energy, drive, and determination it takes to achieve. Do not dwell on the negative aspects of life for it is said that two buckets went to the well to draw water, with a complaining and negative attitude one bucket said to the other "It amazes me that no matter how many times we leave the well full we always come back empty.

The other bucket said I was congratulating myself on the fact that no matter how many times we come to the well empty, we always leave full." There is always two sides to life. Always be optimistic and look to the brighter side of life. Hopefully the academic training, skills, knowledge and understanding that each of you acquired during your 12 years of study will enable you to keep the courage to achieve. The greatest test that any of you will take will be the one given not by teachers and professional examiners, but the one given by the world. The real world, where mommy and daddy may no longer come to your rescue, and each of you must face the weeding-out process, which separates the prepared from the unprepared, the skilled from the unskilled and the pretenders from the contenders. The future of our country and the world rests now with the graduating minds of this class. It is imperative that you achieve in life. Do not sell yourselves short by only doing enough to get by. Those who do so will never see all the colors of the rainbow because their vision would have been impaired by the sunlight of mediocrity. They will never smell the full fragrance of achievement since it will be stifled by the stuffy odor of mediocrity. Life should be experienced to the fullest but mediocrity serves the express purpose of limiting and crippling life's dream.

The late great Dr. Benjamin E. Mays stated "It is not to be borne in the mind that the tragedy of life doesn't lie in not reaching your goals. The tragedy lies in having no goals to reach. It is not a calamity to die with dreams unfulfilled, but it is a calamity not to dream. It is not a disaster to be unable to capture your ideals, but it is a disaster to have no ideals to capture. It is not a disgrace not to reach the stars, but it is a disgrace to have no stars to reach for, not failure, but low aim, is sin. The road to excellence is rough, rugged, and difficult, but persons who make it to the end find satisfaction, gratification, and fulfillment. People traveling the road of excellence will be all that they can be. Keeping the courage to achieve presents and serves as your source of strength and inspiration. Deeply ingrained in your mind is the determination to succeed. In closing, there are several final things that I wish to mention concerning the occasion which brought us together this evening. As well as representing a happy moment in the lives of graduating seniors, this day signals an end to many other things, due to roads that each of you choose, friendships that began with someone from grade 1, may now come to an end, because of the road that each of you choose. There

will be members of the graduating class that you may never see again. But let us not end our sermon on a sad note."

Instead, Hornets, let us be jubilant and keep alive the friendships and bonds that kept you close to each other. Let us allow the eternal torches of love, knowledge, wisdom, and understanding of your alma mater, Aiken High, to stand tall on the highest mountain so that others can see the way. Let us keep alive the rich proud academic tradition of a great institution of higher learning, which tries to illuminate, and inspire, the minds of young people. Remember, what ever Aiken High stands for, depends upon you, because you are Aiken High. I wish to dedicate and leave a poem written by Douglas Malluch entitled "Be the Best of Whatever You Are."

We all dream of great deeds and high positions, away from the pettiness and humdrum of ordinary life. Yet success is not occupying a lofty place or doing conspicuous work, it is being the best that is in you. Rattling around in too big a job is worse than filling a small one to overflowing. Dream, aspire by all means, but do not ruin the life you must lead. Make the most of what you have, and are. Perhaps your trivial immediate task is your one sure way of proving your mettle. Do the things near at hand and great things will come to your hands to be done.

If you can't be a pine on the top of the hill, be a scrub in the valley, but be the best little scrub by the side of the hill. Be a bush if you can't be a tree. If you can't be a bush, be a bit of the grass, and some highway happier make. If you can't be a muskie, then just be a bass but the liveliest bass in the lake. We can't all be captains, we've got to be crew, there's something from all of us here, there's big work to do, and there's lesser to do, and the task you must do is the near. If you can't be a highway then just be a trail, if you can't be the sun be a star. It isn't by size that you win or fail be the best of whatever you are.

God bless you all and best wishes.

The PRESIDING OFFICER. The Senator from Pennsylvania.

BOSNIA

Mr. SPECTER. Mr. President, I compliment the distinguished Senator from Texas for those very strong statements. I had stated earlier my intention to seek recognition very briefly to comment on two subjects.

One of them is the Bosnian situation, and I compliment the Republican leader, Senator DOLE, for what he has done on this issue in advancing the cause of lifting the arms embargo so Bosnia may defend itself. And from the tone of the debate this afternoon and from the number of Senators who have stated their intention to shift votes, I think we are on the brink of having an affirmative Senate vote to lift the arms embargo on Bosnia.

I have supported the leadership of Senator DOLE on this issue in the past, because I think it is important to let Bosnia defend itself. The events of the past several days show the Bosnian Serbs are unwilling to respond in a reasonable way and the atrocities in Bosnia can be dealt with only by lifting the arms embargo.

There is a problem which I have spoken of before about the unilateral action by the United States, that it will be preferable to have multilateral action because it is important to have joint action by many nations on issues which are vital to the United States. But if we press ahead with congressional leadership and a congressional initiative, I think we can have greater action out of the administration and we will see, with the leadership from the Senate, that there may well be multilateral action. But that is the fair thing to do, and I hope we will proceed in that direction.

THE SCHEDULE FOR HEALTH CARE LEGISLATION

Mr. SPECTER. Mr. President, I had sought recognition earlier today when the majority leader was speaking. I do not have any scales or any theatrics, but I would like to talk for a moment or two about the facts and the schedule on what has happened on health care.

When the majority leader said that 18 Senators had abandoned the Republican-proposed legislation, I think he was referring to legislation initiated by Senator CHAFEE. I was one of the cosponsors of that bill and I have not abandoned that bill. I said at the time that I had joined Senator CHAFEE, and I had expected the majority leader to return—when I asked for his presence to hear my comments he said he had to review the list so we could move ahead on completion on the appropriations bill for Labor, Health and Human Services, and Education; when the list was presented it was presented by Senator HARKIN instead—but I do want to make these few comments.

I have not abandoned Senator CHAFEE's bill. There is yet to be seen the floor debate which will produce Senate action on health reform legislation. In cosponsoring Senator CHAFEE's bill, I said I did not agree with all parts of it. We had to move ahead with legislation which would come from an amalgam of many bills. I personally am not pleased to see the schedule which has evolved, where we are delaying the recess—not that I have any objection to delaying the recess, but I do have a concern about putting the Senate under pressure during August to take up a massive new bill which no one has had a chance to see, in what may produce a rush to judgment.

I offered a health care amendment back on July 29, 1992, and have sought to bring health care to the floor. At that time the majority leader came to the floor and said my amendment did not belong on the bill which was then pending. Only the Senate majority leader can establish the schedule, but any Senator has the right to offer an amendment on a pending bill, which I did at that time, in an effort to bring health care legislation to the floor. When the majority leader said my amendment did not belong on that bill I agreed and said I would take it off voluntarily if we could have a date certain when health care would come to the Senate floor.

That was on July 29, in the 102d Congress. At that time there were some 1,500 health bills pending. When the majority leader said he could not offer a date certain I reminded him that he had given a date certain to product liability, which was the day after Labor Day, I believe, September 8, 1992. But the majority leader would not establish a date certain for health care legislation and my amendment was defeated pretty much on a party line vote.

I then persisted in the 103d Congress, and offered a comprehensive health care bill, Senate bill 18. So when the majority leader says there is no Republican bill, the scale is empty—that responsive theatrical play—I had sought to remind him personally about my legislation. When President Clinton said he would move ahead with health legislation, I believe initially within 100 days, I took the floor when the chairman of the Ways and Means Committee, Congressman ROSTENKOWSKI, said we might not get to health care legislation that year, 1993, which proved to be true. Then the majority leader, Congressman GEPHARDT, said we might not get to health care legislation that year, and that did prove to be true.

Each time there were delays it seemed to me that the issue of health care ought to be brought to the floor. I did that in late April 1993, because we have been ready to move on this matter for a very long time, really in a better way than we are today with the massive Mitchell bill being thrust upon us without any opportunity to study that matter.

Now, we are finally going to move ahead with health care legislation in August, of 1994, in what is really a crunch time and what is really a political time to try to show the American people, by the President and by the Democrats, that they are able to deliver on health care legislation in advance of the 1994 congressional elections.

I think, Mr. President, the earlier we take up health care legislation the better. A preferable time to have taken it up was 1992 or 1993. Had my amendments, which were offered in July of 1992 been accepted—full tax deduction for the self-employed and insurance market reform—we might now be looking at a pool of uninsured, uncovered much less than the 37 million to 40 million people who are now uncovered.

I think it is necessary to move, as I have said before, on trial and correction, to take steps like full deductibility for the self-employed and insurance market reform and see how it is going to work out.

My approach is that the current system has produced the best health care delivery system in the world for 86.1 percent of the American people. The Clinton plan is a massive bureaucracy which just goes too far.

When I read the Clinton plan and saw all of the agencies, boards, and commissions, I asked my staff assistant, Sharon Helfant, to make a list. Instead, she made a chart. The chart was made famous by my colleague, Senator DOLE, when he replied to the State of the Union speech and used the chart. It has been widely noted that that was the turning point against the Clinton health care proposal. Senator DOLE says it was his speech that did it. I say that it was my chart that did it in collaboration with his speech. Great speech; it was a great speech.

If Senator DOLE had been on the Russell, KS, high school debating team, it might have been a greater speech. Russell won the championship in 1941, even without Senator DOLE on the debating team.

But back to the point at hand. The Clinton health care bill has fallen, and I am hopeful we can move ahead to health care legislation. But I think it important to note for the RECORD that the Republicans had taken a leadership position back in 1992 and 1993 and 1994, and we are prepared to work for the good of the American people.

We will not be rushed to judgment. It is important that we do the job right and have ample time to carefully consider health care delivery, which is 14 percent of the gross national product, an industry of almost $1 billion in our economy.

The Republicans are prepared to cooperate. We just wish that the majority leader and those who control the Senate calendar had moved this matter ahead back in 1992 or 1993, but we will take it as it comes, and we will proceed now in August, 1994.

I thank the Chair and yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader is recognized.

CONGRESS' RESPONSIBILITY

Mr. DOLE. Mr. President, I know the distinguished Senator from Hawaii is waiting for the Senator from Alaska. If he does not mind, I will take a few minutes. It may come as a great surprise that Robert Fiske is no longer the special counsel. The court appointed Kenneth Starr in what is described as a stunning move to replace Mr. Fiske, which indicates that the court did act independently.

They do not impugn the integrity of anybody, including Mr. Fiske. I see this maybe as an opportunity for Congress to go back and try to rehabilitate itself and carry out the responsibilities we have as the Congress because, whether Mr. Fiske was correct or not, he was telling us when we could have hearings, what the hearings could be about, what questions we could ask and, in fact, I listened particularly to the sham hearings on the House side: "Oh, Mr. Fiske says we can't do that; Mr. Fiske says we can't do that."

Mr. Fiske no longer has responsibility. The three-member panel has appointed Kenneth Starr, who has a good reputation as a private attorney in Washington. He was Solicitor General during the Bush administration and sat on the U.S. Court of Appeals in Washington.

I just hope that the Congress of the United States, even though it is controlled by the other party, will now go back and take a look at our responsibility—our responsibility. Take a look at the Constitution. Take a look at four or five major laws that say we have a right and we have a responsibility for oversight that we delegated or relegated, whatever, to Robert Fiske.

My colleagues in the majority party were very happy to hide behind Robert Fiske because he was not going to let the hearings happen. We have only had about 1 percent of hearings in the Banking Committee. I must say, as far as I am concerned, members on both sides of the aisle in the Banking Committee did a fine job. I will say of Senator RIEGLE, the chairman, that he was very fair, as was the ranking Republican, Senator D'AMATO.

Now, I think it is time for Congress to regroup and reestablish our authority. We were taking orders from an unelected bureaucrat appointed by the Attorney General, and we were liking it, or the majority party was liking it.

So now, hopefully, the American people will understand this is a very serious matter. It is a very serious matter and we have very serious responsibilities. I am prepared to start immediately with the majority leader and anybody else to develop a plan for full-scale hearings so Congress will have the investigatory power. It will not be parceled out by somebody called a special investigator. I hope Mr. Starr will understand that we have responsibilities and that somebody else appointed will not tell us who we can hear, what we can hear, when we can do it, how far it can go, what the scope may be.

So, Mr. President, as it says in the wire story:

> In a stunning move, a three-judge panel today appointed former Federal judge and solicitor Kenneth W. Starr to take over the Whitewater investigation as an independent counsel. He will replace Robert B. Fiske.
>
> A special three-judge panel said it intended no criticism of Mr. Fiske, who had been investigating Whitewater since January 20, when Attorney General Janet Reno appointed him special counsel.
>
> It is not our intent to impugn the integrity of the Attorney General's appointee, but rather to reflect the intent of the act, that the act be protected against perceptions of conflict, the judges wrote in a four-page order.

Without casting any aspersions—I have no quarrel with Mr. Fiske as a person—I think the way he compartmentalized the hearings and rationed what we could do, the Congress of the United States was taking orders.

We supposedly represent the people of the United States. We have all been elected, and we did not exercise our rights. That is our fault, not Robert Fiske's fault. I think this may be a positive move, and I look forward to complete extensive and exhaustive hearings into the Whitewater/Madison matters so we can set the record straight and get on with our other business.

SETTING THE RECORD STRAIGHT ON CLINTONOMICS

Mr. DOLE. Mr. President, this is the big anniversary of the $255 billion tax increase, and so today the President and Vice President had a press conference, talking about the economy and how this big tax increase has helped the economy.

I want to repeat, this $255 billion tax increase passed the House without a Republican vote and passed the Senate without a Republican vote. The Vice President twice broke tie votes in the Senate to enact this big, big tax increase. They made more claims today about the State of the economy and how the impact of this budget—which they call a $500 billion deficit reduction package, including a lot of spending cuts which have since been reduced rather drastically. The taxes have not been reduced.

Throughout last year's debate and again today, President Clinton argued that declining long-term interest rates were a vote of confidence by the financial markets in his budget plan. But since his budget was adopted, the average interest rate on a 30-year mortgage has increased from 6.97 percent a year to roughly 8.5 percent today. Hardly the vote of confidence the President boasted about.

Far from the President's claim of $500 billion in deficit reduction, the independent Congressional Budget Office—the President told us in a joint session over a year ago we ought to accept their figures—the Clinton plan was generating a total of $433 billion in savings. And budget experts agree—not Republicans, but budget experts—agree that so far, all the deficit reduction we have seen from this plan has come from one source: Higher taxes.

I am told by economists—and my colleague from New Mexico understands this much better than I do—that it probably takes a couple years after the

taxes are imposed before you have the real impact on the economy. Somebody has to pay the $255 billion. They are not all rich people. Some are subchapter S corporations in a Kansas, New Mexico—wherever—and they have about a 31-percent tax increase. These are men and women out there creating jobs and opportunities that got hit right in the nose with a big tax increase.

There is no disputing that President Clinton inherited an economy that was already in recovery. I think the fact that the economy is still fairly strong despite higher taxes and more regulations and more mandates and higher interest rates and the threat of the Government takeover of the Nation's health care system is more of a testament to the strength of the free enterprise system than anything President Clinton has done.

Now, he wants to declare victory on the deficit even though serious problems persist, and even though both OMB and CBO project that after 1996, as the Senator from New Mexico will point out on the chart here in a moment, the deficit is going to start going up in 1996, and the White House and the Democrat leadership in Congress have consistently opposed efforts by Democrats and Republicans to cut spending to reduce the deficit.

The President forgot to mention today in all the exuberance about the 1-year anniversary of the big tax increase that another budget issue will have an even bigger impact on the deficit than last year's massive tax increase. Whatever happened to all those budget savings the President promised us from health care reform? The President initially said we would save about $185 billion over 5 years. That would drop the deficit to about $120 billion by 1999.

Last month—that was not long ago—last month the Office of Management and Budget, the White House office, revised estimates projecting that the Clinton health plan would only shave $26 billion off the deficit after 5 years and that the 1999 deficit would be about $190 billion. The administration's current estimates of the deficit with health care reform are $250 billion higher than their initial February 1993 estimates. Let me say that again, $250 billion higher than their initial 1993 estimates.

The independent Congressional Budget Office projects that the Clinton health care plan would actually increase the deficit by $65 billion over 5 years, pushing up the 1999 deficit to $230 billion or more. That is because we always have it low. Nobody can be faulted for it. But it seems every time, or most every time there is an estimate made by some Government agency it is always low, and it keeps going up, up, and up and somebody gets stuck with it.

So next week we are going to begin debate on health care which I think is unfortunate because I think we are in effect shutting out the American public. We received a 14 pound, 1,410 page bill yesterday or the day before—yesterday, and we hope to have our bill ready for the majority leader by Monday. There is no doubt about it, the so-called Clinton-Kennedy-Mitchell bill would create the greatest expansion of social spending in our Nation's history, providing taxpayer-financed subsidies for more than 100 million people, more than the current Social Security, Medicare, and Medicaid programs combined. More than all those programs combined. We are going to start a whole new subsidy program. Somebody has to pay for it. And the President calls this a conservative approach, a claim that would be rather amusing if the consequences were not so serious.

But rather than to criticize the President, we have tried to come up with a plan, too. And we have a plan. We have had a plan. It is called the American option. We try not to be partisan. We have tried to say OK, let us talk to Democrats about this plan, and we still are. We have had a number of meetings with a bipartisan group of House Members, Congressman ROY ROWLAND, a physician, Democrat from Georgia, and Congressman MIKE BILIRAKIS, who is one of the leading health care proponents on the House side, a Republican from Florida.

So, Mr. President, we want the economy to be strong. Do not misunderstand. We ought to keep everything in perspective, and we ought to set the record straight. We ought to tell the American people precisely what is happening. I am convinced that we would have built on the recovery with more growth and more jobs and more investment and a stronger dollar and lower interest rates and a stronger economy than we have today if we would have figured out a way, as we did in our alternative budget, to cut deficit spending without raising taxes.

So we are going to have an alternative health care reform bill. We hope to offer it as a substitute. It does not have any mandates. It does not have any employer mandates which are employer taxes. It does not say to a small businessman or woman, wherever they live in America, we are going to put you out of business; we are going to raise your taxes, or it does not have price controls. We tried those in Republican administrations. They have not worked. We would hope the Democratic administration would not make that mistake. President Nixon tried price controls back in 1971 without success.

We do not want to turn the health care system over to Government, even though many of us have had health care—a couple of us in this Chamber—pretty good care at that, in Army hospitals. We have Army hospitals. We have veterans' hospitals. We have Medicare. We have Medicaid. So the Government is into health care. But I think there is a fear on the part of most people, "That's fine, but let's don't turn it all over to the Government." Consumers are worried about choice, and what they may have, whether they will be able to choose their doctor or pharmacist or whatever.

So it seems to me that we have a long way to go. We are prepared to, as I said before, continue to work with Democrats, Republicans, whoever. There is still time to pass a sensible, comprehensive health care reform package. And I will bet if you ask 100 Members in this Chamber to list 15 things on health care you agree on, and we added them all up, you would find about 90 percent agreement. We could pass that package with 90 percent of the votes in this Chamber. It would help millions of people this year in America. It would take care of all these things we talk about—preexisting conditions, portability, malpractice reform, small business, all these things that we agree on. Why not do that? Hopefully that will be the end result of the debate that starts next week.

Mr. President, I ask unanimous consent that a piece written by Martin Feldstein be printed in the RECORD.

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

THE SENATE'S HIDDEN $100 BILLION TAX INCREASE

(By Martin Feldstein)

President Clinton is increasing the pressure on Congress to enact a massive and irreversible entitlement program to subsidize health insurance and redistribute income. The tax cost for this largest-ever welfare expansion would top $100 billion a year at today's prices. That's equivalent to raising personal taxes across the board by nearly 20 percent.

Amazingly, the Senate Democratic leadership has managed to conceal this massive tax increase from the public. The legislative wrangling and public discussion have virtually ignored the cost of financing this spending explosion. Members of the business community have been so eager to avoid employer mandates that they have not considered the tax consequences of the pending legislation. And the general public has been so concerned about preserving their ability to choose their own doctors that they have not focussed on what these plans would mean for their individual wallets.

Although the Democrats have yet to agree among themselves on the details of the final plan, it is likely to be closely related to the Senate Finance Committee bill. (The recent proposal by Senate majority leader George Mitchell that President Clinton said he would accept is essentially and expanded version of the Senate Finance Committee plan.) To understand the magnitude of the potential tax hike that would be required to finance such a plan, it's useful to look at the Senate Finance Committee bill and the recent analysis of it by the Congressional Budget Office.

Under the Senate Finance Committee plan, the government would pay the full cost of a standard private insurance premium for anyone below the poverty level and would provide a partial premium subsidy that declines with income between the poverty level and twice that income. The insurance premium would vary with family composition but would average about $2000 per person. A single parent and child would receive a subsidy with income below $20,500 while a couple with three children would receive a subsidy with income up to $37,700. More than 60 million individuals would be eligible for subsidies in addition to the 65 million already covered by Medicaid and Medicare. The Senate Finance Committee plan would raise insurance coverage by about 21 million individuals, bringing total coverage to 93 percent of the American population.

The budget analysis prepared by the Congressional Budget Office never states their estimate of the total additional cost that taxpayers would have to bear to finance the new insurance subsidies. But the CBO figures do imply that the public would be paying about $63 billion a year (at 1994 prices) by the year 2000 when the plan is fully operational. Even this massive tax increase understates the likely cost. Estimates that I have made with the help of colleagues at the National Bureau of Economic Research indicate that the CBO figures understate the true cost by about $40 billion a year because they underestimate the extent to which currently insured employees would receive the new subsidies and because they completely ignore the impact of the plan on work incentives and earnings.

Most of the $63 billion tax burden implied by the CBO numbers is hidden in cost-shifting through insurance companies and providers of health services. Only a relatively small part of the financing plan is an explicit $14 billion a year increase in the tax on tobacco products. A second small piece is a 1.75 percent excise tax on private health insurance premiums. Although this tax of $7 billion a year (at 1994 levels) would be paid by the insurance companies, they would pass it on in the form of higher insurance premiums. These higher premiums would be a direct tax on individuals who buy their own insurance. Companies would offset the higher premiums on the insurance that they provide to their employees by keeping wages lower than they would otherwise be. The true burden of the premium tax would therefore fall on everyone who is now privately insured.

The largest part of the financing is a hidden tax that is built into the plan to replace the current Medicaid program for the poor by subsidized private insurance. Medicaid provides much more generous benefits than the proposed standard insurance package since Medicaid covers a broader range of services and has no out-of-pocket copayments. Although the government would pay the insurance companies the same subsidies for former Medicaid beneficiaries as it pays for everyone else, the proposed law would require the insurance companies to provide those who are currently eligible for Medicaid with the much more expensive coverage that they have today. That complex maneuver would save the government about $29 billion a year on the current Medicaid program and would add that amount to the annual costs of the insurance companies. The insurance companies would in turn shift it to everyone who is privately insured in the same way that they would shift the explicit premium tax.

A second very large hidden tax would result from reducing government payments to hospitals and other providers of Medicare services without any reduction in the care that they are expected to give. As a result, the hospitals and other providers would just raise their prices to patients and insurance companies. In the end, it would be the privately insured individuals that bear those costs in the form of higher insurance premiums and lower wages. At 1994 levels, this cost shifting burden is equivalent to at least a $13 billion annual tax.

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In short, buried in the CBO numbers is a projection that the Senate Finance Committee plan would have a $63 billion annual cost (at 1994 price levels) and that all but the $14 billion in cigarette levies would be obtained by hidden taxes in the form of cost-shifting through health care providers and insurance companies. It's remarkable that the same politicians who have produced this $49 billion hidden cost-shifting have the audacity to say that the public should support their plan in order to eliminate the much more limited cost-shifting that occurs under the existing system as hospitals pass on the cost of free care. Indeed, to the extent that hospitals are already giving free care, the increase in formal insurance coverage gives that much less to the currently uninsured and confirms that most of the plan's cost is to achieve income redistribution rather than expanded health insurance.

The CBO report is careful to note that its estimates are "preliminary" and "unavoidably uncertain" and fully half of the report is devoted to discussing why there is "a substantial chance that the changes required by this proposal—and by other systemic reform proposals—could not be achieved as assumed."

My own analysis confirms that the CBO's caution is justified and that the CBO estimates understate the likely annual cost by at least $40 billion that would eventually have to be financed by higher taxes. A key reason is that there is no way to limit the premium subsidies to those who are currently uninsured. Those who are now buying their own insurance would automatically receive the government subsidy. Those who are now receiving insurance from their employers could qualify for an insurance subsidy by switching to an employment situation that paid higher cash wages instead of providing health benefits. That subsidy would be worth a very significant $2,000 for a single mother with a child who earns $15,000; if she earns $10,000, the subsidy would be worth more than $4,000. It wouldn't take long for employers and employees to recognize that some combination of new pay arrangements, explicit outsourcing of some work, and individual job changes would be handsomely rewarded by the government.

There are now more than 30 million individuals who could qualify for a subsidy. The CBO estimate recognizes that the roughly 6 million of them who now buy their own insurance would receive government subsidies. But when it comes to those who are already insured by their employers, the CBO assumes that only about one-fifth of the income eligible group would eventually choose to qualify for the subsidy, leaving $27 billion of potential subsidies (at 1994 levels) on the table. It seems totally implausible to me that employees and employers would permanently pass up subsidies of $1,000-plus per person that they could get by relatively easy changes in employment arrangements. When they do choose to qualify, taxpayers would have to pay another $27 billion to finance the plan.

The CBO calculation also totally ignores the effect of the subsidy phase-out between poverty and twice poverty on the incentives to work and to report earnings. The phase-out rule that gives a woman with a child $4660 of subsidy when she earns $10,250 and then takes away more than 40 cents of subsidy for every extra dollar that she earns is a powerful incentive to work less and to shift work to the underground economy. The CBO's report acknowledges that "the effective marginal levy on labor compensation could increase by as much as 30 to 45 percentage points for workers in families eligible for low-income subsidies" so that "some low-wage workers would keep as little as 10 cents of every additional dollar earned." But then, quite incredibly, the CBO calculations do not take into account that this would reduce reported earnings, thereby cutting income and payroll tax receipts and raising the health insurance subsidies to which individuals are eligible. Estimates made at the NBER indicate that these reactions would reduce taxes and increase subsidies by a combined total of at least $17 billion a year.

These estimates make no allowance for the impact of increased demand on health care costs in general. Extending insurance to at least 20 million people who are currently uninsured and giving private insurance to the more than 25 million nonaged Medicaid beneficiaries would inevitably raise the demand for health services and increase health care prices. But even without that, the analysis that I have laid out shows that the Senate Finance Committee bill would cost the American public more than $100 billion a year at today's prices. The Clinton-Mitchell plan for even broader coverage would cost even more.

A cost of $100-plus billion a year to increase the number of insured by 20 million means a cost to the taxpayers of more than $5,000 for each additional person insured, a cost of $20,000 for a family of four. Since the actual insurance premiums are $2,000 per person, it's clear that most of the tax dollars in these plans are for income redistribution rather than the expansion of insurance coverage.

The most fundamental social program in a generation should not be enacted without full and careful consideration of its costs. Once enacted, the benefits would be an irrevocable entitlement for nearly 100 million people.

The ability of the politicians to hide a $100-plus billion tax increase is both amazing and frightening. Using mandates on insurance companies or mandates on all businesses as substitutes for direct taxes destroys the budget process and provides a ready way for politicians to deceive the voters. The politics of tax and spend has entered a new era when politicians can spend $100 billion dollars a year and hide the taxes that we pay for those outlays.

If President Clinton and his Congressional allies succeed in ramming this legislation

through Congress in the weeks ahead, the American people will have lost not just $100 billion a year. We will also have lost our ability to check the excesses of the political process and to unmask the chicanery of the politicians.

If political leaders want to deceive the voters, the only safeguard is a democracy in which long and careful public debate and Congressional hearings can expose such deception. Although the Congress has held hearings on the now defunct Clinton plan and on the broad issues of health care, there has been no serious consideration of the cost and financing of the plans that have recently emerged. The American public deserves a chance to know what we are being asked to pay and what we will get for our money. We should be suspicious of any politician who says there isn't time for such a careful examination.

The PRESIDING OFFICER. The Senator from New Mexico [Mr. DOMENICI] is recognized.

Mr. DOMENICI. I thank the Chair. I know that my distinguished friend, the chairman of the Armed Services Appropriations Subcommittee, is here on the floor, and he has been anxiously waiting.

THE 1-YEAR ANNIVERSARY OF CLINTON DEFICIT REDUCTION PACKAGE

Mr. DOMENICI. Mr. President, I am going to try my very best to take my share of this responsibility on this so-called anniversary of the deficit reduction and the American economic recovery. I am going to try to be brief, but I wish to make a couple of points.

First, fellow Senators and Americans, if there has been a significant attack on deficit spending in the United States—and I do not believe there has been, but if there has been, maybe I just say, hold on to your hats because right around the corner is the largest new spending program in the history of America. The majority leader is trying diligently to get 51 votes in the Senate, to send something over to the House so that in the waning days of this session House and Senate conferees back in the back room can write a health care bill. The health care program that is being offered by Senator MITCHELL, the majority leader, will contain more new entitlement spending all by itself than we have ever passed in the history of this country.

Now, that is new spending. And there is a claim by leading Democrats today that we are celebrating a great deficit reduction package and the economic consequences of it 1 year after its passage.

Now, I just want to talk about three or four things. You see a chart behind me. That line down at the bottom says, "The promise." The promise was included in the first budget of the new President of the United States. It was not a budget but it was a vision statement. This was "the promise," that by the year 2000 we would really have this deficit under control. You see this here, Mr. President—right here? "The promise." This line was the way we were going to get deficits under control when we finally controlled health care spending. That was what we were going to do, get to that promise.

But now you see what is happening. While there was some bragging about a deficit reduction package that included spending cuts—and shortly I will tell you that thus far there are no spending cuts—that might come as a surprise. Let us look and see what was promised when we were going to get to the "promised land."

If you will just take a quick look, you see the green line here. This green line has under it all of this orange, and that is the amount of money that we were going to save when we got health care under control. That was the amount of money when we got health care under control we were going to save.

What has happened? Not only is that savings out the window with the "promised land" of deficit reduction, but the new package of health care reform says we are going to gobble up all that savings, spend it, and spend some more. And the yellow is the new spending.

So that all the promise of getting the deficit under control by the year 2000 is out the window. As a matter of fact, the deficit will start growing again in 3 years, and will start up slowly. And by the year 2000, we will be back up on a steep line of growth such that the American people, who are being encouraged today to be happy because we got the deficit under control, will have staring them in the face soon a new and larger deficit than the one we started with, unless—unless—we decide to cut more from defense and the appropriated accounts of our country, or raise taxes.

Frankly, I do not think we are going to cut defense any more.

I see occupying the Chair in the capacity of the Vice President, one of the experts of the Senate. He is the head of a commission that is supposed to get entitlements under control.

Let me tell the American people. If a health care plan is passed that is anything like the Mitchell plan or the President's original plan, we can do two things: We can take the pensions of the United States and decide where we are going to change them and save enough money to get the deficit under control—that is Social Security; pensions—or we can raise more taxes.

So as I see it, instead of hitting the airwaves of America with the notion that we ought to be proud that we got the deficit under control, I submit this is a day to remind everyone that we ought to be careful about the so-called "reform health care program," or we will put this Nation in the position where we will be about like Europe.

Mr. President, Europe has the disease as far its economy is concerned. It has a nickname. It is called Euro-sclerosis. Euro-sclerosis is a disease which means no new jobs in the private sector, no significant new growth, significantly higher interest rates than America, and higher unemployment. That is Euro-sclerosis.

They are trying go to get around it by cutting government taxes, cutting burdens on business. And we are about to adopt the largest burden on American business and the American people for a new health care plan than we have ever put on this American economy.

The second point is a very interesting one. The President and leading Democrats today are telling the American people that the President's so-called deficit reduction plan is what caused the American economy to start moving again. Mr. President, let me tell the Senate and those who are interested and listening, what most economists say caused the American economy to start to grow again and to add jobs and add some stability to our growth.

Most economists today say that a phenomenon has occurred that has not occurred in any of the previous recoveries. That phenomenon is huge productivity increases. Mr. President, most economists say this recovery is a 90 percent productivity economy, growth economy.

Anybody that knows anything about productivity growth knows that you do not get that in 4 months, you do not get that in 6 months, and you do not get that in 1 year. It is over a sustained period of time. And the American economy has been adjusting for 10 years to getting increased services and goods and industrial production out of a unit of time spent by an American worker. That is increased productivity. It is growing rapidly, has little or anything to do with the last year. And that is why America today has some sustained economic growth.

The other reason is because a good combination of monetary policy from our Federal Reserve Board has brought interest rates down. But I might suggest that anybody that thinks the President's economic plan, principally taxes to this point, has caused this to happen, that is interest rates to have come down, just look at this chart: In 1990, the short-term interest rates and the long-term interest rates both start down. My recollection is that in 1992 we had an election. In 1993, one year ago, we passed the deficit reduction package.

I ask, if lower interest rates is what we are proud of, when did they start? When did they end, and start going up? They started well before George Bush left office. Here they are coming down precipitously. In 1992 they are at a low. In 1993, they are low. And here they are

going back up, both short- and long-term.

Mr. President, I want to close here today by suggesting that this economic recovery plan that the President boasts of results from factors beyond his control. I guess if I were on the other side of the aisle, I would have to find something to really brag about. And I think if I were part of the Administration I would probably say similar things, since there are more jobs and since the economy seems to be growing, to give us credit for it or give this plan credit for it.

But I want to suggest the economic recovery situation in the United States is not the result of 1 year ago. The adoption of a so-called economic recovery plan that to this point in time is almost all taxes, with some slight little cut in defense spending—it is just not possible that an economic plan in this short a time, even if it was going to work, would cause the American economy to grow and prosper again.

So before we get carried away, let us make sure we understand what is really happening. It is the American small and large businesses and American workers who, for a long period of time, have decided that they are going to get more for each dollar spent and more production for each hour worked, and that is causing America to grow again.

So I am pleased to join my Republican leader today. We need to get more charts. I am sure the other side and the President and the White House will do much better than we have with charts today.

But just so no one will think that it is automatic, that everybody ought to believe this message, that it was 1 year ago when we adopted a deficit reduction package, principally new taxes, at least to this point in this recovery, that that is what made this American economy prosper again. We have to make sure that does not become part of the lore in America. It just does not follow like day from night.

I thank the chairman of the Appropriations Subcommittee for yielding.

I yield the floor.

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

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

PRIVILEGE OF THE FLOOR

Mr. STEVENS. Mr. President, I ask unanimous consent that Sid Ashworth, a congressional fellow serving with the Committee on Appropriations, be granted floor privileges during consideration of H.R. 4650.

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

Mr. STEVENS. Mr. President, I ask that the RECORD show on behalf of the minority that I have no objection to the motion to be made by the Senator from Hawaii to make the committee bill the basis for consideration of the amendment, and that I have no opening statement to make for the minority on this bill.

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

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

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT

Mr. INOUYE. Mr. President I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4650, the Department of Defense appropriations bill for fiscal year 1995.

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

The clerk will state the bill by title.

The bill clerk read as follows:

A bill (H.R. 4650) making appropriations for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Appropriations, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

H.R. 4650

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1995, for military functions administered by the Department of Defense, and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; **[**$20,737,470,000**]** *$20,629,770,000*.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; **[**$17,692,537,000**]** *$17,638,483,000*.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; **[**$5,816,671,000**]** *$5,806,471,000*.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; **[**$17,311,379,000**]** *$17,031,179,000*.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 265, 3021, and 3038 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; **[**$2,183,620,000**]** *$2,178,620,000*.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 265 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States

Code; and for payments to the Department of Defense Military Retirement Fund; [$1,398,609,000] *$1,418,723,000.*

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 265 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 2131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; [$354,048,000] *$351,098,000.*

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 265, 8021, and 8038 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; [$782,434,000] *$774,834,000.*

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 265, 3021, or 3496 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 672(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 2131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; [$3,378,705,000] *$3,371,605,000.*

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 265, 8021, or 8496 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 672(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 2131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; [$1,238,029,000] *$1,244,729,000.*

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $14,437,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes; [$17,836,504,000] *$17,475,806,000* [, of which $150,000,000 for real property maintenance shall be made available for obligation until September 30, 1996] and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund[: *Provided,* That of the funds appropriated in this paragraph, not less than $388,599,000 shall be made available only for conventional ammunition care and maintenance: *Provided further,* That of the funds appropriated in this paragraph, $5,800,000 shall be available only for removal of Department of Defense equipment from Pine Bluff Arsenal: *Provided further,* That of the funds appropriated in this paragraph, $473,763,000 shall not be obligated or expended until authorized by law]: *Provided, That of the funds appropriated under this heading, not less than $5,000,000 shall be made available only for payment to the DOD 50th Anniversary of World War II Commemoration Appropriation.*

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $4,301,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes; [$21,316,555,000] *$21,275,770,000* [, of which $200,000,000 for real property maintenance shall be made available for obligation until September 30, 1996] and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund[: *Provided,* That of the funds appropriated in this paragraph, $1,206,359,000 shall not be obligated or expended until authorized by law]: *Provided, That of the funds appropriated under this heading, not less than $2,436,700,000 shall be made available for depot maintenance, repair and overhaul of United States Navy ships prior to September 30, 1995.*

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law; [$2,097,395,000] *$1,968,965,000,*[of which $66,000,000 for real property maintenance shall be made available for obligation until September 30, 1996: *Provided,* That of the funds appropriated in this paragraph, $100,300,000 shall not be obligated or expended until authorized by law].

OPERATION AND MAINTENANCE, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $8,762,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes; [$18,913,050,000] *$18,786,243,000*[, of which $84,000,000 for real property maintenance shall be made available for obligation until September 30, 1996] and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund[: *Provided,* That of the funds appropriated in this paragraph, $179,592,000 shall not be obligated or expended until authorized by law].

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law; [$8,945,266,000] *$9,986,654,000 and, in addition, $100,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund,* of which not to exceed $25,000,000 may be available for the CINC initiative fund account; and of which not to exceed $23,768,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided, That of the funds appropriated under this heading, $20,000,000 shall be made available only for the repair and maintenance of federally owned education facilities located on military installations.*

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; [$1,240,109,000] *$1,253,709,000.*

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; [$834,119,000] *$827,819,000*[: *Provided,* That of the funds appropriated in this paragraph, $6,300,000 shall not be obligated or expended until authorized by law].

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; [$83,542,000] *$80,562,000*[: *Provided,* That of the funds appropriated in this paragraph, $2,080,000 shall not be obligated or expended until authorized by law].

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; [$1,486,805,000] *$1,455,872,000*[: *Provided,* That of the funds appropriated in this paragraph $5,473,000 shall not be obligated or expended until authorized by law].

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft); [$2,498,868,000] *$2,442,135,000*[: *Provided*, That of the funds appropriated in this paragraph, $10,000,000 shall be made available only for a National Guard Outreach Program in the Los Angeles School District: *Provided further*, That of the funds appropriated in this paragraph, $50,253,000 shall not be obligated or expended until authorized by law].

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things; hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; [$2,797,978,000] *$2,780,178,000*: *Provided*, That of the funds appropriated under this heading, [$1,500,000] *$9,200,000* shall be made available only for the operation of Air National Guard C–130 operational support aircraft of the 159th Air National Guard Fighter Group, *the 146th Airlift Wing, and the South Carolina Air National Guard 169th Fighter Group unit*[: *Provided further*, That of the funds appropriated in this paragraph, $17,800,000 shall not be obligated or expended until authorized by law].

NATIONAL BOARD FOR THE PROMOTION OF RIFLE PRACTICE, ARMY

For the necessary expenses and personnel services (other than pay and non-travel-related allowances of members of the Armed Forces of the United States, except for members of the reserve components thereof called or ordered to active duty to provide support for the national matches) in accordance with law, for operation and maintenance of rifle ranges; the instruction of citizens in marksmanship; the promotion of rifle practice; the conduct of the national matches; the sale of ammunition under the authority of title 10, United States Code, sections 4308 and 4311; the travel of rifle teams, military personnel, and individuals attending regional, national, and international competitions; and the payment to competitors at national matches under section 4312 of title 10, United States Code, of subsistence and travel allowances under section 4313 of title 10, United States Code; not to exceed $2,544,000.

COURT OF MILITARY APPEALS, DEFENSE

For salaries and expenses necessary for the United States Court of Military Appeals; $6,126,000, of which not to exceed $2,500 can be used for official representation purposes.

ENVIRONMENTAL RESTORATION, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense; [$1,880,200,000] *$2,034,075,000*, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes (including programs and operations at sites formerly used by the Department of Defense), transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense as the Secretary may designate, to be merged with and to be available for the same purposes and for the same time period as the appropriations of funds to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

[SUPPORT FOR INTERNATIONAL SPORTING COMPETITIONS, DEFENSE

[For the account "Support for International Sporting Competitions, Defense"; $7,900,000, to be merged with and to be available for the same purposes and the same time period as that appropriation: *Provided*, That of the funds in that appropriation not more than $1,500,000 may be used for the 1995 Special Olympics: *Provided further*, That of the funds in that appropriation not more than $4,400,000 may be used for the 1996 Paralympics: *Provided further*, That funds appropriated in this paragraph shall not be obligated or expended until authorized by law.]

SUMMER OLYMPICS

For logistical support and personnel services (other than pay and non-travel-related allowances of members of the Armed Forces of the United States, except for members of the reserve components thereof called or ordered to active duty to provide support for the 1996 Games of the XXVI Olympiad to be held in Atlanta, Georgia) provided by any component of the Department of Defense to the 1996 Games of the XXVI Olympiad; $10,000,000.

1995 SPECIAL OLYMPICS WORLD GAMES

For logistical support and personnel services (other than pay and non-travel-related allowances of members of the Armed Forces of the United States, except for members of the reserve components thereof called or ordered to active duty to provide support for the 1995 Special Olympics World Games to be held in New Haven, Connecticut) provided by any component of the Department of Defense to the 1995 Special Olympics World Games; $3,000,000.

HUMANITARIAN ASSISTANCE

For transportation for humanitarian relief for the people of Afghanistan, the Kurdish population and other minorities of northern Iraq, and the people of sub-Saharan Africa, acquisition and shipment of transportation assets to assist in the distribution of such relief, and for transportation and distribution of humanitarian relief supplies, and excess non-lethal property; [$60,000,000] *$71,900,000* of which [$12,000,000] *$10,000,000* shall be made available only for activities to support the clearing of landmines for humanitarian purposes.

FORMER SOVIET UNION THREAT REDUCTION

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for providing incentives for demilitarization; for establishing programs to prevent the proliferation of weapons, weapons components, and weapons-related technology and expertise; for expansion of military-to-military contacts; for supporting the conversion of military technologies and capabilities into civilian activities; and for retraining military personnel of the former Soviet Union; $400,000,000 to remain available until expended: Provided, That of the funds appropriated under this heading, $10,000,000 shall be made available only for the continuing study, assessment, and identification of nuclear waste disposal by the former Soviet Union in the Arctic and North Pacific regions.

REAL PROPERTY MAINTENANCE, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For the maintenance of real property of the Department of Defense, in addition to amounts provided for this purpose under other headings of this title of this Act, $500,000,000 to remain available for obligation until July 1, 1995: Provided, That such funds shall be available only for repairing property which has been defined by the Department of Defense as part of a backlog of maintenance and repair projects in the justification material accompanying the President's budget request for fiscal year 1995: Provided further, That such funds shall be allocated by the Comptroller, Department of Defense for the projects determined by the military components as the highest priority for repair.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interest therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; [$1,264,198,000] *$1,062,581,000*, to remain available for obligation until September 30, 1997: *Provided, That the Secretary of the Army will report to the House and Senate Committees on Appropriations the doctrine, organization and mission statement for the High Capacity Air Ambulance concept not later than May 15, 1995.*

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon

prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; [$728,095,000] *$707,895,000*, to remain available for obligation until September 30, 1997[: *Provided*, That of the funds appropriated in this paragraph, $42,959,000 shall not be obligated or expended until authorized by law].

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; [$1,001,873,000] *$1,129,514,000*, to remain available for obligation until September 30, 1997[: *Provided*, That of the funds appropriated in this paragraph, $58,987,000 shall not be obligated or expended until authorized by law].

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854, title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; [$1,274,644,000] *$877,761,000*, to remain available for obligation until September 30, 1997: *Provided*, That of the amounts appropriated for the ARMS program in "Procurement of Ammunition, Army, 1993/1995", $43,000,000 may be available to fund subsidy costs of loan guarantees authorized to be made under that program[: *Provided further*, That of the funds appropriated in this paragraph, $419,761,000 shall not be obligated or expended until authorized by law]: *Provided further, That notwithstanding any other provision of law, of the amounts appropriated for the ARMS program in "Procurement of Ammunition, Army, 1993/1995", up to $2,500,000 shall be made available to the William Langer Plant for capital investment, operations, and such other expenditures as may be necessary to maintain the Plant as a going concern while it is being excessed under the provisions of the Federal Property and Administrative Services Act.*

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and nontracked combat vehicles; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; [$2,348,806,000] *$2,646,048,000*, to remain available for obligation until September 30, 1997.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; [$4,820,442,000] *$4,531,789,000*, to remain available for obligation until September 30, 1997[: *Provided*, That of the funds appropriated in this paragraph, $232,435,000 shall not be obligated or expended until authorized by law].

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; [$1,969,336,000] *$1,858,200,000*, to remain available for obligation until September 30, 1997[: *Provided*, That of the funds appropriated in this paragraph, $70,458,000 shall not be obligated or expended until authorized by law]: *Provided, That, in addition to the foregoing purposes, funds appropriated under this heading shall be available to liquidate deficiencies in appropriations provided under this heading in prior Department of Defense appropriations Acts without regard to any provision of law limiting or restricting amounts which may be charged to currently available appropriations with respect to funds provided in prior appropriations Acts.*

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854, title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; [as follows:

[For the Navy, $335,368,000;

[For the Marine Corps, $158,442,000;

[In all: $493,810,000] *$432,815,000*, to remain available for obligation until September 30, 1997[: *Provided*, That of the funds appropriated in this paragraph, $34,500,000 shall not be obligated or expended until authorized by law].

SHIPBUILDING AND CONVERSION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier replacement program, [$2,446,958,000] *$2,284,925,000*;

CVN Refuelings, $38,328,000;

DDG–51 destroyer program, [$2,607,690,000] *$2,660,690,000*;

LHD–1 amphibious assault ship program, $50,000,000*: Provided, That such funds shall not be obligated or expended until such time that there are sufficient funds made available for the LHD ship program to execute an existing contract option or any extension thereto for LHD–7: Provided further, That such funds shall not be transferred, reprogrammed, or used for any purpose other than the LHD ship program: Provided further, That such funds shall remain available for obligation until expended: Provided further, That the Secretary of the Navy shall extend this existing contract option for the LHD–7 ship for not less than one year and shall negotiate any change in option price made necessary by such extension;*

[Nuclear submarine main steam condenser industrial base, $1,000,000;

[Cost growth on prior years' programs, $8,200,000;]

For craft, outfitting, post delivery, [conversions,] and first destination transportation, [$357,521,000] *$349,031,000*;

For escalation, $146,000,000;

In all: [$5,471,369,000] *$5,528,974,000*, and, in addition, $1,200,000,000 shall be derived by transfer from the National Defense Sealift Fund for additional funding for the Carrier replacement program, all to remain available for obligation until September 30, 1999: *Provided*, That additional obligations may be incurred after September 30, 1999, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds herein provided for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds herein provided shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of not to exceed 262 passenger motor vehicles, of which 162 shall be for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and

procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; [$3,271,088,000] *$3,309,698,000*, to remain available for obligation until September 30, 1997[: *Provided*, That of the funds appropriated in this paragraph, $29,477,000 shall not be obligated or expended until authorized by law].

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of not to exceed 103 passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired and construction prosecuted thereon prior to approval of title; [$452,178,000] *$403,410,000*, to remain available for obligation until September 30, 1997[: *Provided*, That of the funds appropriated in this paragraph, $58,768,000 shall not be obligated or expended until authorized by law].

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; [$6,182,199,000] *$6,571,524,000*, to remain available for obligation until September 30, 1997[: *Provided*, That not less than $103,700,000 of the funds appropriated in this paragraph shall be used only to initiate procurement of non-developmental airlift aircraft no later than September 30, 1995: *Provided further*, That the Department of the Air Force shall qualify a second source producer for the C-17 transport aircraft engine and competitively contract for the procurement of the C-17 engine no later than September 30, 1997: *Provided further*, That of the funds appropriated in this paragraph, $80,432,000 shall not be obligated or expended until authorized by law].

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; [$2,758,285,000] *$3,620,055,000*, to remain available for obligation until September 30, 1997.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854, title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; [$278,681,000] *$283,173,000*, to remain available for obligation until September 30, 1997[: *Provided*, That of the funds appropriated in this paragraph, $18,963,000 shall not be obligated or expended until authorized by law].

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 678 passenger motor vehicles for replacement only; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; [$6,886,613,000] *$6,897,696,000*, to remain available for obligation until September 30, 1997[: *Provided*, That of the funds appropriated in this paragraph, $31,190,000 shall not be obligated or expended until authorized by law].

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 437 passenger motor vehicles, of which 431 shall be for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; [$3,020,616,000] *$1,894,916,000*, to remain available for obligation until September 30, 1997[: *Provided*, That of the funds appropriated in this paragraph, $953,922,000 shall not be obligated or expended until authorized by law].

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces; [$796,200,000] *$952,000,000*, to remain available for obligation until September 30, 1997[: *Provided*, That of the funds appropriated in this paragraph, $9,000,000 shall not be obligated or expended until authorized by law].

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; [$5,456,498,000] *$5,304,329,000*, to remain available for obligation until September 30, 1996[: *Provided*, That of the funds appropriated in this paragraph, $35,695,000 shall not be obligated or expended until authorized by law].

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; [$8,598,958,000] *$8,790,331,000*, to remain available for obligation until September 30, 1996[: *Provided*, That for continued research and development programs at the National Center for Physical Acoustics, centering on ocean acoustics as it applies to advanced antisubmarine warfare acoustics issues with focus on ocean bottom acoustics, seismic coupling, sea-surface and bottom scattering, oceanic ambient noise, underwater sound propagation, bubble related ambient noise, acoustically active surfaces, machinery noise, propagation physics, solid state acoustics, electrorheological fluids, transducer development, ultrasonic sensors, and other such projects as may be agreed upon, $1,000,000 shall be made available, as a grant, to the Mississippi Resource Development Corporation, of which not to exceed $250,000 of such sum may be used to provide such special equipment as may be required for particular projects: *Provided further*, That none of the funds appropriated in this paragraph may be obligated or expended to develop or purchase equipment for an Aegis destroyer variant (commonly known as "Flight IIA") whose initial operating capability is budgeted to be achieved prior to the initial operating capability of the Ship Self-Defense program, nor to develop sensor, processor, or display capabilities which duplicate in any way those being developed in the Ship Self-Defense program: *Provided further*, That funds appropriated in this paragraph for development of E-2C aircraft upgrades may not be obligated until the Under Secretary of Defense for Acquisition submits a plan to the Committees on Appropriations and Armed Services of each House of Congress for development and deployment of a fully participating cooperative engagement capability on E-2 aircraft to be fielded concurrent with and no later than major computer upgrades for the aircraft: *Provided further*, That funds appropriated in this paragraph for development of the LPD-17 ship may not be obligated unless the baseline design of the ship includes cooperative engagement capability and sufficient own-ship self-defense capability against advanced sea-skimming antiship cruise missiles in the baseline design to achieve an estimated probability of survival from attack by such missiles at a level no less than any other Navy ship].

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law;

[$10,728,533,000] *$12,151,011,000*, to remain available for obligation until September 30, 1996[: *Provided*, That not less than $12,000,000 of the funds appropriated in this paragraph shall be made only for the Joint Seismic Program and Global Seismic Network administered by the Incorporated Research Institutions for Seismology: *Provided further*, That not less than $20,000,000 of the funds appropriated in this paragraph shall be made available only for the National Center for Manufacturing Sciences (NCMS)]: *Provided, That of the funds appropriated in this paragraph, not less than $13,000,000 of the funds in the Advanced Weapons program element shall be made available only to continue the establishment and operation of an image information processing center supporting the Air Force Maui Space Surveillance Site (MSSS).*

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; [$9,419,955,000] *$8,922,649,000*, to remain available for obligation until September 30, 1996[: *Provided*, That not less than $120,000,000 of the funds appropriated in this paragraph are available only for the Sea-Based Wide Area Defense program: *Provided further*, That of the funds appropriated in this paragraph, $361,743,000 shall not be obligated or expended until authorized by law: *Provided further*, That funds appropriated in this paragraph for development of the TIER II Plus vehicle shall not be obligated until not less than $50,000,000 has been obligated for the TIER III Minus vehicle]: *Provided, That $27,400,000 shall be available for transfer to the Small Business Administration to cover the costs (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees issued pursuant to subsection (b)(3) of such section.*

DEVELOPMENTAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, of independent activities of the Director, Test and Evaluation in the direction and supervision of developmental test and evaluation, including performance and joint developmental testing and evaluation; and administrative expenses in connection therewith; [$251,495,000] *$224,353,000*, to remain available for obligation until September 30, 1996.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith; $12,501,000, to remain available for obligation until September 30, 1996.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE BUSINESS OPERATIONS FUND

For the Defense Business Operations Fund; [$1,090,438,000] *$789,400,000*.

NATIONAL DEFENSE SEALIFT FUND

[(INCLUDING TRANSFER OF FUNDS)]

For National Defense Sealift Fund programs, projects, and activities, [$858,600,000] *$828,600,000*, to remain available until expended[: *Provided*, That $25,000,000 shall be transferred to the Secretary of Transportation for title XI loan guarantees: *Provided further*, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: *Provided further*, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: *Provided further*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That funds appropriated in this paragraph shall not be obligated or expended until authorized by law]: *Provided, That not to exceed $43,000,000 may be used for the purchase or construction of vessels for the Ready Reserve Force component of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744).*

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law; [$9,895,159,000] *$9,808,239,000*, of which [$9,577,770,000] *$9,499,350,000* shall be for Operation and maintenance, of which [$317,389,000] *$308,889,000*, to remain available for obligation until September 30, 1997, shall be for Procurement: *Provided*, That the Department shall continue to competitively contract during fiscal year 1995 for mail service pharmacy for at least two multi-state regions in addition to the ongoing solicitations for Florida, South Carolina, Georgia, Delaware, New Jersey, Pennsylvania, and Hawaii, as well as each base closure area not supported by an at-risk managed care plan; that such services shall be procured independent of any other Department managed care contracts; that one multi-state region shall include the State of Kentucky and that one multi-state region shall include the State of New Mexico[: *Provided further*, That of the funds appropriated in this paragraph, $8,500,000 shall not be obligated or expended until authorized by law]: *Provided further, That of the funds appropriated under this heading, $5,000,000 shall be made available only for nursing research: Provided further, That of the funds appropriated under this heading, $14,500,000 shall be made available for obtaining emergency communications services for members of the Armed Forces and their families from the American National Red Cross as authorized by law: Provided further, That until the end of September 30, 1995, the Secretary of the Air Force shall, through contract or otherwise, continue to provide primary health care in the base hospital at Plattsburgh Air Force Base, New York, to persons entitled to health care in facilities of the uniformed services.*

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, [$562,949,000] *$590,149,000*, of which [$345,784,000] *$363,584,000* shall be for Operation and maintenance, [$196,465,000] *$215,265,000* shall be for Procurement to remain available until September 30, 1997, and [$20,700,000] *$11,300,000* shall be for Research, development, test and evaluation to remain available until September 30, 1996.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation; [$713,053,000] *$700,100,000, of which $10,000,000 is hereby transferred to the "Military Construction, Navy" appropriation for construction of a Relocatable Over-the-Horizon Radar in Puerto Rico: Provided*, That the funds appropriated by this paragraph shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended; [$142,098,000] *$140,872,000*, of which [$141,098,000] *$139,872,000* shall be for Operation and maintenance, of which not to exceed $400,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on his certificate of necessity for confidential military purposes; and of which $1,000,000, to remain available until September 30, 1997, shall be for Procurement.

[DEFENSE CONVERSION AND REINVESTMENT

[(INCLUDING TRANSFER OF FUNDS)

[For necessary expenses for transition benefits for military and civilian employees of the Department of Defense, and for assistance to communities and industries affected by the military drawdown; for transfer to appropriations available to the Department of Defense for Operation and maintenance, and for Research, development, test and evaluation; $1,401,944,000: *Provided*, That the funds appropriated by this paragraph shall be available for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any transfer authority contained elsewhere in this Act: *Provided further*, That $50,000,000 shall be available to cover the costs (as defined in section 502(5) of

the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees issued pursuant to subsection (b)(3) of such section: *Provided further*, That of the funds appropriated in this paragraph, $30,744,000 shall not be obligated or expended until authorized by law.]

[KOREAN ENHANCED READINESS ACCOUNT

[(INCLUDING TRANSFER OF FUNDS)

[For necessary expenses to enhance the readiness of United States Forces to perform the mission assigned to United States Forces, Korea, $250,000,000: *Provided*, That such funds may be transferred by the Secretary to appropriations made available to the Department of Defense for Operation and maintenance, Procurement, and Research, development, test and evaluation: *Provided further*, That the funds appropriated by this paragraph shall be available for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any transfer authority contained elsewhere in this Act: *Provided further*, That of the funds appropriated by this paragraph, not less than $55,000,000 shall be transferred to "Other procurement, Army", and not less than $15,000,000 shall be transferred to "Research, development, test and evaluation, Defense-Wide": *Provided further*, That no funds made available under this paragraph shall be obligated until 15 days after submission of a report by the Secretary to the House and Senate Committees on Appropriations explaining and justifying the proposed uses of such funds: *Provided further*, That funds appropriated in this paragraph shall not be obligated or expended until authorized by law.]

TITLE VII

[NATIONAL FOREIGN INTELLIGENCE PROGRAM]

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System; $198,000,000.

NATIONAL SECURITY EDUCATION TRUST FUND

For the purposes of title VIII of Public Law 102-183, $8,500,000 to be derived from the National Security Education Trust Fund, to remain available until expended.

COMMUNITY MANAGEMENT ACCOUNT

For necessary expenses of the Community Management Account; [$83,084,000] *$105,084,000*: *Provided*, That of the funds appropriated in this paragraph, no more than $2,000,000 may be available for the purchase of information system upgrades at the Department of State Bureau of Intelligence and Research.

KAHO'OLAWE ISLAND CONVEYANCE, REMEDIATION, AND ENVIRONMENTAL RESTORATION TRUST FUND

For payment to the Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Trust Fund, as authorized by law, $50,000,000 to remain available until expended.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 per centum of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps, or the National Board for the Promotion of Rifle Practice, Army.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $2,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act.

(TRANSFER OF FUNDS)

SEC. 8006. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds and the "Foreign Currency Fluctuations, Defense" and "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8007. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: *Provided*, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: *Provided further*, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8008. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in session in advance to the Committees on Appropriations and Armed Services of the Senate and House of Representatives.

SEC. 8009. None of the funds contained in this Act available for the Civilian Health and Medical Program of the Uniformed Services shall be available for payments to physicians and other authorized individual health care providers in excess of the amounts allowed in fiscal year 1994 for similar services, except that: (a) for services for which the Secretary of Defense determines an increase is justified by economic circumstances, the allowable amounts may be increased in accordance with appropriate economic index data similar to that used pursuant to title XVIII of the Social Security Act; and (b) for services the Secretary determines are overpriced based on allowable payments under title XVIII of the Social Security Act, the allowable amounts shall be reduced by not more than 15 percent (except that the reduction may be waived if the Secretary determines that it would impair adequate access to health care services for beneficiaries). The Secretary shall solicit public comment prior to promulgating regulations to implement this section. Such regulations shall include a limitation, similar to that used under title XVIII of the Social Security Act, on the extent to which a provider may bill a beneficiary an actual charge in excess of the allowable amount.

SEC. 8010. None of the funds provided in this Act shall be available to initiate (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of $20,000,000, or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year, unless the Committees on Appropriations and Armed Services of the Senate and House of Representatives have been notified at least thirty days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*,

That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 10-day prior notification to the Committees on Appropriations and Armed Services of the House of Representatives and the Senate: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement.

SEC. 8011. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported to Congress on September 30 of each year: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99-239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

[SEC. 8012. Notwithstanding any other provision of law, governments of Indian tribes shall be treated as State and local governments for the purposes of disposition of real property recommended for closure in the report of the Defense Secretary's Commission on Base Realignments and Closures, December 1988, the report to the President from the Defense Base Closure and Realignment Commission, July 1991, and Public Law 100-526.]

SEC. 8012. Notwithstanding any other provision of law, a qualified Indian Tribal corporation or Alaska Native Corporation furnishing the product of a responsible small business concern shall not be denied the opportunity to compete for and be awarded a procurement contract pursuant to section 2323 of title 10, United States Code, solely because the Indian Tribal corporation or Alaska Native Corporation is not the actual manufacturer or processor of the product to be supplied under the contract.

[SEC. 8013. (a) The provisions of section 115(a)(4) of title 10, United States Code, shall not apply with respect to fiscal year 1995 or with respect to the appropriation of funds for that year.

[(b) During fiscal year 1995, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

[(c) The fiscal year 1996 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 1996 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 1996.]

SEC. 8013. Notwithstanding any other provision of law, none of the funds made available by this Act shall be used by the Department of Defense to exceed, outside the fifty United States, its territories, and the District of Columbia, 125,000 civilian workyears: Provided, That workyears shall be applied as defined in the Federal Personnel Manual: Provided further, That workyears expended in dependent student hiring programs for disadvantaged youths shall not be included in this workyear limitation.

SEC. 8014. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8015. None of the funds appropriated by this Act shall be obligated for the pay of any individual who is initially employed after the date of enactment of this Act as a technician in the administration and training of the Army Reserve and the maintenance and repair of supplies issued to the Army Reserve unless such individual is also a military member of the Army Reserve troop program unit that he or she is employed to support. Those technicians employed by the Army Reserve in areas other than Army Reserve troop program units need only be members of the Selected Reserve.

SEC. 8016. Notwithstanding any other provision of law, the Secretaries of the Army and Air Force may authorize the retention in an active status until age sixty of any person who would otherwise be removed from an active status and who is employed as a National Guard or Reserve technician in a position in which active status in a reserve component of the Army or Air Force is required as a condition of that employment.

SEC. 8017. Notwithstanding any other provision of law, during the current fiscal year [and hereafter], proceeds from the investment of the Fisher House Investment Trust Fund will be used to support the operation and maintenance of Fisher Houses associated with Army medical treatment facilities.

SEC. 8018. (a) None of the funds appropriated by this Act shall be used to make contributions to the Department of Defense Education Benefits Fund pursuant to section 2006(g) of title 10, United States Code, representing the normal cost for future benefits under section 1415(c) of title 38, United States Code, for any member of the armed services who, on or after the date of enactment of this Act—

(1) enlists in the armed services for a period of active duty of less than three years; or

(2) receives an enlistment bonus under section 308a or 308f of title 37, United States Code,

nor shall any amounts representing the normal cost of such future benefits be transferred from the Fund by the Secretary of the Treasury to the Secretary of Veterans Affairs pursuant to section 2006(d) of title 10, United States Code; nor shall the Secretary of Veterans Affairs pay such benefits to any such member: *Provided*, That, in the case of a member covered by clause (1), these limitations shall not apply to members in combat arms skills or to members who enlist in the armed services on or after July 1, 1989, under a program continued or established by the Secretary of Defense in fiscal year 1991 to test the cost-effective use of special recruiting incentives involving not more than nineteen noncombat arms skills approved in advance by the Secretary of Defense: *Provided further*, That this subsection applies only to active components of the Army.

(b) None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this subsection shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this subsection applies only to active components of the Army.

SEC. 8019. Funds appropriated in this Act shall be available for the payment of not more than 75 percent of the charges of a postsecondary educational institution for the tuition or expenses of an officer in the Ready Reserve of the Army National Guard or Army Reserve for education or training during his off-duty periods, except that no part of the charges may be paid unless the officer agrees to remain a member of the Ready Reserve for at least four years after completion of such training or education.

SEC. 8020. None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of enactment of this Act, is performed by more than ten Department of Defense civilian employees until a most efficient and cost-effective organization analysis is completed on such activity or function and certification of the analysis is made to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That this section shall not apply to a commercial or industrial type function of the Department of Defense that: (1) is included on the procurement list established pursuant to section 2 of the Act of June 25, 1938 (41 U.S.C. 47), popularly referred to as the Javits-Wagner-O'Day Act; (2) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or (3) is planned to be converted to performance by a qualified firm under 51 percent Native American ownership.

[SEC. 8021. None of the funds made available by this Act may be obligated for the acquisition of major automated information systems which have not successfully completed oversight reviews required by Department of Defense regulations: *Provided*, That the automated information systems oversight review board will be independent of any other Department review function and chaired by the Assistant Secretary of Defense for Command, Control, Communications and Intelligence: *Provided further*, That except for those programs to modernize and develop migration and standard automated information systems that have been certified by the Department's senior information resource management (IRM) official as being fully compliant with the Department's information management initiative as defined in Defense Department Directive 8000.1, no funds may be expended for modernization or development of any automated information system (AIS) by the military departments, services, defense agencies, Joint Staff or

Military Commands in excess of $2,000,000 unless the senior official of the Office of the Secretary of Defense with primary responsibility for the functions being supported or to be supported certifies to the Assistant Secretary of Defense for Command, Control, Communications and Intelligence that the functional requirement(s) is valid and that the system modernization or development has no unnecessary duplication of other available or planned AISs: *Provided further*, That all new Department of Defense procurements shall separately identify software costs in the work breakdown structure defined by MIL-STD-881 in those instances where software is considered to be a major category of cost.]

SEC. 8021. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2301 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8022. Notwithstanding any other provision of law, the Secretary of the Navy may use funds appropriated to charter ships to be used as auxiliary minesweepers providing that the owner agrees that these ships may be activated as Navy Reserve ships with Navy Reserve crews used in training exercises conducted in accordance with law and policies governing Naval Reserve forces: *Provided, That none of the funds appropriated or made available in this Act may be used to inactivate, disestablish, or discontinue the Navy's Craft of Opportunity Program.*

SEC. 8023. [Funds appropriated or made available in this Act shall be obligated and expended to continue to fully utilize the facilities at the United States Army Engineer's Waterways Experiment Station, including the continued availability of the supercomputer capability: *Provided*, That none] *None* of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the Armed Services and Appropriations Committees of Congress that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8024. For the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177) as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100-119) and by the Budget Enforcement Act of 1990 (Public Law 101-508), the term program, project, and activity for appropriations contained in this Act shall be defined as the most specific level of budget items identified in the Department of Defense Appropriations Act, 1995, the accompanying House and Senate Committee reports, the conference report and accompanying joint explanatory statement of the managers of the Committee of Conference, the related classified annexes and reports, and the P-1 and R-1 budget justification documents as subsequently modified by Congressional action: *Provided*, That the following exception to the above definition shall apply:

For the Military Personnel and the Operation and Maintenance accounts, the term "program, project, and activity" is defined as the appropriations accounts contained in the Department of Defense Appropriations Act: *Provided further*, That at the time the President submits his budget for fiscal year 1996, the Department of Defense shall transmit to the Committees on Appropriations and the Committees on Armed Services of the Senate and the House of Representatives a budget justification document to be known as the "O-1" which shall identify, at the budget activity, activity group, and subactivity group level, the amounts requested by the President to be appropriated to the Department of Defense for operation and maintenance in any budget request, or amended budget request, for fiscal year 1996.

[SEC. 8025. Of the funds appropriated to the Army, $223,736,000 shall be available only for the Reserve Component Automation System (RCAS): *Provided*, That none of these funds can be expended—

[(1) except as approved by the Chief of the National Guard Bureau;

[(2) unless RCAS resource management functions are performed by the National Guard Bureau;

[(3) to pay the salary of an RCAS program manager who has not been selected and approved by the Chief of the National Guard Bureau and chartered by the Chief of the National Guard Bureau and the Secretary of the Army;

[(4) unless the Program Manager (PM) charter makes the PM accountable to the Chief of the National Guard Bureau and fully defines his authority, responsibility, reporting channels and organizational structure;

[(5) to pay the salaries of individuals assigned to the RCAS program management office unless such organization is comprised of personnel chosen jointly by the Chiefs of the National Guard Bureau and the Army Reserve;

[(6) to pay contracted costs for the acquisition of RCAS unless RCAS is an integrated system consisting of software, hardware, and communications equipment and unless such contract continues to preclude the use of Government furnished equipment, operating systems, and executive applications software; and

[(7) unless RCAS performs its own classified information processing:

[*Provided further*, That notwithstanding any other provision of law, none of the funds appropriated shall be available for procurement of computers for the Army Reserve Component which are used to network or expand the capabilities of existing or future information systems or duplicate functions to be provided under the RCAS contract unless the procurement meets the following criteria: (A) at sites scheduled to receive RCAS equipment prior to September 30, 1995, RCAS ADP equipment may be procured and only in the numbers and types allocated by the RCAS program to each site; and at sites scheduled to receive RCAS equipment after September 30, 1995, RCAS ADP equipment or ADP equipment from a list of RCAS compatible equipment approved by the Chief of the National Guard Bureau or his designee, may be procured and only in the numbers and types allocated by the RCAS program to each site; (B) the requesting organizational element has insufficient ADP equipment to perform administrative functions but not to exceed the number of work stations determined by the RCAS program for that site; (C) replacement equipment will not exceed the minimum required to maintain the reliability of existing capabilities; (D) replacement will be justified on the basis of cost and feasibility of repairs and maintenance of present ADP equipment as compared to the cost of replacement; and (E) the procurement under this policy must be approved by the Chief of the National Guard Bureau or his designee, provided that the procurement is a one for one replacement action of existing equipment.]

SEC. 8025. Of the funds made available by this Act in title III, Procurement, $8,000,000, drawn pro rata from each appropriations account in title III, shall be available for incentive payments authorized by section 504 of the Indian Financing Act of 1974, 25 U.S.C. 1544. These payments shall be available only to contractors which have submitted subcontracting plans pursuant to 15 U.S.C. 637(d), and according to regulations which shall be promulgated by the Secretary of Defense within 90 days of the passage of this Act.

[SEC. 8026. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.]

SEC. 8026. During the current fiscal year, none of the funds available to the Department of Defense may be used to procure or acquire (1) defensive handguns or defensive handgun ammunition unless such handguns or handgun ammunition are the M9 9mm Department of Defense standard handgun or ammunition for such handguns, or (2) offensive handguns and ammunition except for the Special Operations Forces: Provided, That the foregoing shall not apply to handguns for marksmanship competitions.

(TRANSFER OF FUNDS)

SEC. 8027. Notwithstanding any other provision of law, the Department of Defense may transfer prior year, unobligated balances and funds appropriated in this Act to the operation and maintenance appropriations for the purpose of providing military technician and Department of Defense medical personnel pay and medical programs (including CHAMPUS) the same exemption from sequestration set forth in the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177) as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100-119) and by the Budget Enforcement Act of 1990 (Public Law 101-508) as that granted the other military personnel accounts: *Provided*, That any transfer made pursuant to any use of the authority provided by this provision shall be limited so that the amounts reprogrammed to the operation and maintenance appropriations do not

exceed the amounts sequestered under the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177) as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100-119) and by the Budget Enforcement Act of 1990 (Public Law 101-508): *Provided further*, That the authority to make transfers pursuant to this section is in addition to the authority to make transfers under other provisions of this Act: *Provided further*, That the Secretary of Defense may proceed with such transfer after notifying the Appropriations Committees of the House of Representatives and the Senate twenty calendar days in session before any such transfer of funds under this provision.

SEC. 8028. None of the funds available to the Department of the Navy may be used to enter into any contract for the overhaul, repair, or maintenance of any naval vessel homeported on the West Coast of the United States which includes charges for interport differential as an evaluation factor for award.

SEC. 8029. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) shall be available for the reimbursement of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: *Provided*, That this limitation does not apply in the case of inpatient mental health services provided under the program for the handicapped under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

[SEC. 8030. Operational control of the Naval Reserve Personnel Center, including its functions and responsibilities, shall be under the command and control of the Commander, Naval Reserve Command: *Provided*, That notwithstanding any other provision of law, the one-time costs, including the procurement or lease of new or reutilized automatic data processing investment equipment, peripheral equipment and related software, of the 1993 Report to the President of the Defense Base Closure and Realignment Commission or current DOD Data Center Consolidation shall not exceed $309,000,000.]

SEC. 8030. Notwithstanding any other provision of law, none of the funds appropriated in this Act may be used to purchase, install, replace, or otherwise repair any lock on a safe or security container which protects information critical to national security or any other classified materials and which has not been certified as passing the security lock specifications contained in regulation FF-L-2740 dated October 12, 1989, and has not passed all testing criteria and procedures established through February 28, 1992: Provided, That the Director of Central Intelligence may waive this provision, on a case-by-case basis only, upon certification that the above cited locks are not adequate for the protection of sensitive intelligence information.

SEC. 8031. Funds available in this Act may be used to provide transportation for the next-of-kin of individuals who have been prisoners of war or missing in action from the Vietnam era to an annual meeting in the United States, under such regulations as the Secretary of Defense may prescribe.

[SEC. 8032. None of the funds available to the Department of Defense shall be obligated or expended for (or to implement) automatic data processing, data processing center, central design activity, DMRD 918, defense information infrastructure, and military or civilian personnel function consolidation plans, consolidations, and disestablishment or realignment plans that impact, in terms of reductions in force or transfers in military and civilian personnel, end strength, billets, functions, or missions, the Enlisted Personnel Management Center, and the collocated Naval Computer and Telecommunications Station, the Naval Reserve Force Information Systems Office, and the Naval Reserve Personnel Center until sixty legislative days after the Secretary of Defense submits to the House and Senate Committees on Appropriations a report, including complete review comments and a validation by the Department of Defense Comptroller, justifying and validating that such plans and actions: (1) do not consolidate, plan to consolidate, disestablish or realign Department of Defense or Service data processing functions or centers, central design activities, or military and civilian personnel functions and activities, or claim savings from such function and activity consolidations and disestablishment, realignment, or consolidation plans, that are in more than one defense management report plan or decision or any other Department of Defense or Service consolidation, disestablishment or realignment plan; (2) utilize criteria primarily weighted to evaluate, measure and compare how data processing centers and activities, central design activities, and military and civilian personnel functions and activities are ranked in terms of operational readiness, customer satisfaction, and the most cost effective and least expensive from a business performance, and regional operations cost standpoint; (3) will provide equal or better service for DOD customers; (4) provide details as to the impacts on the quality of life and benefits of the individual service person, dependents, and civilian personnel; and (5) will not adversely impact the mission and readiness of the Navy and Naval Reserves: *Provided*, That funds made available to the Department of Defense shall be available to implement the 1993 Defense Base Closure and Realignment Commission approved recommendations concerning the Enlisted Personnel Management Center and the collocated Naval Computer and Telecommunications Station.]

SEC. 8032. Notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to American Samoa: Provided, That notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to the Indian Health Service when it is in conjunction with a civil-military project.

SEC. 8033. Notwithstanding any other provision of law, during the current fiscal year, the Secretary of Defense may, by Executive Agreement, establish with host nation governments in NATO member states a separate account into which such residual value amounts negotiated in the return of United States military installations in NATO member states may be deposited, in the currency of the host nation, in lieu of direct monetary transfers to the United States Treasury: *Provided*, That such credits may be utilized only for the construction of facilities to support United States military forces in that host nation, or such real property maintenance and base operating costs that are currently executed through monetary transfers to such host nations: *Provided further*, That the Department of Defense's budget submission for fiscal year 1996 shall identify such sums anticipated in residual value settlements, and identify such construction, real property maintenance or base operating costs that shall be funded by the host nation through such credits: *Provided further*, That all military construction projects to be executed from such accounts must be previously approved in a prior Act of Congress: *Provided further*, That each such Executive Agreement with a NATO member host nation shall be reported to the Committees on Appropriations and Armed Services of the House of Representatives and the Senate thirty days prior to the conclusion and endorsement of any such agreement established under this provision.

SEC. 8034. None of the funds available to the Department of Defense in this Act shall be used to demilitarize or dispose of more than 310,784 unserviceable M1 Garand rifles and M1 Carbines.

SEC. 8035. Notwithstanding any other provision of law, none of the funds appropriated by this Act shall be available to pay more than 50 percent of an amount paid to any person under section 308 of title 37, United States Code, in a lump sum.

SEC. 8036. None of the funds appropriated by this Act may be used by the Department of Defense to assign a supervisor's title or grade when the number of people he or she supervises is considered as a basis for this determination: *Provided*, That savings that result from this provision are represented as such in future budget proposals.

SEC. 8037. Of the funds appropriated by this Act, no more than $18,500,000 shall be available for the mental health care demonstration project at Fort Bragg, North Carolina: *Provided*, That adjustments may be made for normal and reasonable price and program growth.

SEC. 8038. None of the funds appropriated by this Act shall be available for payments under the Department of Defense contract with the Louisiana State University Medical Center involving the use of cats for Brain Missile Wound Research, and the Department of Defense shall not make payments under such contract from funds obligated prior to the date of the enactment of this Act, except as necessary for costs incurred by the contractor prior to the enactment of this Act: *Provided*, That funds necessary for the care of animals covered by this contract are allowed.

SEC. 8039. None of the funds provided in this Act or any other Act shall be available to conduct bone trauma research at any Army Research Laboratory until the Secretary of the Army certifies that the synthetic compound to be used in the experiments is of such a type that its use will result in a significant medical finding, the research has military application, the research will be conducted in accordance with the standards set by an animal care and use committee, and the research does not duplicate research already conducted by a manufacturer or any other research organization.

SEC. 8040. The Secretary of Defense shall include in any base closure and realignment plan submitted to Congress after the date of

enactment of this Act, a complete review for the five-year period beginning on October 1, 1994, which shall include expected force structure and levels for such period, expected installation requirements for such period, a budget plan for such period, the cost savings expected to be realized through realignments and closures of military installations during such period, an economics model to identify the critical local economic sectors affected by proposed closures and realignments of military installations and an assessment of the economic impact in each area in which a military installation is to be realigned or closed.

[SEC. 8041. No more than $50,000 of the funds appropriated or made available in this Act shall be used for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and Senate that such a relocation is required in the best interest of the Government: *Provided further*, That no funds appropriated or made available in this Act shall be used for the relocation into the National Capital Region of the Air Force Office of Medical Support located at Brooks Air Force Base.]

SEC. 8041. Notwithstanding any other provision of law, each contract awarded by the Department of Defense in fiscal year 1995 for construction or service performed in whole or in part in a State which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: Provided, That the Secretary of Defense may waive the requirements of this section in the interest of national security.

SEC. 8042. During the current fiscal year, funds appropriated or otherwise available for any Federal agency, the Congress, the judicial branch, or the District of Columbia may be used for the pay, allowances, and benefits of an employee as defined by section 2105 of title 5 or an individual employed by the government of the District of Columbia, permanent or temporary indefinite, who—

(1) is a member of a Reserve component of the armed forces, as described in section 261 of title 10, or the National Guard, as described in section 101 of title 32;

(2) performs, for the purpose of providing military aid to enforce the law or providing assistance to civil authorities in the protection or saving of life or property or prevention of injury—

(A) Federal service under section 331, 332, 333, 3500, or 8500 of title 10, or other provision of law, as applicable, or

(B) full-time military service for his State, the District of Golumbia, the Commonwealth of Puerto Rico, or a territory of the United States; and

(3) requests and is granted—

(A) leave under the authority of this section; or

(B) annual leave, which may be granted without regard to the provisions of sections 5519 and 6323(b) of title 5, if such employee is otherwise entitled to such annual leave:

Provided, That any employee who requests leave under subsection (3)(A) for service described in subsection (2) of this section is entitled to such leave, subject to the provisions of this section and of the last sentence of section 6323(b) of title 5, and such leave shall be considered leave under section 6323(b) of title 5.

SEC. 8043. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A-76 if the study being performed exceeds a period of twenty-four months after initiation of such study with respect to a single function activity or forty-eight months after initiation of such study for a multi-function activity.

SEC. 8044. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8045. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8046. Of the funds made available in this Act, not less than [$24,565,000] *$19,917,000* shall be available for the Civil Air Patrol, of which [$13,105,000] *$10,410,000* shall be available for Operation and Maintenance.

SEC. 8047. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC-130 Weather Reconnaissance mission below the levels funded in this Act.

SEC. 8048. (a) Of the funds for the procurement of supplies or services appropriated by this Act, qualified nonprofit agencies for the blind or other severely handicapped shall be afforded the maximum practicable opportunity to participate as subcontractors and suppliers in the performance of contracts let by the Department of Defense.

(b) During the current fiscal year, a business concern which has negotiated with a military service or defense agency a subcontracting plan for the participation by small business concerns pursuant to section 8(d) of the Small Business Act (15 U.S.C. 637(d)) shall be given credit toward meeting that subcontracting goal for any purchases made from qualified nonprofit agencies for the blind or other severely handicapped.

(c) For the purpose of this section, the phrase "qualified nonprofit agency for the blind or other severely handicapped" means a nonprofit agency for the blind or other severely handicapped that has been approved by the Committee for the Purchase from the Blind and Other Severely Handicapped under the Javits-Wagner-O'Day Act (41 U.S.C. 46-48).

SEC. 8049. During the current fiscal year, net receipts pursuant to collections from third party payers pursuant to section 1095 of title 10, United States Code, shall be made available to the local facility of the uniformed services responsible for the collections and shall be over and above the facility's direct budget amount.

[SEC. 8050. Notwithstanding any other provision of law or regulation, ships designated T-AGS 63, T-AGS 64 and T-AGS 65 must utilize remanufactured milspec SASS multibeam sonars. *Provided;* That the Secretary of the Navy may waive this restriction by certifying in writing to the Committee on Appropriations that an alternative acquisition must be made in order to acquire capability for national security purposes.]

SEC. 8050. None of the funds available to the Department of Defense during fiscal year 1995 may be obligated for low rate initial production of the ALR-67(V)3 Advanced Special Receiver (ASR) until 30 days after the congressional defense committees have received the following:

(1) A certification by the Director, Operational Test and Evaluation, Defense, that, based on the results of the joint Developmental Test/Operational Test flight tests and of the Operational Assessment intended to address the readiness of the ASR for low rate initial production, ASR is potentially operationally effective and potentially operationally suitable and ready to enter low rate initial production;

(2) A comprehensive report by the Commander, Navy Operational Test and Evaluation Force as to the test objectives and results of the joint Developmental Test/Operational Test flight tests and of the Operational Assessment intended to address the readiness of the ASR for low rate initial production;

(3) A comprehensive report by the Assistant Secretary of the Navy (Research, Development and Acquisition) as to the test objectives and results of the Developmental Flight Tests and Technical Evaluation, along with her certification that, based on these results, the ASR is ready to enter low rate initial production.

SEC. 8051. Section 8060 of the Department of Defense Appropriations Act, 1994 (Public Law 103-139) is hereby repealed, which contained authority for acquisition of LANDSAT 7.

SEC. 8052. Notwithstanding any other provision of law, of the funds appropriated for the Defense Health Program during this fiscal year [and hereafter], the amount payable for services provided under this section shall not be less than the amount calculated under the coordination of benefits reimbursement formula utilized when CHAMPUS is a secondary payor to medical insurance programs other than Medicare, and such appropriations as necessary shall be available (notwithstanding the last sentence of section 1086(c) of title 10, United States Code) to continue Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) benefits, until age 65, under such section for a former member of a uniformed service who is entitled to retired or retainer pay or equivalent pay, or a dependent of such a member, or any other beneficiary described by section 1086(c) of title 10, United States Code, who becomes eligible for hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) solely on the grounds of physical disability, or end stage renal disease: *Provided*, That expenses under this section shall only be covered to the extent that such expenses are not covered under parts A and B of title XVIII of the Social Security Act and are otherwise covered under CHAMPUS: *Provided further*, That no reimbursement shall be made for services provided prior to October 1, 1991.

SEC. 8053. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $250,000,000 for purposes specified in section 2350j(c) of title 10, United States Code in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That, upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriation or fund which incurred such obligations.

[SEC. 8054. (a) Funds appropriated in this Act to finance activities of Department (DOD) Federally Funded Research and Development Centers (FFRDCs) may not be obligated or expended for a FFRDC if a member of its Board of Directors or Trustees simultaneously serves on the Board of Directors or Trustees of a profit-making company under

contract to the Department of Defense unless the FFRDC has a DOD approved conflict of interest policy for its members.

[(b) None of the funds appropriated in this Act are available to establish a new FFRDC, either as a new entity, or as a separate entity administered by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other nonprofit entities.

[(c) Notwithstanding any other provision of law, of the amounts available to the Department of Defense during fiscal year 1995, not more than $1,252,650,000 may be obligated for financing activities of FFRDCs.

[(d) The Secretary of Defense may not obligate more than one-half of the funds available to FFRDCs until the Congressional defense committees receive the report on establishing pay caps for FFRDC employees that was directed in the Committee's report accompanying the fiscal year 1994 Department of Defense Appropriations Act.]

SEC. 8054. (a) Funds appropriated in this Act to finance activities of Department of Defense (DOD) Federally Funded Research and Development Centers (FFRDCs) may not be obligated or expended for a FFRDC if a member of its Board of Directors or Trustees simultaneously serves on the Board of Directors or Trustees of a profit-making company under contract to the Department of Defense unless the FFRDC has a DOD approved conflict of interest policy for its members.

(b) None of the funds appropriated in this Act are available to establish a new FFRDC, either as a new entity, or as a separate entity administered by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other nonprofit entities.

(c) The Secretary of Defense may not obligate more than one-half of the funds available for each defense FFRDC, and more than one-half of the total amount available for defense FFRDCs, until the Congressional defense committees receive a copy of the revised and updated DOD master plan for FFRDCs: Provided, That the master plan submitted in compliance with this subsection shall contain annual funding and manpower ceilings for each defense FFRDC and each subcomponent of a defense FFRDC identified as separate sub-entity due to the significantly unique nature of its functions.

(d) LIMITATION ON COMPENSATION.—No employee or executive officer of a defense FFRDC may be compensated at a rate exceeding Executive Schedule Level I by that FFRDC: Provided, That the restriction contained in this subsection shall not take effect until July 1, 1995.

(e) LIMITATION ON COMPENSATION.—No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC may be compensated for his or her services as a member of such entity except under the same conditions, and to the same extent, as members of the Defense Science Board: Provided, That a member of any such entity shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties: Provided further, That the restriction contained in this subsection shall not take effect until July 1, 1995.

(f) ELIMINATION OF FEE.—None of the funds available to the Department of Defense from any source during fiscal year 1995 may be obligated to pay any fee to a defense FFRDC.

(g) None of the funds available to the Department of Defense from any source during fiscal year 1995 may be used by a defense FFRDC for any purpose which otherwise is not reimbursable under federal or Department of Defense acquisition regulations: Provided, That the restriction contained in this subsection shall also apply to cost sharing for projects funded by government grants, absorption of contract overruns, and costs necessary to pay the costs of doing business in advance of reimbursement.

(h) Notwithstanding any other provision of law, of the amounts available to the Department of Defense during fiscal year 1995, not more than $1,300,000,000 may be obligated for financing activities of FFRDCs: Provided, That the total amount appropriated in title IV of this Act is hereby reduced by $52,650,000 to reflect the funding ceiling contained in this subsection.

(i) The total amount appropriated to or for the use of the Department of Defense in title IV of this Act is reduced by an additional $62,634,000 to reflect savings from the decreased use of non-FFRDC consulting services by the Department of Defense.

(j) The total amount appropriated to or for the use of the Department of Defense in title IV of this Act is reduced by an additional $19,055,000 to reflect savings from the decreased use of major non-profit federally-funded research institutions and university-affiliated research centers by the Department of Defense.

[SEC. 8055. None of the funds appropriated or made available in this Act shall be used to procure carbon, alley or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of enactment of this Act.]

SEC. 8055. None of the unobligated balances available in the National Defense Stockpile Transaction Fund during the current fiscal year may be obligated or expended to finance any grant or contract to conduct research, development, test and evaluation activities for the development or production of advanced materials, unless amounts for such purposes are specifically appropriated in a subsequent appropriations Act.

SEC. 8056. For the purposes of this Act, the term "congressional defense committees" means the Committees on Armed Services, the Committees on Appropriations, and the subcommittees on Defense of the Committee on Appropriations, of the Senate and the House of Representatives.

SEC. 8057. Notwithstanding any other provision of law, during the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the military department or defense agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A-76 shall not apply to competitions conducted under this section.

[SEC. 8058. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

[(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

[(b) The Secretary of Defense shall submit to Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 1995. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

[(c) For purposes of this section, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).]

SEC. 8058. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: Provided, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: Provided further, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: Provided further, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8059. (a) Of the funds made available in this Act in title II, Operation and Maintenance, Army, $2,000,000 shall be available only to execute the cleanup of uncontrolled hazardous waste contamination affecting the Sale Parcel at Hamilton Air Force Base, in Novato, in the State of California.

(b) Notwithstanding any other provision of law, in the event that the purchaser of the Sale Parcel exercises its option to withdraw from all or a portion of the sale, as provided in the Agreement and Modification, dated September 25, 1990, between the Department

of Defense, the General Services Administration, and the purchaser, as amended, the purchaser's deposit of $4,500,000 shall be returned by the General Services Administration and funds eligible for reimbursement under the Agreement and Modification, as amended, shall come from the funds made available to the Department of Defense by this Act.

(c) In the event that the purchaser purchases only a portion of the Sale Parcel and exercises its option to withdraw from the sale as to the rest of the Sale Parcel, the portion of the Sale Parcel that is not purchased (other than Landfill 26 and an appropriate buffer area around it and the groundwater treatment facility site), together with any of the land referred to in section 9099(e) of Public Law 102-396 that is not purchased by the purchaser, shall be sold to the City of Novato, in the State of California, for the sum of One Dollar as a public benefit transfer for school, classroom or other educational use, for use as a public park or recreation area or for further conveyance as provided herein, subject to the following restrictions: (1) if the City sells any portion of such land to any third party within ten years after the transfer to the City, which sale may be made without the foregoing use restrictions, any proceeds received by the City in connection with such sale, minus the demonstrated reasonable costs of conducting the sale and of any improvements made by the City to the land following its acquisition of the land (but only to the extent such improvements increase the value of the portion sold), shall be immediately turned over to the Army in reimbursement of the withdrawal payment made by the Army to the contract purchaser and the costs of cleaning up the Landfill and (2) until one year following completion of the cleanup of contaminated soil in the Landfill and completion of the groundwater treatment facilities, the sale must be at a per-acre price for the portion sold that is at least equal to the per-acre contract price paid by the purchaser for the portion of the Sale Parcel purchased under the Agreement and Modification, as amended, and thereafter must be at a price at least equal to the fair market value of the portion sold. The foregoing restrictions shall not apply to a transfer to another public or quasi-public agency for public uses of the kind described above. The deed to the City shall contain a clause providing that, if any of the proceeds referred to in clause (1) are not delivered to the Army within 30 days after sale, or any portion of the land not sold as provided herein is used for other than educational, park or recreational uses, title to the applicable portion of such land shall revert to the United States Government at the election of the General Services Administration. The Army shall agree to deliver into the applicable closing escrow an acknowledgement of receipt of any proceeds described in clause (1) above and a release of the reverter right as to the affected land, effective upon such receipt.

(d) Notwithstanding any other provision of law, the Air Force shall be reimbursed for expenditures in excess of $15,000,000 in connection with the total clean-up of uncontrolled hazardous waste contamination on the aforementioned Sale Parcel from the proceeds collected upon the closing of any portion of the Sale Parcel purchased by the contract purchaser under the Agreement and Modification, as amended.

(e) Notwithstanding any other provision of law, the purchaser's reimbursement claims shall be audited by the Defense Contract Audit Agency for reasonableness and accuracy before the Department of Defense provides any funds under the purchaser's withdrawal and reimbursement rights.

SEC. 8060. Notwithstanding any other provision of law, the Secretary of Defense may, when he considers it in the best interest of the United States, cancel any part of an indebtedness, up to $2,500, that is or was owed to the United States by a member or former member of a uniformed service if such indebtedness, as determined by the Secretary, was incurred in connection with Operation Desert Shield/Storm: *Provided*, That the amount of an indebtedness previously paid by a member or former member and cancelled under this section shall be refunded to the member.

SEC. 8061. Appropriations contained in this Act that remain available at the end of the current fiscal year as a result of energy cost savings realized by the Department of Defense shall remain available for obligation for the next fiscal year to the extent, and for the purposes, provided in section 2865 of title 10, United States Code.

SEC. 8062. During the current fiscal year [and thereafter], voluntary separation incentives payable under 10 U.S.C. 1175 may be paid in such amounts as are necessary from the assets of the Voluntary Separation Incentive Fund established by section 1175(h)(1).

(INCLUDING TRANSFER OF FUNDS)

SEC. 8063. Amounts deposited during fiscal years 1994 and 1995 to the special account established under 40 U.S.C. 485(h)(2) and to the special account established under 10 U.S.C. 2667(d)(1) are appropriated and shall be available until transferred by the Secretary of Defense to current applicable appropriations or funds of the Department of Defense under the terms and conditions specified by 40 U.S.C. 485(h)(2) (A) and (B) and 10 U.S.C. 2667(d)(1)(B), to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred.

[SEC. 8064. In order to maintain an electric furnace capacity in the United States, preference for the purchase of chromite ore and manganese ore authorized for disposal from the National Defense Stockpile shall be given to domestic producers of high carbon ferrochromium and high carbon ferromanganese—

[(A) whose primary output during the three preceding years has been ferrochromium or ferromanganese; and

[(B) who guarantee to use the chromite and manganese ore for domestic purposes.]

SEC. 8064. Notwithstanding any other provision of law, any statutorily-required analysis of the impact on the defense technology and industrial base of terminations and significant reductions of major research and development programs and procurement programs of the Department of Defense shall address only those actions recommended by the Defense Department in its annual budget request and amendments thereto, supplemental requests, or proposed rescissions.

SEC. 8065. None of the funds in this or any other Act shall be available for the preparation of studies on—

(a) the feasibility of removal and transportation of unitary chemical weapons from the eight chemical storage sites within the continental United States: *Provided*, That this prohibition shall not apply to non-stockpile material in the United States or to studies needed for environmental analysis required by the National Environmental Policy Act, or for General Accounting Office studies requested by a Member of Congress or a Congressional Committee; and

(b) the potential future uses of the nine chemical disposal facilities other than for the destruction of stockpile chemical munitions and as limited by section 1412(c)(2), Public Law 99-145: *Provided*, That this prohibition does not apply to future use studies for the CAMDS facility at Tooele, Utah.

SEC. 8066. During the current fiscal year, appropriations available to the Department of Defense may be used to reimburse a member of a reserve component of the Armed Forces who is not otherwise entitled to travel and transportation allowances and who occupies transient government housing while performing active duty for training or inactive duty training: *Provided*, That such members may be provided lodging in kind if transient government quarters are unavailable as if the member was entitled to such allowances under subsection (a) of section 404 of title 37, United States Code: *Provided further*, That if lodging in kind is provided, any authorized service charge or cost of such lodging may be paid directly from funds appropriated for operation and maintenance of the reserve component of the member concerned.

SEC. 8067. For fiscal year 1995, the total amount appropriated to fund the Uniformed Services Treatment Facilities program, operated pursuant to section 911 of Public Law 97-99 (42 U.S.C. 248c), is limited to [$329,000,000] *$296,000,000*, of which not more than [$300,000,000] *$270,000,000* may be provided by the funds appropriated by this Act.

SEC. 8068. None of the funds available in this Act may be used to support in any manner, including travel or other related expenses, the "Tailhook Association": *Provided*, That investigations by the Secretary of the Navy or consultation with the Tailhook Association are not prohibited by this provision.

SEC. 8069. The President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, United States Code, materials that shall identify clearly and separately the amounts requested in the budget for appropriation for that fiscal year for salaries and expenses related to administrative activities of the Department of Defense, the military departments, and the Defense Agencies.

SEC. 8070. None of the funds available to the Department of Defense may be obligated or expended for construction of Ground Wave Emergency Network (GWEN) sites in Fiscal Year 1995.

SEC. 8071. Notwithstanding any other provision of law, the Naval shipyards of the United States shall be eligible to participate in any manufacturing extension program financed by funds appropriated in this or any other Act.

SEC. 8072. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101-510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8073. During the current fiscal year [and thereafter], annual payments granted under the provisions of section 4416 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-428; 106 Stat. 2714) shall be made from appropriations in this Act which are available for the pay of reserve component personnel.

[SEC. 8074. None of the funds appropriated by this Act may be used to relocate the 116th Fighter Wing of the Air National Guard from Dobbins Air Reserve Base to Robins Air

Force Base, or to convert that wing from F-15A aircraft to B-1B aircraft.]

SEC. 8074. Of the funds appropriated or otherwise made available by this Act, not more than $119,200,000 shall be available for payment of the operating costs of NATO Headquarters.

[SEC. 8075. None of the funds appropriated by this Act shall be used to procure aircraft fuel cells unless the fuel cells are produced or manufactured in the United States by a domestic-operated entity: *Provided*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.]

SEC. 8075. None of the funds available to the Department of the Air Force shall be available to establish or support any organic depot maintenance support activity for the B-2 bomber until the Under Secretary of Defense, Acquisition and Technology reviews the existing infrastructure for the private sector and Air Force Depot support and maintenance of the B-2 and reports to the Congressional Defense Committees the most efficient and cost effective utilization of public and private facilities to support the B-2.

SEC. 8076. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $50,000.

SEC. 8077. During the current fiscal year [and thereafter], appropriations available for the pay and allowances of active duty members of the Armed Forces shall be available to pay the retired pay which is payable pursuant to section 4403 of Public Law 102-484 (10 U.S.C. 1293 note) under the terms and conditions provided in section 4403.

SEC. 8078. (a) During the current fiscal year, none of the appropriations or funds available to the Defense Business Operations Fund shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Defense Business Operations Fund if such an item would not have been chargeable to the Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 1996 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 1996 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 1996 procurement appropriation and not in the supply management business area or any other area or category of the Defense Business Operations Fund.

SEC. 8079. None of the funds provided in this Act shall be available for use by a Military Department to modify an aircraft, weapon, ship or other item of equipment, that the Military Department concerned plans to retire or otherwise dispose of within five years after completion of the modification: *Provided*, That this prohibition shall not apply to safety modifications: *Provided further*, That this prohibition may be waived by the Secretary of a Military Department if the Secretary determines it is in the best national security interest of the [country] *United States* to provide such waiver and so notifies the congressional defense committees in writing.

SEC. 8080. No part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress.

[SEC. 8081. None of the funds appropriated by this Act shall be available for payment of the compensation of personnel assigned to or serving in the National Foreign Intelligence Program in excess of 94 percent of such personnel actually assigned to or serving in the National Foreign Intelligence Program on September 30, 1992: *Provided*, That in making any reduction in the number of such personnel that may be required pursuant to this section, the percentage of reductions to Senior Intelligence Service positions shall be equal to or exceed the percentage of reductions to non-Senior Intelligence Service positions: *Provided further*, That in making any reduction in the number of such personnel that may be required pursuant to this section, the percentage of reductions to positions in the National Capital Region shall be equal to or exceed the percentage of reductions to positions outside of the National Capital Region.]

SEC. 8081. In addition to amounts appropriated or otherwise made available by this Act, $97,000,000 is hereby appropriated and shall be available for liquidating deficiencies in the amounts specified in the appropriations "National Guard Personnel, Army, 1992", $10,000,000; "National Guard Personnel, Army, 1993", $75,000,000; and "Reserve Personnel, Army, 1993", $12,000,000.

SEC. 8082. None of the funds provided by this Act may be used to pay the salaries of any person or persons who authorize the transfer of obligated and deobligated appropriations into the Reserve for Contingencies of the Central Intelligence Agency.

SEC. 8083. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 1996.

SEC. 8084. The classified Annex prepared by the Committee on Appropriations to accompany the report on the Department of Defense Appropriations Act, 1995 is hereby incorporated into this Act: *Provided*, That the amounts specified in the classified Annex are not in addition to amounts appropriated by other provisions of this Act: *Provided further*, That the President shall provide for appropriate distribution of the classified Annex, or of appropriate portions of the classified Annex, within the executive branch of the Government.

SEC. 8085. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

[SEC. 8086. None of the funds appropriated by this Act shall be available for the planning, programming or actual movement of any component or function of the Defense Mapping Agency Aerospace Center annex from the St. Louis, Missouri area.]

SEC. 8086. None of the funds appropriated by this Act may be used to pay health care providers under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) for services determined under the CHAMPUS Peer Review Organization (PRO) Program to be not medically or psychologically necessary. The Secretary of Defense may by regulation adopt any quality and utilization review requirements and procedures in effect for the Peer Review Organization Program under title XVIII of the Social Security Act (Medicare) that the Secretary determines necessary, and may adapt the Medicare requirements and procedures to the circumstances of the CHAMPUS PRO Program as the Secretary determines appropriate.

SEC. 8087. Notwithstanding any other provision of law, reimbursements received from the North Atlantic Treaty Organization for the E-3 Airborne Warning and Control System (AWACS) Radar System Improvement Program (RSIP) attributable to development work for fiscal years 1987 through 1992 shall be available to the Air Force until September 30, 1995, for meeting that service's financial commitments for the AWACS RSIP.

SEC. 8088. (a) None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the transportation of chemical munitions to the Johnston Atoll for the purpose of storing or demilitarizing such munitions.

(b) The prohibition in subsection (a) shall not apply to any obsolete World War II chemical munition of the United States found in the World War II Pacific Theater of Operations.

(c) The President may suspend the application of subsection (a) during a period of war in which the United States is a party.

SEC. 8089. Notwithstanding any other provision of law, funds made available in this Act and in the fiscal year 1994 Department of Defense Appropriations Act (Public Law 103-139) under the heading "Procurement, Defense-Wide" shall be available to pay equitable adjustments to which the contractor is legally entitled for Coastal Patrol Craft that were procured in prior fiscal years.

[SEC. 8090. Notwithstanding any other provision of law, funds appropriated in this Act for the High Performance Computing Modernization Plan shall be made available only for the upgrade, purchase, or modernization of supercomputing capability and capacity at all DOD high performance computing sites: *Provided*, That contracts, contract modifications, or contract options are awarded as the result of full and open competition based upon the requirements of the users.]

SEC. 8090. Notwithstanding any other provision of law, funds appropriated in this Act for the upgrade, purchase, or modernization of supercomputing capability and capacity under the High Performance Computing Modernization program shall only be available for contracts, contract modifications, or contract options which are awarded as the result of open competition based upon the requirements of the users without regard to the architecture or design of the supercomputer system.

SEC. 8091. Amounts collected for the use of the facilities of the National Science Center for Communications and Electronics during the current fiscal year pursuant to section 1459(g) of the Department of Defense Authorization Act, 1986 and deposited to the special

account established under subsection 1459(g)(2) of that Act are appropriated and shall be available until expended for the operation and maintenance of the Center as provided for in subsection 1459(g)(2).

SEC. 8092. The Secretary of Defense and the Director of Central Intelligence shall deliver, no later than January 1, 1995, a report providing the following information about all research and development projects involving the implementation, monitoring, or verification of current and projected international arms control agreements: (a) annual and total budgets, goals, schedules, and priorities; (b) relationships among related projects being funded by the Department of Defense, the National Foreign Intelligence Program, and other departments and agencies of the Federal Government; and (c) comments by the Arms Control and Disarmament Agency about the relevance of each project to the arms control priorities of the United States.

[SEC. 8093. Notwithstanding any other provision of law, none of the funds appropriated in this or any other Act shall be used for the purchase of a totally enclosed lifeboat survival system, which consists of the lifeboat and associated davits and winches, if less than 75 percent of the entire system's components are manufactured in the United States, and if less than 75 percent of the labor in the manufacture and assembly of the entire system is performed in the United States.]

SEC. 8093. None of the funds appropriated in this Act may be used to fill the commander's position at any military medical facility with a health care professional unless the prospective candidate can demonstrate professional administrative skills.

[SEC. 8094. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

[(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.]

SEC. 8094. Of the funds appropriated to the Department of Defense (DOD) for Operation and Maintenance, Defense-Wide, not less than $8,000,000 shall be made available until expended to the Administration for Native Americans within 90 days of enactment of this Act: Provided, That such funds shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation, on Indian lands resulting from Department of Defense activities: Provided further, That the Department of Defense shall provide to the Committees on Appropriations of the Senate and House of Representatives by September 30, 1995, a summary report of all environmental damage that has occurred on Indian land as a result of DOD activities, to include, to the extent feasible, a list of all documents and records known to the Department that describe the activity or action causing or relating to such environmental damage.

SEC. 8095. None of the funds available to the Department of Defense in this Act shall be used by the Secretary of a military department to purchase coal or coke from foreign nations for use at United States defense facilities in Europe when coal from the United States is available.

SEC. 8096. None of the funds appropriated or otherwise made available by this Act may be used for a defense technology reinvestment project that is not selected pursuant to the applicable competitive selection and other procedures set forth in chapter 148 of title 10, United States Code: *Provided, That notwithstanding any other provision of law, funds appropriated for defense reinvestment programs under the heading "Research, Development, Test and Evaluation, Defense-Wide" shall not be obligated for any individual project until an Assistant Secretary for Research, Development, and Acquisition of the Military Department which has a direct interest in the project certifies to the Under Secretary of Defense, Acquisition and Technology that the project proposed to receive funds addresses a bona fide need of that Military Department: Provided further, That notwithstanding any other provision of law, of the funds appropriated for defense reinvestment programs under the heading "Research, Development, Test and Evaluation, Defense-Wide", $150,000,000 may only be obligated for projects selected as a result of a focused competition held in subject areas selected exclusively by the Assistant Secretaries for Research, Development, and Acquisition of the separate Military Departments: Provided further, That in addition to the restriction contained in the preceding provisos, the focused competitions shall be conducted in accordance with other unaffected statutory provisions of the Defense Conversion, Reinvestment, and Transition Assistance Amendments of 1993.*

[SEC. 8097. None of the funds appropriated in this Act are available for development of bi-static active capability in SURTASS unless the acoustic signal processing for this capability is hosted exclusively on the AN/UYS-2 in the operational system.]

SEC. 8097. (a) Not later than April 1, 1995, the Secretary of Defense shall submit to the Congressional defense committees a management plan for the major university-affiliated research centers which support the Department of Defense.

(b) The master plan required by the preceding subsection shall—

(1) establish annual funding and manpower ceilings for each institution, and a total annual funding and manpower ceiling;

(2) describe in detail what specific actions are being taken to increase management of these institutions by the Office of the Secretary of Defense, and to reduce future annual funding; and

(3) explain the contracting arrangement with each institution, including an evaluation of whether contracts for future efforts should be competitively awarded.

(c) For the purposes of this section, the term "major" shall apply to institutions which receive more than $2,000,000 annually from the Department of Defense.

SEC. 8098. None of the funds appropriated by this Act shall be available for a contract for studies, analyses, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work, or

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source, or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support:

Provided, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

[SEC. 8099. Notwithstanding any other provision of law, the Secretary of the Navy shall obligate funds made available in the fiscal year 1993 Department of Defense Appropriations Act (Public Law 102-396) and the fiscal year 1994 Department of Defense Appropriations Act (Public Law 103-139) under the heading "Aircraft Procurement, Navy" for the USH-42 mission recorder for S-3 aircraft.]

(TRANSFER OF FUNDS)

SEC. 8099. Upon enactment of this Act, the Secretary of Defense shall make the following transfers of funds: Provided, That the amounts transferred shall be available for the same purposes as the appropriations to which transferred, and for the same time period as the appropriation from which transferred: Provided further, That the amounts shall be transferred between the following appropriations in the amounts specified:

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1986/1990":

CG-47 cruiser program, $6,000,000;

LSD-41 landing ship dock program, $1,700,000;

T-AGOS ocean surveillance ship program, $5,000,000;

For craft, outfitting, post delivery, and cost growth, $2,438,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1986/90":

SSN-688 attack submarine program, $11,719,000;

MSH coastal mine hunter program, $3,419,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1987/1991":

TRIDENT ballistic missile submarine program, $650,000;

DDG-51 destroyer program, $633,000;

CG-47 cruiser program, $283,000;

T-AO fleet oiler program, $2,800,000;

AO conversion program, $400,000;

For craft, outfitting, and post delivery, $5,900,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1988/1992":

CG-47 cruiser program, $5,145,000;

Weapons Procurement, Navy, 1993/1995, $18,069,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1987/1991":

SSN-688 attack submarine program, $18,496,000;

AOE fast combat support ship program, $15,384,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1988/1992":

CG-47 cruiser program, $11,993,000;

LSD-41 cargo variant ship program, $4,773,000;

LHD–1 amphibious assault ship program, $7,028,000;

AO conversion program, $1,900,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1988/1992":

TRIDENT ballistic missile submarine program, $6,035,000;

SSN–688 attack submarine program, $19,659,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1989/1993":

LHD–1 amphibious assault ship program, $3,400,000;

T–AO fleet oiler program, $3,488,000;

T–AGOS surveillance ship program, $3,197,000;

AO conversion program, $1,300,000;

Weapons Procurement, Navy, 1993/1995, $178,000;

Other Procurement, Navy, 1993/1995, $22,400,000;

Research, Development, Test and Evaluation, Navy, 1994/1995, $41,700,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1989/1993":

SSN–688 attack submarine program, $18,939,000;

SSN–21 attack submarine program, $37,123,000;

MHC coastal mine hunter program, $1,700,000;

AOE combat support ship program, $17,901,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1990/1994":

TRIDENT ballistic submarine program, $2,400,000;

Aircraft carrier service life extension program, $346,000;

MCM mine countermeasures program, $657,000;

Oceanographic ship program, $3,964,000;

LCAC landing craft air cushion program, $1,188,000;

Aircraft Procurement, Navy, 1993/1995, $6,000,000;

Weapons Procurement, Navy, 1993/1995, $6,753,000;

Other Procurement, Navy, 1994/1996, $1,297,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1990/1994":

SSN–688 attack submarine program, $9,046,000;

MHC coastal mine hunter program, $3,575,000;

AOE combat support ship program, $9,984,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1991/1995":

TRIDENT ballistic missile submarine program, $39,500,000;

DDG–51 destroyer program, $8,200,000;

LSD–41 dock landing ship cargo variant ship program, $22,427,000;

Aircraft Procurement, Navy, 1994/1996, $17,000,000;

Other Procurement, Navy, 1994/1996, $666,000;

Procurement, Marine Corps, 1993/1995, $6,600,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1991/1995":

SSN–21 attack submarine program, $48,240,000;

LHD–1 amphibious assault ship program, $43,600,000;

MHC coastal mine hunter program, $2,553,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1992/1996":

For craft, outfitting, post delivery, and DBOF transfer, $5,183,000;

Other Procurement, Navy, 1994/1996, $29,261,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1992/1996":

DDG–51 destroyer program, $22,958,000;

MHC coastal mine hunter program, $11,486,000;

From:

Weapons Procurement Navy, 1993/1995, $30,000,000;

Other Procurement, Navy, 1994/1996, $38,438,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1993/1997":

DDG–51 destroyer program, $26,894,000;

LSD–41 cargo variant ship program, $5,663,000;

MHC coastal mine hunter program, $7,615,000;

AOE combat support ship program, $28,266,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1994/1998":

For craft, outfitting, post delivery, and first destination transportation, $5,000,000;

Weapons Procurement, Navy, 1994/1996, $14,000,000;

Other Procurement, Navy, 1994/1996, $435,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1994/1998":

LHD–1 amphibious assault ship program, $15,131,000;

Oceanographic ship program, $4,304,000.

SEC. 8100. It is the sense of Congress that none of the funds appropriated or otherwise made available by this Act should be available for the purposes of deploying United States Armed Forces to participate in the implementation of a peace settlement in Bosnia-Herzegovina, unless previously authorized by the Congress.

[(TRANSFER OF FUNDS)

[SEC. 8101. In addition to any other transfer authority contained in this Act, funding appropriated under the heading "Operation and Maintenance, Defense-Wide" for increasing energy and water efficiency in Federal buildings may be transferred to other appropriations or funds of the Department of Defense, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred.]

SEC. 8101. None of the funds provided in this Act may be obligated to initiate a program, or project, or award a new contract to modify or upgrade the B–1, B–2, or B–52 aircraft until the Secretary of Defense has submitted a cost and operational effectiveness analysis for Air Force bomber programs to the Committees on Appropriations and Armed Services of the Senate and House of Representatives: Provided, That this section shall not apply to safety of flight modifications.

SEC. 8102. Funds appropriated by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 1995 until the enactment of the Intelligence Authorization Act for fiscal year 1995.

[SEC. 8103. (1) Except as provided in subsection (c) below, it is the sense of the Congress that none of the funds appropriated by this Act should be obligated or expended for costs incurred by the United States Armed Forces units serving in any international peacekeeping or peace-enforcement operations under the authority of Chapter VI or Chapter VII of the United Nations Charter and under the authority of a United Nations Security Council Resolution, or for costs incurred by United States Armed Forces serving in any significant international humanitarian, peacekeeping or peace-enforcement operations, unless—

[(a) the President initiates consultations with the bi-partisan leadership of Congress, including the leadership of the relevant committees, regarding such operations; these consultations should be initiated at least fifteen days prior to the initial deployment of United States Armed Forces units to participate in such an operation, whenever possible, but in no case later than forty-eight hours after such a deployment; and these consultations should continue on a periodic basis throughout the period of the deployment;

[(b) such consultation should include discussion of—

[(1) the goals of the operation and the mission of any United States Armed Forces units involved in the operation;

[(2) the United States interests that will be served by the operation;

[(3) the estimated cost of the operation;

[(4) the strategy by which the President proposes to fund the operation, including possible supplemental appropriations or payments from international organizations, foreign countries or other donors;

[(5) the extent of involvement of armed forces and other contributions of personnel from other nations; and

[(6) the operation's anticipated duration and scope;

[(c) subsection (a) does not apply with respect to an international humanitarian assistance operation carried out in response to natural disasters; or to any other international humanitarian assistance operation if the President reports to Congress that the estimated cost of such operation is less than $50,000,000.

[(2) Further, it is the sense of the Congress that the President should seek supplemental appropriations for any significant deployment of United States Armed Forces when such forces are to perform or have been performing international humanitarian, peacekeeping or peace-enforcement operations.]

SEC. 8103. None of the funds available to the Department of Defense during fiscal year 1995 may be obligated or expended to reimburse States which are parties to the Treaty on the Elimination of Intermediate-Range and Shorter-Range Missiles concluded on December 8, 1987, and the Treaty on the Reduction and Limitation of Strategic Offensive Arms, concluded July 31, 1991, for costs allocated to such States by either of those treaties where such costs are incurred in support of inspections conducted by the United States: Provided, That the limitation in this section shall not apply if the Senate of the United States gives its advice and consent to the ratification of an amendment to those treaties which changes the financial obligations of the parties to those treaties with respect to inspection costs.

[(INCLUDING TRANSFER OF FUNDS)

[SEC. 8104. Balances of the funds appropriated in Public Laws 102–172, 102–396, and 103–139, under the headings "World University Games", "Summer Olympics", and "World Cup USA 1994" in title II of those Acts shall be merged into a single account entitled "Support for International Sporting Competitions, Defense", to remain available until expended: *Provided further*, That such account shall be available for the purpose of liquidating obligations incurred under the appropriations from which funds are transferred pursuant to the provisions of this section and for providing support to the 1996 Games of the XXVI Olympiad to be held in

Atlanta, Georgia, under the terms and conditions specified in those Acts under the headings "Summer Olympics" and for providing support to any other international sporting competitions, as provided for in Authorization or Appropriations Acts, during the current fiscal year and thereafter.]

SEC. 8104. The Secretary of Defense shall ensure that all applicable DOD regulations and component command, installation, or agency policies and procedures governing temporary duty travel on official military business to the States of Hawaii and Alaska require no higher levels of approval or stricter controls than travel within the continental United States.

[SEC. 8105. Of the funds appropriated in this Act, not to exceed $68,000,000 may be used for the purchase or construction of vessels for the Ready Reserve Force component of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744).]

SEC. 8105. None of the funds available to the Department of Defense may be used to support the relocation of P-3 aircraft squadrons or other aircraft or units from the Naval Air Station at Barbers Point, Hawaii unless such relocation was specifically stated in the 1993 Report to the President of the Defense Base Closure and Realignment Commission.

[SEC. 8106. After September 1, 1995, none of the funds in this Act are available for research, development, acquisition, or launch of Titan IV expendable launch vehicles: *Provided*, That the above provision shall not apply if the Secretary of Defense certifies to the Congress a plan for the development of and initiation of a competition for a family of launch vehicles that is—

[(1) capable of launching both medium and heavy payloads,

[(2) fully funded in the outyears, and

[(3) scheduled to be available prior to the launch of the 41st Titan IV expendable launch vehicle:

[*Provided further*, That MILSTAR satellites 1 through 6 shall be launched on vehicles being procured as a part of the current contract for 41 Titan IV launch vehicles: *Provided further*, That none of the funds in this Act may be used to procure more than 41 Titan IV expendable launch vehicles.]

SEC. 8106. In the case of members who separate from active duty or full-time National Guard duty in a military department pursuant to a Special Separation Benefits program (10 U.S.C. Sec. 1174a) or a Voluntary Separation Incentive program (10 U.S.C. Sec. 1175) at any time after the enactment of this Act, the separation payments paid such members who are also paid any bonus provided for in chapter 5, title 37, United States Code, during the same years in which they separate shall be reduced (but in no event to an amount less than zero) by an amount equal to any such bonus: Provided, That any future bonus payments to which such members would otherwise be entitled are rescinded: Provided further, That this measure will not apply to members who separate during the last year of a bonus paid pursuant to chapter 5, title 37, United States Code: Provided further, That civilian employees of the Department of Defense are prohibited from receiving voluntary separation payments if such employees are rehired by any agency of the Federal Government within one hundred and eighty days of separating from the Department of Defense: Provided further, That members who separate from active duty or full-time National Guard duty in a military department at any time after the enactment of this Act, are prohibited from receiving Special Separation Benefits program (10 U.S.C. Sec. 1174a) or Voluntary Separation Incentive program (10 U.S.C. Sec. 1175) payments if rehired by the Department of Defense within one hundred and eighty days of separating from active duty or full-time National Guard Duty.

[SEC. 8107. Notwithstanding any other provision of law, of the funds appropriated to the Department of the Navy for Operation and Maintenance, not less than $3,000,000 shall be obligated and expended only for operation and maintenance, purchase of automatic data processing equipment, or in-house central design development for the Naval Reserve Force Information Systems Office, the Navy Reserve Personnel Center, the Enlisted Personnel Management Center, and the collocated Naval Computer and Telecommunications Station: *Provided*, That notwithstanding any other provision of law, of the funds appropriated to the Department of Defense for Procurement, Defense-Wide not less than $10,000,000 shall be obligated and expended only for automatic data processing equipment or software, or in-house central design development for the Naval Reserve Force Information Systems Office, the Naval Reserve Personnel Center, the Enlisted Personnel Management Center and the collocated Naval Computer and Telecommunications Station: *Provided further*, That the Secretary of the Navy shall establish the Naval Reserve Force Information Systems Office, the Enlisted Personnel Management Center, and the collocated Naval Computer and Telecommunications Station, as the designers, developers, managers, integrators and central design activity for the software development and maintenance of the Naval active and reserve Single Source Data Collection System.]

(TRANSFER OF FUNDS)

SEC. 8107. Within amounts appropriated in this Act, $5,000,000 shall be made available for pay and allowances for the Office of the Assistant Secretary of Defense for Reserve Affairs to be available only for support of Civil-Military Cooperation program operations, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code: Provided, That the funds made available by this paragraph shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: Provided further, That the transfer authority provided in this paragraph is in addition to any transfer authority contained elsewhere in this Act.

[SEC. 8108. No funds available to the Department of Defense may be used to establish additional field operating agencies or field offices of any element of the Department during fiscal year 1995: *Provided*, That after August 30, 1995, none of the funds available to the Department of Defense shall be used to support more than fifty percent of the field operating agencies or field offices of any element of the Department of Defense which were in existence on September 30, 1994.]

SEC. 8108. Notwithstanding any other provision of law, for resident classes entering the war colleges after September 30, 1996, the Department of Defense shall require that not less than 20 percent of the total of United States military students at each war college shall be from military departments other than the hosting military department: Provided, That each military department will recognize the attendance at a sister military department war college as the equivalent of attendance at its own war college for promotion and advancement of personnel.

[SEC. 8109. None of the funds made available in this Act under the heading "Shipbuilding and Conversion, Navy" may be obligated for the DDG-51 destroyer program or the LHD-1 amphibious assault ship program until the fiscal year 1995 options for acquisition of sealift ships have been exercised.]

SEC. 8109. None of the funds provided in this Act may be expended for the refurbishment of M61/20 mm Gatling Gun assets for domestic or foreign military sales unless the Department of the Air Force competes this work among qualified depots and commercial contractors.

[SEC. 8110. None of the funds provided in this Act may be used to procure crystal oscillator carriers, ceramic package incorporating ceramic components joined with glass (frit) or epoxy seals, or multi-layer cofired single chip ceramic packages unless such products are produced or manufactured in the United States: *Provided*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.]

SEC. 8110. None of the funds provided in this Act may be obligated or expended for the sale of zinc in the National Defense Stockpile if zinc commodity prices decline more than five percent below the London Metals Exchange market price reported on the date of enactment of this Act.

[SEC. 8111. Notwithstanding any other provision of law, funds made available in the fiscal year 1993 and 1994 Department of Defense Appropriations Acts for the EA-6B program are to be used exclusively to begin engineering changes that will increase the capability of the Navy's EA-6B aircraft by insertion of the critical elements of the EA-6B ADVCAP receiver processor group system into the onboard system and the addition of the ALQ-149 Command, Control, and Communications countermeasure system: *Provided*, That these funds shall be obligated no later than 120 days after enactment of this Act: *Provided further*, That the Secretary of the Navy shall obligate $6,000,000 made available in the fiscal year 1994 Department of Defense Appropriations Act (Public Law 103-139) exclusively for the miniaturization of the EA-6B RPG technology for use on the Navy's electronic warfare aircraft.]

SEC. 8111. Notwithstanding any other provision of law, the Secretary of the Navy shall reimburse the Muckleshoot Indian Tribe of Auburn, Washington, for costs that have been validated as having been expended in the development and submission of a base reuse plan for Puget Sound Naval Air Station: Provided, That the Muckleshoot Indian Tribe cost reimbursement claims shall be submitted to and validated by the General Counsel of the Department of Defense prior to reimbursement by the Secretary of the Navy: Provided further, That in no case shall total reimbursements for these costs exceed $600,000.

(TRANSFER OF FUNDS)

SEC. 8112. For the rehabilitation of damage caused to Rongelap Atoll by the nuclear testing program and for the resettlement of Rongelap Atoll, $5,000,000 is appropriated to the Department of Defense, which shall be transferred to the Department of the Interior for deposit into the Rongelap Resettlement Trust Fund.

[SEC. 8113. None of the funds provided in this Act may be used to develop the Sustaining Base Information System until the Assistant Secretary of Defense for Command, Control, Communications and Intelligence

has certified to the Armed Services and Appropriations Committees of Congress that the Department of Defense has published a complete and comprehensive system functional description governing the acquisition and has received from the contractor an estimate of the number of lines of software code to implement such functional description and an estimate of the attendant cost: *Provided*, That none of the work content of the Sustaining Base Information System contract may be performed instead by government in-house activities without being competed if such efforts are passed through government organizations to other than Sustaining Base Information System contractors.]

SEC. 8113. PROHIBITION ON USE OF FUNDS FOR CERTAIN ACTIVITIES AT CAMERON STATION, VIRGINIA. (a) PROHIBITION.—None of the funds appropriated in this Act or otherwise made available to the Department of Defense may be obligated or expended by the Secretary of Defense for the execution pursuant to subsection (f) of section 501 of the Stewart B. McKinney Homeless Assistance Act of (42 U.S.C. 11411) of a lease, permit, or deed of conveyance for use to assist the homeless of any property described in subsection (b) until the Secretary of Health and Human Services, appropriate representatives of the City of Alexandria, Virginia, and representatives of the homeless whose applications for use of such property to assist the homeless have been approved by the Secretary of Health and Human Services under subsection (e)(3) of such section jointly determine that such use is reasonable under the redevelopment plan for Cameron Station, Virginia.

(b) COVERED PROPERTY.—Subsection (a) applies to the public buildings and real property located at Cameron Station, Virginia, which installation was approved for closure pursuant to the provisions of title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

[SEC. 8114. The Assistant Secretary of Defense for Command, Control, Communications and Intelligence shall establish and implement a master plan for all acquisitions of automated document conversion systems, equipment, and technologies: *Provided*, That none of the funds in this Act may be used to develop technologies or to acquire new automated document conversion equipment, services, or systems which cost more than $5,000,000 after January 1, 1995 unless such acquisitions are approved in advance by the Assistant Secretary or his designee: *Provided further*, That of the funds appropriated to the Department of Defense for Procurement, Defense-Wide, not less than $30,000,000 shall be used only to integrate the Automated Document Conversion System into the Joint Engineering Data Management and Information Control System.]

SEC. 8114. (a) IN GENERAL.—The fiscal year 1995 increase in military retired pay shall (notwithstanding subparagraph (B) of section 1401a(b)(2) of title 10, United States Code) first be payable as part of such retired pay for the month of March 1995.

(b) DEFINITIONS.—For the purposes of subsection (a):

(1) The term "fiscal year 1995 increase in military retired pay" means the increase in retired pay that, pursuant to paragraph (1) of section 1401a(b) of title 10, United States Code, becomes effective on December 1, 1994.

(2) The term "retired pay" includes retainer pay.

[SEC. 8115. Notwithstanding any other provision of law, none of the funds provided in this Act may be used to procure vessel propellers six feet in diameter and greater unless such propellers are manufactured in the United States incorporating only casting which are poured and finished in the United States. Nor may any of the funds provided in this Act be used to procure ship propulsion shafting unless such ship propulsion shafting is manufactured in the United States: *Provided*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.]

(TRANSFER OF FUNDS)

SEC. 8115. In addition to amounts appropriated or otherwise made available by this Act, $11,200,000 is hereby appropriated to the Department of Defense and shall be available only for transfer to the United States Coast Guard for a 2.6 percent pay increase for uniformed members.

[TRANSFER OF FUNDS)

[SEC. 8116. Notwithstanding any other provision of law, $16,300,000 made available in the fiscal year 1993 Department of Defense Appropriations Act (Public Law 102-396) for "Other Procurement, Navy" and $5,900,000 made available in the fiscal year 1994 Department of Defense Appropriations Act (Public Law 103-139) for "Other Procurement, Navy" shall be transferred to "Research, Development, Test and Evaluation, Navy" for the SPS-48E program.]

SEC. 8116. Notwithstanding any other provision of law, for education and training expenses not otherwise provided for, $119,000,000 is appropriated for aiding school districts in accordance with authority granted under Public Law 81-874.

[SEC. 8117. Notwithstanding any other provision of law, the Department of Defense shall award contracts for the CHAMPUS Reform Initiative in California-Hawaii and the Managed Care Support initiative in Washington-Oregon regions in sufficient time for the contractors to begin to provide health care under those contracts no later than April 1, 1995 in California and Hawaii, and not later than March 1, 1995 for Washington and Oregon, or as soon thereafter as practicable.]

SEC. 8117. After April 15, 1995, none of the funds provided in this Act may be obligated for payment on contracts on which allowable costs charged to the government include payments for individual compensation in excess of the rate of compensation of Level I of the Executive Schedule employees of the United States Government.

[SEC. 8118. None of the funds appropriated in this Act shall be used for the recruitment or enrollment of a new student or class of students at the Uniformed Services University of the Health Sciences.

[SEC. 8119. None of the funds appropriated or made available by this Act shall be obligated to procure active matrix liquid crystal displays unless the displays, including the active and passive plates, are produced or manufactured in the United States by a domestic-owned and domestic-operated entity: *Provided*, That the Secretary of the military department or head of a Defense Agency responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of enactment of this Act.]

SEC. 8120. None of the funds appropriated in this Act to the Department of the Army may be obligated for procurement of 120mm mortars or 120mm mortar ammunition manufactured outside of the United States.

[SEC. 8121. The total amount appropriated to or for the use of the Department of Defense by this Act for research, development, test and evaluation for management support is hereby reduced by $30,000,000: *Provided*, That the Secretary of Defense shall allocate the amount reduced in the preceding sentence and not later than December 31, 1994, report to the Senate and the House Committees on Appropriations and Armed Services how this reduction was allocated among the services and Defense Agencies.

[This Act may be cited as the "Department of Defense Appropriations Act, 1995".]

Titles I through VIII of this Act may be cited as the "Department of Defense Appropriations Act, 1995".

TITLE IX—FISCAL YEAR 1994 SUPPLEMENTAL APPROPRIATION

The following sum is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1994, namely:

DEPARTMENT OF DEFENSE

MANAGEMENT FUNDS

EMERGENCY RESPONSE FUND

For the "Emergency Response Fund", $170,000,000: Provided, That these funds may be used to reimburse appropriations of the Department of Defense for costs incurred for emergency relief for Rwanda: Provided further, That the Secretary of State shall provide a report to the Congress no later than September 1, 1994, as to the burden-sharing arrangements in the Rwanda relief operation that have been negotiated and implemented with other nations, and international public and private organizations, as to both cost and personnel participation, including armed forces participation: Provided further, That the Secretary of Defense shall provide assessments to the Congress no later than September 1, 1994, of (1) any threats to the security of United States personnel, including armed forces personnel, in the Rwanda relief operation, and (2) the extent to which the UNAMIR peacekeeping operation has established a security system within the country of Rwanda: Provided further, That any change in the mission from one of strict refugee relief to security, peace-enforcing, nation-building or any other substantive role, shall not be implemented without the further approval of the Congress: Provided further, That United States armed forces shall not participate in relief operations inside Rwanda until and unless the President has certified to the Congress that the security situation in the countryside has stabilized to the extent that United States forces will not play a peacekeeping or peace-enforcing role between the warring factions inside Rwanda: Provided further, That no funds are available for United States participation in operations in or around Rwanda after October 7, 1994: Provided further, That the President shall provide a plan to the Congress by September 15, 1994, as to how he will terminate United States involvement in the Rwanda operation by October 7, 1994, unless an extension of time is approved by the Congress, and what arrangements have been made for other nations and international public and private organizations to replace United States resources and personnel.

Mr. INOUYE. Mr. President, I ask unanimous consent that the committee

amendments be agreed to, en bloc, and that the bill, as thus amended, be regarded for the purpose of amendment as original text provided that no point of order shall be considered to have been waived by agreeing to this request.

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

So the committee amendments were agreed to, en bloc.

Mr. INOUYE. Mr. President, the statement I am about to present is a joint statement, one that the vice chairman of the subcommittee, the distinguished Senator from Alaska [Mr. STEVENS] and I will be presenting.

Mr. President, on behalf of the Committee on Appropriations I am pleased to present our recommendations for fiscal year 1995 funding of the programs and activities of our Government in support of our Nation's defense and security.

The bill before the Senate provides $243.6 billion in budget authority—we have nearly exhausted the budget authority provided to the subcommittee under our committee allocation, only $2 million remains. We are well within our outlay allocations, but I expect we will find it necessary to make use of more outlays when we are in conference with the House.

The bill also contains fiscal year 1994 supplemental funding to help offset the costs of United States military participation in emergency relief efforts in Rwanda. Title IX of the bill provides $170 million for the Defense Emergency Response Fund for use in reimbursing appropriations of the Department of Defense for costs incurred in the emergency relief operations. Fiscal year 1995 outlays of $124 million are charged against this appropriation.

As you know, Mr. President, we also try to stay within the authorization ceilings for each of the multiple accounts in each title of the bill. Here, again, we are very close to the ceilings in the Senate passed authorization bill. In numerous instances we filled the authorized amounts by responding to requests that Members have made for added funding. In most accounts we are now at the ceiling; in others we have very little headroom remaining. In point of fact, the leadership of the Defense Subcommittee, Senator STEVENS and I have tried to respond to Senators who brought their requirements for Defense spending to our attention. I believe we have done so in a very balanced, nonpartisan, responsible way and, wherever possible, we have met their requests.

This is not to say that we have been able to respond to each and every wish of each and every Senator. We have not. Many valuable and useful undertakings have not been funded. I regret that. But, we have produced a bill which is sound and which meets the essential requirements of our national security—both economic and military. The funding we recommend will equip the force and keep it ready—but, it is a smaller force, stretched thinly along the line of defense. We should be under no illusions about that.

Mr. President, this year, unlike the past several years, the Subcommittee on Defense Appropriations was more constrained by limitations on budget authority than it was by an outlay ceiling.

There is good news and bad news in that statement. First, after 5 successive years of very dramatic reductions in Defense spending, we now have a bare bones defense budget.

Prior year outlays from the large scale procurement programs funded in previous years have now subsided.

But, all is not well. The dark side of this picture is that the services—the Army, in particular—are eating their seed corn. The investment budget—procurement and research and development—as a percentage of the whole DOD budget, is now lower than at any time since 1980. For example, it may surprise my colleagues to learn that this year, we will buy only 17 combat fighter aircraft; this year, the Army will buy no—that is, zero—tanks.

In all the years I have served on this committee, we have always purchased tanks, but this year there are no funds for tanks. This year, the Navy will purchase four ships. We are not investing in the future.

We are staving off the collapse of the defense industrial base.

In recent times, we have created and we have provided for a totally voluntary military, one which leads our society in equal opportunities for women and for minorities. We have a military which, until quite recently, attracted highly qualified and well-motivated individuals to a life of service and adventure.

Mr. President, we now find that, for an array of reasons, the young men and women in America no longer want to join the military. The Youth Attitude Tracking Survey, which measures the propensity to enlist among our Nation's youth, has found that fewer men and women wish to join the voluntary military now than at any time in the past 10 years. Some say this is because high school guidance counselors and parents no longer think the military offers opportunity for advancement; some say the youngsters themselves think that the Defense Department is going out of business. Who can blame them, when all that the press reports is downsizing, base closure, abuse, and frustration, and increasingly lengthy and more frequent deployments. It is clear that the message must get out that defense is still an ongoing concern, that we have a strong military, that we care for those who wear our Nation's military uniforms, and that military service is a worthwhile career objective.

Mr. President, I fervently hope that this bill faces up to that challenge. And in this bill, the committee addresses the challenge of recruiting by providing a $100 million increase to support the recruitment efforts of the sergeants and chiefs who must enlist the soldiers and sailors of tomorrow. We add funds to enhance the quality of life of our military through programs such as improved health care, school impact aid, family advocacy programs, and child care centers.

We also address the question of readiness by funding the flying hours, tank training miles, and ship steaming days requested by the military. We add funds for real property maintenance and for base operations at war fighting commands. We counter the inefficiencies and costs of the drawdown by providing increased funds to bring equipment and supplies home from Europe, and to hasten the repair of barracks where our troops returning from Europe will reside.

But in all candor, Mr. President, I must tell you that we fall short of what is needed to preserve our military superiority. It is in the military procurement accounts that we find the shortfalls. The Defense Department has, with deliberation and purpose, cut back on procurement spending. Their focus has been on meeting the costs of downsizing, and on maintaining the readiness of remaining forces. At the risk of oversimplification, we can say that the leadership in the Department of Defense has calculated that procurement can be deferred until savings can be derived from force structure reductions and reduced overhead costs as bases are closed.

I shall tell you with equal candor that I am not sold on this idea. Mr. President, I am concerned that the military will find that the savings assumed to finance future procurement will prove to be as illusory as the peace dividend was to those who looked for a pot of gold beneath the ruins of the Berlin Wall.

So, Mr. President, while the committee recommends selected increases in operation and maintenance accounts to preserve readiness, we also recommend a number of modest increases and realignments of spending in procurement accounts to preserve the plants, people, and processes which make up the defense industrial base.

We believe that the bill we have put before the Senate is a good bill. We believe it is sound. There are no budgetary gimmicks here, no false assumptions, no smoke and mirrors—just difficult choices, well thought out.

In difficult times, we believe we have met the challenge. Our recommendations protect readiness and the force structure of the Bottom-Up Review. Our recommendations provide for the welfare and quality of life of military families. Our recommendations preserve the defense industrial base.

So, Mr. President, I am confident that the Senate will support this bill. I cannot think of why any Senator, looking at the total effort, would want to amend this bill. But if any Senator has any suggestions or recommendations for improving the bill, we will, of course, review those suggestions.

Mr. President, I have prepared a summary of the bill, which provides details of the recommendations, which I will read into the RECORD.

TITLE I: MILITARY PERSONNEL

The bill before the Senate realigns the President's request for military personnel. This results in a marginal reduction in funding. The recommendation fully funds active duty personnel end strength at the authorized level. The recommendation also provides funding for a 2.6-percent increase in military pay. The total of the funding recommended in the military personnel accounts is $70,445,512,000.

For the Guard and Reserve—we continue to support the Guard and Reserve as an integral part of the total force. Accordingly, we provide funding for a 2.6-percent increase in pay for the Reserve component as well as in the active.

I also wish to call attention to the fact that, as authorized for all members of the uniformed services, we have also provided a 2.6-percent pay increase for the Coast Guard.

TITLE II: OPERATION AND MAINTENANCE

For the Operation and Maintenance title, the committee provides $81,361,358,000, about $1.5 billion above the House. Our concern with readiness is reflected in the $5 billion increase we recommend over fiscal year 1994 funding.

We have supported the force structure and strategy of the Bottom Up review. Programs which are key to readiness, such as unit training, are fully supported. We increase funds for recruiting by $100 million in an effort to ensure that personnel standards are kept at high levels.

In fact, we have enhanced readiness by providing an increase of $201 million for the repair and maintenance of equipment—known as Depot Maintenance; we have provided $83 million to improve and upgrade shipyard repair facilities, $50 million for strategic mobility, $86 million for Air Force aircraft parts, and $40 million for the Army Retro-EUR Program, which brings equipment and material back from Europe. By adding funds to these programs, we have taken care to fill the major budgetary shortfalls identified by the uniformed services. There is no reasons for readiness to be affected this year by shortfalls in O&M funding. At present, 6 of every 10 U.S. service members are married. There are about 80,000 single parents in the military and almost 100,000 dual military parents. Supporting military families is a readiness issue of the first order.

Under the O&M title, we have also provided funds to begin in earnest the environmental cleanup of our Nation's defense installations—we provide $2 billion, more than half of which is for efforts which are actually cleanup efforts—not studies and research, but the actual turning of the Earth to cleanup the mess left behind by a century of neglect.

In addition, we provide $2.2 billion for compliance efforts to bring our bases into accord with the law and to make operations safe and environmentally sound. The Defense Department can become the model for responsible Government in the field of environmental concerns.

TITLE III: PROCUREMENT

The bill which the subcommittee recommends makes a prudent investment in the military hardware and related equipment necessary to preserve a strong defense establishment. We recommend the appropriation of $42,708,049, the lowest amount we have provided for procurement in at least 15 years.

NAVY

For the Navy, we provide $2,284,925,000, which is sufficient to complete payment for the CVN-76 nuclear aircraft carrier, and $2.6 billion for three DDG-51 *Aegis* destroyers, as requested and as authorized; also $50 million to add to funds available for advance procurement for the LHD-7 amphibious assault ship for the Marines; and $828.6 million for the National Defense Sealift Fund—which includes financing for the construction or lease of two additional ships for Marine Corps logistics.

In commenting on this action, we would note that had we funded the CVN-76 in fiscal year 1994, as recommended by this subcommittee, we could have saved in excess of $200 million on the overall procurement.

We address the problems of Navy air by funding procurement of 17 F/A-18 C/D aircraft as authorized, as well as 12 T-45 Navy trainers, and we fund the remanufacture of 4 AV-8B Harrier aircraft. We also provide substantial amounts in R&D funding for an advanced version of the F/A-18, the E/F version. I will say more about that in a moment.

ARMY

For the Army, we are recommending the procurement of 6 Apache helicopters at a cost of $77.6 million; and we recommend $248.3 million for the procurement of 60 additional UH-60 Blackhawk utility helicopters. We also fund the Kiowa Warrior upgrade to the Army's AHIP helicopters, at $98.8 million.

AIR FORCE

For the Air Force, the recommendation includes $2,472,914,000 to purchase six C-17 aircraft in fiscal year 1995 and $189,900,000 to finance advance procurement for eight more in fiscal year 1996. Our recommendation fully funds the agreement between DOD and McDonnell Douglas Aircraft Corp. to settle all outstanding claims.

We also recommend the appropriation of $440.5 million for 2 JSTARS aircraft and we add $218.8 million for advance procurement of additional JSTARS aircraft. Finally, the mark also includes $78.2 million for 3 joint primary aircraft trainers, and $155 million for 32 of the Air Force's new tanker/transport trainer known as the T-1.

The recommendations would provide $384 million to support the procurement of support equipment for the B-2 bomber and $150 million to preserve the bomber industrial base. A general provision in the bill requires the Institute for Defense Analysis to conduct a cost and operational effectiveness analysis [COEA] on the several elements of the bomber force structure to assist the Congress in determining what force structure to support in the future.

TITLE IV: RESEARCH AND DEVELOPMENT

In the research and development accounts, we provide funding for investment in the future of America's Armed Forces. We are not unaware that defense budgets may decline in the future. Accordingly, we have been careful to avoid initiation of R&D programs which are unaffordable in the future. Nonetheless, we do provide ample resources to those R&D programs which have been identified as required investments. Our recommendation is to appropriate $35,405,174,000.

ARMY

Under Army R&D, we continue funding for research on breast cancer and AIDS. The amount provided for breast cancer is $60 million, which, together with $25 million in unobligated funds from fiscal year 1994, will finance a significant effort to conquer breast cancer. A lesser, but not insignificant amount—$2 million—is provided for research on prostate cancer. And, we provide $30.2 million for AIDS research.

Our largest recommendation is for the $525 million sought for development of the Army's No. 1 priority R&D effort—the Comanche light armed scout helicopter.

We also recommend full funding of the $191 million sought for the Apache Longbow heavy attack helicopter upgrade.

Finally, we have provided $42 million to continue development of the sense and destroy antiarmor munition, known as SADARM.

NAVY

We approve the budget request for F-18 E/F development—$1.42 billion. This airplane will solve the Navy's midterm problems in the area of strike aircraft.

We provide full funding of $508 million for development of the new attack submarine. However, we do acknowledge that there is an open question

whether the most cost-effective plan for Navy submarines is to keep producing the SSN-21 *Seawolf*-class submarine instead of continuing with the new attack boat.

The subcommittee allocates $403 million, an increase of $29 million to the budget request, to support Navy efforts to develop advanced capabilities for ship self-defense.

We have approved $497 million to continue development of the V-22 tilt-rotor aircraft for the Marines.

We have added $25 million to the budget request to develop a successor to the now-terminated EA-6B advanced capability jammer aircraft upgrade. These funds are available to begin the new program after the Navy submits a complete plan outlining a preferred approach in this important area.

AIR FORCE

The R&D programs in the Air Force are numerous—and costly. Nonetheless, we support them because we believe air superiority and the importance of strategic and tactical bombing were unquestionably demonstrated in the gulf war. Communications, intelligence, and control of air over the battlefield are vital to the success of our Armed Forces.

For the F-22 advanced tactical fighter, we recommend the appropriation of $2.4 billion, which fully funds firm program requirements in fiscal year 1995.

We recommend the appropriation of the budget request of $409 million for B-2 development and flight testing, and the $74 million sought for the conventional war-fighting upgrades for the B-1 bomber.

In the arena of early warning systems, we have reshaped the proposals for satellite development, due to serious concerns about the currently planned program. We have created a new alarm—alert, locate, and report, missile—prototyping program to replace the demonstration-validation program proposed by DOD.

Our program recommends $150 million for the Brilliant Eyes warning satellites and $62 million for quick reaction technology satellite demonstrations. We think there should be a "fly-off" in about 2 years among the widest possible competition. This should ensure the best candidate technology enters engineering and manufacturing development.

The recommendation includes $210 million for the C-17 advanced transport aircraft. This amount will fully fund firm program requirements and the R&D share of the settlement between the contractor and the Government.

The C-17 is important for global mobility, and the settlement permits all parties to focus on final development and flight tests, and on continued production—instead of time-consuming, costly legal battles.

DEFENSE-WIDE R&D

It is under defense agencies that we find the largest of the R&D programs, the efforts which are consolidated under the ballistic missile defense organization. The recently passed defense authorization bill restructures this program into 10 new program elements, building on this committee's initiative of last year, and continues emphasis on theater missile defenses. Consequently, we recommend the appropriation of $2.83 billion for the Ballistic Missile Defense—former SDI—Initiative, an amount which is $421 million below the request, but the same amount as recently passed by the Senate.

It will be of interest that we recommend the appropriation of $625 million, the budget request amount, for ARPA defense conversion R&D. The committee has deferred initiating new conversion-related programs outside the core ARPA technology reinvestment program.

Finally, under the defense-wide accounts, our recommendations would provide $342 million to develop massively parallel supercomputers and software under the ARPA high performance computing program, and $183 million, the requested and Senate-authorized amount, to buy high performance supercomputers.

There are some recommendations which affect funding across all of the R&D accounts. For example, we provide $145 million for manufacturing technology programs under the purview of the military services and the Office of the Secretary of Defense.

In another instance, following the authorized levels, we cut $52 million from the accounts for the federally funded research and development centers, leaving $1.3 billion for these institutions. This is exactly the amount authorized by the Senate.

We also provide $1.7 billion for university research in fiscal year 1995. That amount is a minor decrease of about $100 million to the request. It is far less than the $900 million reduction recommended by the House. We reject that House cut, because it could interrupt important, defense-related research and unduly harm our national university community.

CONCLUSION

Mr. President, the summary I have presented represents the principal recommendations for funding.

As you know, the defense appropriations bill carries a large number of general provisions—over 100—which cover a variety of subjects. I will not review all of them; most have been carried in our bill for a number of years.

The committee has shaped a bill which both meets our essential national security requirements and the objective of fiscal restraint. We are confident that the Senate will support this bill. No one will find everything that they wanted in this bill, but all will find that we have made a determined effort to maintain readiness, preserve the defense industrial base, and invest in the future. Above all, we have protected the welfare and the war-fighting ability of the men and women who serve our country in the uniformed services.

As in the past, we have a classified annex to the bill and a classified report detailing the recommendations for the intelligence and special access programs. I invite my colleagues to review these papers and to discuss any concerns that they might have with me and Senator STEVENS.

Mr. President, when we continue next week I will yield to my trusted adviser and friend, to whom I often turn for leadership and support as we struggle with these difficult choices, the senior Senator from Alaska, Senator STEVENS.

Mr. President, before closing my remarks, I would just like to point out a matter that has concerned Senator STEVENS and has concerned me. We oftentimes speak of the hollow force, and most Americans have no idea what we are speaking about. We usually point to that period in the seventies when we had a hollow force. What was that hollow force? Let me point out that in the seventies, our Navy had many magnificent ships, as we do at this time. But yet, even with ships that were brand new, 30 percent of these ships were not ready for combat. Thirty percent of our Navy was not ready for combat. When one analyzes why this was so, you will find that these ships were not ready for combat, because we did not have personnel qualified to man these ships.

Slowly, we are approaching that point. Most Americans do not realize this. A year and a half ago, in our recruiting, we were able to get an abundance of college graduates and an abundance of high school graduates. We recruited less than 1 percent category IV. What do I speak of when I mention category IV?

In our recruiting program, we have five categories. Category I would be the genius. There are very few category I's who volunteer. Category II are the college grads. We have many college grads volunteering. But ask yourselves how many college grads do we know that are volunteering? Category III is the equivalent of a high school graduate. And category IV have an intelligence quotient of less than 90 percent.

Two years ago, less than 1 percent of our recruits were in category IV. I am sorry to report to you, Mr. President, that this year, we are approaching 7 percent. In addition to that, those men and women in whom we have invested much time and resources, the captains and majors, or the senior lieutenants and lieutenant commanders, are leaving the services. Why? Some feel that there is no future for them. Others, because of complaints from their spouses.

Mr. President, as you know, we had a large number of Marines on ships on the coast of Bosnia. They were prepared for any contingency. Suddenly,

we were faced with a contingency in Haiti. They came back. They spent 8 days with their families, and they were shipped out again. Yes, these men are patriotic, brave, and loyal. But I think, like all of us, they want to be with their families, and their families want to be with them. The drawdown of our military is causing all of this, and we wonder why our sergeants are not reenlisting? They have many temptations outside. They are paid better.

And so, Mr. President, all seems well. Today we have the finest military in the world. But when we begin recruiting category IV's and when our sergeants leave us and when our captains and majors leave us, we are approaching this hollow force that I have been speaking of.

So, Mr. President, in conclusion, I would like to say that the summary that we have just presented and made part of the record represents the principal recommendations for funding. But, as you know, the bill carries a large number of general provisions. There are over 100 of them which cover a variety of subjects. I will not review all of them. Most have been carried in our bills for a number of years.

The committee has shaped a bill which both meets our essential national security requirements and the objective of fiscal restraint. And, as I have indicated, we are confident that the U.S. Senate will support this measure.

No one will find everything they wanted in this bill, but all will find that we have made a determined effort to maintain readiness, preserve the defense industrial base, and invest in the future. Above all, we believe we have protected the welfare and the warfighting ability of the men and women who serve our country in the uniformed services.

Mr. President, as in the past, we have a classified annex to the bill and a classified report detailing the recommendations for the intelligence and special-access programs. I wish to invite my colleagues to review these papers and to discuss any concerns that they might have with me or with Senator STEVENS.

Mr. President, Senator STEVENS will be presenting his remarks when we return to the bill on Monday next. At that time, it would be my pleasure to yield to my trusted adviser and friend, to whom I often turn for leadership and support as we struggle with these difficult choices.

Mr. President, at this juncture, 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. INOUYE. 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. INOUYE. Mr. President, I ask unanimous consent that the Senate vitiate the action on the adoption of committee amendments.

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

Mr. INOUYE. I have been advised that Senators may have a list of excepted amendments on Monday next.

PRIVILEGES OF THE FLOOR

Mr. INOUYE. Mr. President, I ask unanimous consent that the following individuals be given floor privileges during the consideration of this bill: Mr. David Hennessey, Ms. Nora Kelly, Ms. Nancy Lescavage, and Mr. Herb Nakamura.

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

Mr. INOUYE. Mr. President, am I correct that Monday next the Senate will take into consideration the Labor-HHS appropriations measure?

The PRESIDING OFFICER. The Senator is correct.

Mr. INOUYE. And upon the disposition of that measure, is the Senate scheduled to resume consideration of the Defense appropriations bill?

The PRESIDING OFFICER. That would be the regular order once that bill has been submitted.

Mr. INOUYE. Is that the order?

The PRESIDING OFFICER. That will be the order.

Mr. INOUYE. I yield the floor.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine is recognized.

SOCIAL SECURITY ADMINISTRATION INDEPENDENT AGENCY BILL

Mr. COHEN. Mr. President, I am pleased that the Senate is considering today the conference report on H.R. 4277, a bill making the Social Security Administration an independent agency. While this bill contains many important provisions, I want to address my remarks to particular reforms in the bill that will go far in correcting a major misuse of taxpayer and Social Security trust fund dollars.

I also, however, want to point out a provision in the conference report which was not included in the Senate-passed bill and which, I believe, may result in unfair consequences for some individuals who sorely need help from the disability program.

From time to time, astounding examples of absurd Federal spending policies come to light and stop us in our tracks. The findings earlier this year of an investigation by my staff on the Senate Special Committee on Aging and the GAO that drug addicts and alcoholics are being given cash disability benefits that are in turn perpetuating their addictions is just such an outrageous example of how a well-intentioned Federal program has been manipulated extensively, resulting in the misuse of millions of taxpayer dollars.

While Congress' original purpose in giving disability benefits to drug addicts and alcoholics was to encourage treatment, this goal has been turned on its head: instead of promoting treatment, the disability programs are feeding their addictions. In fact, the Social Security Administration has been criticized as being one of the easiest sources of cash for drugs and alcohol in the United States.

It is clear that Congress' original goal of rehabilitating drug addicts and alcoholics has failed and that the Social Security Administration has instead become the enabler of hundreds of thousands of drug addicts and alcoholics by providing them with unsupervised cash that they can use to buy more drugs and drink.

There are now over 250,000 addicts and alcoholics on the disability rolls, but only 78,000—or less than a third—are required to receive treatment or have a third party manage their benefits for them. The other 172,000 addicts and alcoholics on the rolls are not required by SSA to receive treatment, and receive cash benefits, which are often used to buy them more drugs or alcohol.

The taxpayer is left paying the tab of over $1 billion a year for the 172,000 drug addicts and alcoholics who are not required to seek treatment. In addition, since most of these individuals are never reviewed by the agency to determine if they are still eligible for benefits—many of these addicts are on the disability program for life.

In addition, we found that up until this year the SSA had established agencies to refer addicts to treatment and monitor their compliance in only 18 States—leaving 26 States without any approved agency to oversee the substance abusers. For example, Maine has never had a treatment referral agency in the entire history of the SSI program and recently had its proposal turned down with no explanation.

Some clever addicts find ways to game the system even when the Social Security Administration appoints a person to manage benefits on behalf of the drug addict or alcoholic. In some cases, the local bartender was selected as a responsible third party for addicts and alcoholics to manage their monthly benefits. In most cases, a family member or friend is chosen and is inevitably pressured or threatened to give the money directly to the substance abuser.

Even more alarming is the fact that, in many cases, due to the length of time it takes to process a claim, addicts and alcoholics are eligible for cash lump sum retroactive payments that can total up to $25,000. It is no surprise that these taxpayer dollars are often drunk away or shot into the arms of drug users.

Perhaps the most outrageous finding of our investigation was that even

when drug addicts directly admit to the Social Security Administration that they are actively engaged in criminal activity, such as drug dealing and stealing, to support their addiction they are still awarded benefits. The effect of this policy is that one hand of our Federal Government is trying to crack down on crime and illegal drug use, while the other hand is supplying drugs to the dealers and addicts who commit the crimes. Fighting the war on crime is hard enough without buying supplies for the other side.

The conference report we are passing today addresses many of the major flaws we uncovered in the disability program. Most importantly, it will get cash out of the hands of many addicts and alcoholics for whom the disability check has become their main source of drugs and alcohol.

This bill will also ensure that drug addicts and alcoholics on both the SSI and Social Security disability insurance rolls receive treatment for their substance abuse as a condition of receiving benefits, and requires that SSA monitor the treatment of these persons to be sure they are complying with the law.

There are, however, concerns that I have with the final version of this legislation. The conference report adopted a House provision which limits SSI benefits to drug addicts and alcoholics to 3 years of benefits, regardless of whether they have begun to receive treatment or not. I have concerns that this provision does not adequately take into account the long waiting lists for treatment that exist in some areas of the country. Since the goal of this limitation on benefits should be an incentive to rehabilitate and then successfully remove substance abusers from the disability rolls, starting the clock on the 3 years of benefits when treatment is not even available does not reflect this goal.

In my bill, I would have treated the disability insurance recipients and the SSI recipients the same by not counting the 36-month time limit until treatment was available. In other words, what I did in our legislation was to say that those individuals who are, addicted to drugs or to alcohol, must seek treatment and treatment must be available. And until that treatment is available, the 36-month period would not run.

At this particular time I doubt very much whether there is any sentiment on the part of either the House or Senate to change this provision. But I must say it is flawed in my opinion. To say to an individual that you must seek treatment and we will start counting the time in which you are allowed to receive these benefits but if treatment is not available, it is your tough luck, I think that is an unfair provision. I hope to amend that as we consider more legislation, if not this year then certainly next year. I hope to amend that particular provision to make sure that those individuals who qualify for these benefits will in fact be able to receive the treatment or not be taken off the program.

I also would have preferred that the requirements for representative payees and treatment be required for all drug addicts and alcoholics on the disability rolls, in order to tighten the controls even further on these programs.

Despite these two concerns, I believe that this legislation is a major step toward restoring the public's confidence and integrity in our Nation's disability programs.

Mr. President, I want to thank Senator MOYNIHAN, Senator PACKWOOD, and Senator DOLE and their staffs for their strong support and assistance in passing these reforms. I would particularly like to recognize Kathy Tobin and Margaret Malone of the Senate Finance Committee staff, Alexander Vachon of Senator DOLE's staff, and Marty Sieg-Ross and Sally Satel of the Labor Committee for their assistance with this legislation.

FAIRNESS OR JUSTICE

Mr. COHEN. Mr. President, there is tremendous frustration among the American public with Government. Nothing turns that frustration more quickly to anger than acts of Government that violate fundamental rules of fairness.

Americans have a reasonable expectation that Government will be fair and just. Whether dealing with a Government agency or a court of law, citizens expect justice to be served.

In many cases, injustice or unfairness occur because the law allows them to occur. The rule of law is sometimes contrary to justice. As a young lawyer practicing in Bangor, ME, I worked on plenty of cases where justice was on my side but the law was on my opposition's side. Although I lost those cases, they serve as a reminder that law requires both a heart and a head.

If a judge does not have a heart, the law becomes a sterile set of rules removed from human problems. If the judge does not use his or her head, then every case would be decided on the emotional reaction to the facts and the rule of law would be of little use. So it becomes a question of balance.

Mr. President, today I would like to discuss a case that illustrates what happens when the law does not achieve the necessary balance between the heart and the head.

This case has resulted in an injustice because an agency of the Federal Government went strictly by the book. It turned a blind eye to fairness because the law allowed it to. As a result, innocent people are being asked to pay for the illegal activity of wrongdoers who are not being pursued.

The case involves John and Rhetta Sweeney of Hamilton, MA, and the Resolution Trust Corporation [RTC]. The Sweeneys defaulted on a loan because officers of their bank engaged in unfair and deceptive trade practices. A Massachusetts Superior Court found that the bank, not the Sweeneys, was to blame for the default.

The situation was complicated, however, when the bank failed and was taken over by the RTC. After the RTC stepped in as receiver, the S&L bailout agency hired the failed bank's counsel and began to aggressively pursue a new strategy to defeat the Sweeneys.

With the full knowledge that the superior court decision on the Sweeneys' unfair and deceptive trade practices claim was pending, the failed bank's former counsel, now working on behalf of the RTC, removed the case from the State court to the Federal District Court. This removal to Federal court was completed just 19 days before the superior court judge filed her opinion in favor of the Sweeneys.

The removal to the U.S. District Court also enabled the RTC's hired counsel to invoke a provision of law reserved for the RTC and the Federal Deposit Insurance Corporation [FDIC] when they are party to a lawsuit. This provision, known as the "D'Oench Duhme" doctrine prevented the Sweeneys from arguing the case on its merits before the U.S. District Court.

The D'Oench Duhme doctrine provides that only claims in writing, approved by the failed bank's board of directors, and recorded in the bank's official minutes will be valid in the event the Federal Government becomes the receiver of a failed bank.

Because much of the Sweeney claim involved verbal and written representations by the bank that were not formally approved by the bank's directors and recorded in the bank's official minutes, it did not meet the D'Oench Duhme standard. Consequently, the U.S. District Court barred the Sweeneys from presenting their claim in Federal court.

Last year, I introduced legislation, S. 1725, to redefine the use of the D'Oench Duhme doctrine so that it can only be applied in cases where there is a secret agreement entered for the specific purpose of defrauding the failed bank. The legislation would therefore prevent the RTC and the FDIC from invoking the D'Oench Duhme doctrine to bar legitimate claims against failed banks.

The bill is currently before the Banking Committee and I am working with Senator D'AMATO and others, as well as the FDIC, to move this legislation out of Committee and to the Senate floor.

While I strongly believe the applicability of the existing law should be changed, I am not suggesting that the RTC acted improperly or outside its legal rights in this case. In fact, I do not categorically oppose the use of the

D'Oench Duhme doctrine. It legitimately exists to prevent bad actors from using secret informal agreements that were clearly meant to defraud the failed bank, to defraud the Government.

The Sweeney case is different. The superior court found that a verbal contract existed which, at the very least, is good evidence that the Sweeney's claim is legitimate and should not be ignored by the Federal Government.

The circumstances surrounding this case also raise questions of fundamental fairness. First, the Sweeney case was litigated 9 months before the RTC took over as receiver of the bank.

Second, the parties involved were awaiting the superior court's decision on two key counts at the time of the bank's failure.

Finally, before the bank failed, the superior court jury found that there was, in fact, intentional infliction of emotional distress by the bank. Shortly after the bank failed, the superior court judge determined that the bank committed unfair and deceptive trade practices, and it engineered the default of the Sweeney mortgage.

The Sweeneys were clearly defrauded by representatives of the bank as evidenced by the rare jury award of damages for intentional infliction of emotional distress.

The RTC should be commended when it aggressively looks out for the taxpayers' interest. At the same time, the RTC should be reminded that it must, with equal vigor, ensure that its actions are fair and just for the individuals who are affected.

The Sweeney case illustrates how justice and fairness took a back seat to the RTC's well-intentioned aggressiveness.

Mr. President, on July 13, Senator JOHN KERRY and I wrote to John Ryan, the acting Chief Executive Officer of the RTC, asking that he review this case and consider an equitable adjustment which weighs fairness with the RTC's obligation to protect the interests of the taxpayer.

In the coming days, I would like to facilitate an open meeting with Mr. Ryan and myself to discuss the possibility of an equitable solution to this situation. I am also requesting that the RTC promptly open a dialogue with the Sweeneys and begin discussing a mutually satisfactory agreement.

In the future, the RTC and the courts should be reminded that the D'Oench Duhme doctrine was designed to shield taxpayers from fraud—it should not be used as a sword against victims of fraud.

I suggest the absence of a quorum.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

SOCIAL SECURITY ADMINISTRATIVE REFORM ACT OF 1994—CONFERENCE REPORT

Mr. MOYNIHAN. Mr. President, I submit a report of the committee of conference on H.R. 4277 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4277), a bill to establish the Social Security Administration as an independent agency and to make other improvements in the old-age, survivors, and disability insurance program, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

(The conference report is printed in the House proceedings of the RECORD of August 4, 1994.)

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the conference report on H.R. 4277, a bill to establish the Social Security Administration as an independent agency; that the conference report be agreed to, the motion to reconsider be laid upon the table; and that any statements thereon appear in the RECORD at the appropriate place as though read.

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

So the conference report was agreed to.

PRIVILEGE OF THE FLOOR

Mr. MOYNIHAN. Mr. President, I also ask unanimous consent, and the courtesy of the Senate, to allow Mr. Webster Phillips, who is an employee of the Social Security Administration, to be granted privilege of the floor. He has worked heroically in this matter for the longest while, and it would be a personal favor if this might be done.

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

Mr. MOYNIHAN. Mr. President, today the Senate completes action on legislation of historic importance which removes the Social Security Administration from the Department of Health and Human Services and reestablishes it as an independent agency in the executive branch of the Government.

We do so serendipitously on a date that falls within 4 days of the date—August 9, 1935—when the Senate voted by voice vote to pass the conference report on the original Social Security Act.

With the conference report before us today, we increase the stature of the Social Security Administration, strengthen its leadership and establish a bipartisan advisory board. These measures will strengthen the administration of Social Security and we confidently believe increase public confidence in the program.

The conference report also includes provisions proposed by Senator COHEN and Senator DOLE that require the Social Security Administration to establish procedures for more responsible payment of benefits to disabled drug addicts and alcoholics. Beginning 6 months after enactment, Social Security will be required to pay these disability benefits to a representative payee rather than directly to the individual involved.

Making the Social Security Administration an independent agency is not a new notion. It began as such in 1935, only gradually to be folded into a succession of Government agencies and, in the end, losing its identity almost entirely within the Federal Government.

In 1980, the National Commission on Social Security, which was appointed by President Carter, and in 1983, the National Commission on Social Security Reform which was appointed by President Reagan and the Congress recommended that the Social Security Administration should be established as an independent agency.

Congress, with Senator DOLE very much involved, and the Senator from New York, in 1983 commissioned a study for the best form of governance for an independent Social Security Administration.

In 1984, the following year, this panel, which was headed by the distinguished former Comptroller General of the United States, Elmer Staats, recommended that an independent Social Security Administration be led by a single executive who would be advised by a bipartisan advisory board. The conference report before us follows those recommendations.

It has taken us a decade, Mr. President, and the reasons are clear enough. In 1977, the Social Security amendments of that year put the trust funds on a partially funded basis such that an enormous surplus would be built up, anticipating the retirement of the persons born in the decades after World War II.

To give you a sense of the magnitude involved, the surplus would buy the New York Stock Exchange, a fact which the Office of Management and Budget did not fail to notice. It began in effect using Social Security trust fund surpluses as general revenue. The specifics are that they can only be used to purchase Federal Government bonds, special bonds which cannot ever fall below the par value. But in reality had we gone to a balanced budget situation, a balanced operating budget in the 1980's, this surplus would have been used to buy down the privately held debt of the United States, and the consequences would have been an increase in private investment. We could have

doubled the rate of savings in the 1980's had we done what was possible but which was not done.

Further, the ability of the Social Security Administration to carry out its functions was severely limited by budget constraints—cuts in staffing levels, cuts in the basic services.

There is a fine editorial which appeared just recently in the Rochester Times-Union on this subject, on customer service at Social Security. It reads, if I may:

Did you ever try to get a call through to the SSA? Or get a new card? Or find out how much you have paid into the system? Or get an estimate of your retirement benefits? This is pretty basic stuff, but it's easy for an organization out of the public line of fire to forget even the basics.

It goes on to note that our current Commissioner, our very able Commissioner, Shirley Chater, is the 12th Commissioner of Social Security in the last 17 years. There has been no continuity. There has been no executive energy. And the results have shown a startling decline in public confidence.

We have reached the point, Mr. President, where the Employee Benefit Research Institute, which does regular Gallup Polls on this matter, in February found only 30 percent of respondents had confidence that Social Security would be available through their retirement years.

If I can make just a small anecdote on this point, it would be about 2 months ago that Senator PACKWOOD and I were on the floor proposing the bill that passed unanimously from the Committee on Finance, and I was making a point that Social Security was in surplus, the benefits would be there in half a century; it had never been a day late or a dollar short, and it would continue so.

I noticed something, something that had never happened before to me on the Senate floor. I noticed that the very able young persons who work the desks in front of you, Mr. President, and the tables here in front of us, were listening. Now, normally they do not listen. They have better, other things and more pressing things to do. They are going about the business of the Senate, putting things together, looking up references, making arrangements, and so forth. I found them listening to what I was saying.

A quorum call was introduced, and I took the liberty of going up and saying, "Now, you were listening." They said, "Yes." I said, "Would I be wrong in thinking that this is the first time you have ever heard anyone say that Social Security would be available to you when you reached retirement age?" And they said, "Yes." I took an informal poll of nine persons here at the front desk, seven of whom agreed that Social Security would not be there when their time came.

Well, Mr. President, this legislation today makes it very much clearer that it will be. I hope we will see in very short order the introduction of an annual statement sent to every Social Security contributor of what his or her contributions that year had been, what survivors' benefits would be, where they stood in the earning of 40 quarters of coverage which vests Social Security in the individual, and what their ultimate retirement benefits would likely be at age 65.

All these things are easily done. In the sending out of such a statement, the largest cost involved is the postage stamp. But the cost of not doing so, which we have not done, is a near complete loss of confidence in younger people that the system is working. If young people think the Government is misleading them in something as elemental as Social Security, what else do they think they are misled about?

I recently received a letter from Robert M. Ball, one of the great authorities on this subject, a Social Security Commissioner, after a lifetime in the system, who spoke of the statements as "individual reports to each stockholder."

It is long past time this was done, long past time we had a proper Social Security card in plastic with a hologram and not the paper pasteboard product of the 1930's, which said rather assertively at the bottom "Not To Be Used For Identification." It is now issued to children at birth.

Yet, when we got the law passed to say that there would be a tamper-proof card, the Social Security Administration in the 1980's took about 2 years to carry out the statute. And one day I got in the mail an announcement that there was the new tamper-proof card, the exact same card we always had, with this difference—there were invisible fibers implanted in the paper so that a counterfeit card would be instantly recognizable under a microscope in an FBI laboratory.

Well, that was not the purpose of having a tamper-proof card. It was for the purpose of having something to show so you would know who they were; you would know they were part of the work force, and legally in the country, and citizens who had responsibilities and were carrying them out.

That sort of mismanagement got to the point of genuine abuse. In the mid-1980's, the present mayor of New York City, Mr. Rudolph Giuliani, who was then the U.S. attorney for the Southern District of New York, refused to defend the U.S. Government in disability benefit cases. He thought the management in the Social Security Administration was so bad because the Government was turning people out, turning people down, rescinding benefits, denying benefits. Appeals were made, benefits were restored or conferred, and the Government asked to go to court to contest. A U.S. attorney said, no, it is insufferable. And indeed it was.

So, Mr. President, today we write the final chapter in the effort to reestablish an independent Social Security Administration.

I ask that my colleagues join me in supporting this historic measure.

I ask unanimous consent that the editorial from the Rochester Times-Union be printed in the RECORD.

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

[From the Times-Union, July 26, 1994]

CUSTOMER SERVICE AT SOCIAL SECURITY

Any day now, President Clinton is expected to sign legislation to make the Social Security Administration an independent agency, separate from the Department of Health and Human Services.

Don't yawn. This apparently innocuous change, spearheaded by New York Sen. Daniel Patrick Moynihan, offers the best opportunity for improving service, which is the key to restoring confidence in the retirement system.

Just 39 percent of non-retired adults feel "very confident" or "somewhat confident" that they will collect benefits when they retire.

Cutting Social Security loose doesn't guarantee improvements, but it should raise the public profile of the agency and the director (Quick, who heads this $300 billion a year program?) who operate in obscurity, blissfully ignorant of even the most elementary principles of customer service.

CHECKING YOUR CONTRIBUTIONS

Eventually, the Social Security Administration should send every taxpayer an annual statement of contributions to date and an estimate of expected benefits at retirement age. That's not common practice now, but you can get a statement on request by calling 1-800-772-1213.

Did you ever try to get a call through to the SSA? Or get a new card? Or find out how much you've paid in to the system? Or get an estimate of your retirement benefits?

This is pretty basic stuff, but it's easy for an organization out of the public line of fire to forget even the basics.

The current Social Security commissioner, Shirley S. Chater, is the 12th in 17 years. You've probably never heard of her, although she presides over a budget larger than the defense budget.

If she and her successors are more visible—are actually interviewed on TV once in a while, or go before Congress—they should be more sensitive to you and your needs.

"You will get a decent Social Security card," Moynihan says, "You will get an annual statement of your contributions and expected benefits. When you call the local Social Security office, they will answer your call. And you will know someone is looking after your money."

Maybe, he's too optimistic. But not many Baby Boomers expect to get regular checks when they retire—despite the fact that Social Security payroll taxes were hiked a decade ago for the purpose of generating the huge surpluses (more than $70 billion this year alone) that would guarantee those benefits.

The money's going to be there. If the Social Security people begin to treat taxpayers as customers, the confidence will be there, too.

Mr. MOYNIHAN. Mr. President, with that, I conclude by noting that the majority leader would like to speak on

this, which is a matter of great concern to him. Accordingly, sir, I conclude my remarks and suggest the absence of a quorum so that the majority leader might come to the floor.

I once again would like to thank Eduard Lopez for his incomparable advice for 10 years on such an enterprise, and Margaret Malone of the Finance Committee staff, and Webster Phillips of the Social Security Administration.

So, Mr. President, I suggest the absence of a quorum. I thank the Senate for its consideration.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

Mr. MITCHELL. Mr. President, today is a historic day in the history of the Social Security system. I believe that it should not go without notice or comment.

Social Security is one of the broadest, most effective, and most widely supported of programs in our Nation's history. It has succeeded in large part because in the nearly 60 years of its history it has had champions in the Congress and in various administrations, men and women who have devoted much of there careers to gaining knowledge of the system and how it works, who have continually striven to improve and expand the system, and to enable it to better serve the American people.

Every Member of this Congress knows, and I hope that every American who is involved with the Social Security system knows, that the person most responsible for the legislation just enacted and the more than champion of the Social Security system, the man most responsible for educating other Members of Congress about the importance of the system, is the distinguished senior Senator from New York and the chairman of the Senate Finance Committee, Senator MOYNIHAN.

Senator MOYNIHAN has devoted countless hours to informing other Members of the Senate about the manner in which the system operates, about its importance in our society, and about how it can be improved. The legislation just enacted by the Senate is but the latest result of his efforts in that regard.

Senator MOYNIHAN will receive many words and much praise and tribute on this matter, all well deserved. But I think perhaps the greatest tribute he can receive is the fact that all across this country there are millions of Americans who will not say words of tribute because they do not know of his work, and perhaps do not even know of him, but who as a result of his efforts will lead better, longer, more full and meaningful lives. And I think in the end that is the greatest tribute that can be paid.

So, Mr. President, in behalf of all my colleagues, I thank the distinguished chairman for his efforts and hope that when the history of Social Security is written, those who write it will pay proper recognition and tribute to the man who has done more than any other to make it succeed and make it better, our friend and colleague, Senator MOYNIHAN.

Mr. MOYNIHAN. Mr. President, with deepest gratitude, I am not fully confident that I ought to speak any more. The majority leader's words were so generous, and they mean very much to this Senator. I am deeply thankful.

HEALTH CARE

Mr. MITCHELL. Mr. President, earlier today during an exchange on the Senate floor on the subject of health care, the distinguished Republican leader referred to comments made by Governor Cuomo of New York about health care legislation.

I was unaware of the comments that had been made, and following those remarks, I called to inquire. In response to my inquiry, Governor Cuomo of New York sent me a letter, with copies to Senators DOLE and MOYNIHAN.

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

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

Hon. GEORGE J. MITCHELL,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR MR. LEADER: I am writing to applaud your efforts to advance the cause of national health care reform. I know how long and how hard you have worked to make health care coverage available to all Americans, and I want to make clear that I support your efforts to reform the health care system and work towards universal coverage. As you may know, I originally voiced some concern about the effect on your plan on New York. These concerns were based on the preliminary reports of your plan. However, based upon review of the legislative language that we received today, I am gratified to see that the bill makes significant progress in addressing a number of New York's concerns.

I look forward to working with you and others who believe in meaningful health care reform. Together, I am sure that we will be able to achieve significant change in health care for New Yorkers and the nation.

Sincerely,

MARIO.

Mr. MITCHELL. Mr. President, as I said earlier today, we will, next week, begin a very important debate. I think this incident illustrates the importance of all of us in keeping an open mind, trying to understand the other person's point of view, and trying to develop legislation that improves the lives of American families.

We come from different States, we represent different parties, but our highest obligation is to the American people. I hope that we can conduct a meaningful and high-level debate that will focus not on personalities but on issues, not on parties but on our people, and that we will measure our actions by one test and one test alone: what is in the best interest of the American people? That is ultimately why we were elected. It is ultimately why we serve.

I encourage my colleagues to study the issues carefully, review the bills carefully, debate vigorously. There are reasonable and principled differences of opinion. But I am convinced that, in the end, if we meet our obligation with honor, we can do what is right and best for the American people. That is my objective, that is my standard, and that is what I hope, in the end, all Senators will do.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES REFERRED

The following bill, previously received from the House of Representatives, was read the first and second times by unanimous consent and referred as indicated:

H.R. 810. An act for the relief of Elizabeth M. Hill; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time by unanimous consent and placed on the calendar:

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.

S. 2357. A bill to achieve universal health insurance coverage, and for other purposes.

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-3164. A communication from the Acting General Counsel, Department of Defense, transmitting, pursuant to law, the list of required reports; to the Committee on Armed Services.

EC-3165. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, a report with respect to a recent transaction involving U.S. exports to Russia; to the Committee on Banking, Housing and Urban Affairs.

EC-3166. A communication from the Secretary of Energy, transmitting, pursuant to law, the report on the status of Exxon and stripper well oil overcharge funds as of March 30, 1994; to the Committee on Energy and Natural Resources.

EC-3167. 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-3168. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Community Nursing Organization Demonstration"; to the Committee on Finance.

EC-3169. A communication from the Chairman of the J. William Fulbright Foreign Scholarship Board, transmitting, pursuant to law, the annual report for calendar year 1993; to the Committee on Foreign Relations.

EC-3170. A communication from the Executive Secretary, Federal Reserve Employee Benefits System, transmitting, pursuant to law, the report for the plan year ending December 31, 1993; to the Committee on Governmental Affairs.

EC-3171. A communication from the President of the United States, transmitting, consistent with the Authorization for Use of Military Force Against Iraq Resolution, a report on the status of efforts to obtain Iraq's compliance with the resolutions adopted by the U.N. Security Council; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BAUCUS, from the Committee on Environment and Public Works, with amendments and an amendment to the title:

S. 1857. A bill to authorize appropriations to assist in carrying out the North American Wetlands Conservation Act for fiscal year 1995 through fiscal year 2000, and for other purposes (Rept. No. 103-326).

By Mr. GLENN, from the Committee on Governmental Affairs, without amendment:

S. 2218. A bill to provide authorization of appropriations for the Federal Emergency Food and Shelter Program for the fiscal years 1995 and 1996.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. RIEGLE, from the Committee on Banking, Housing, and Urban Affairs:

Susan R. Baron, of Maryland, to be a Member of the National Corporation for Housing Partnerships for the term expiring October 27, 1994;

Danny K. Davis, of Illinois, to be a Member of National Corporation for Housing Partnerships for the term expiring October 27, 1996;

Julie D. Belaga, of Connecticut, to be a Member of the Board of Directors of the Export-Import Bank of the United States for the remainder of the term expiring January 20, 1995;

Julie D. Belaga, of Connecticut, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 1999;

Janet L. Yellen, of California, to be a Member of the Board of Governors of the Federal Reserve System for a term of 14 years from February 1, 1994.

(The above nominations were reported with the recommendation that they be confirmed.)

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. WELLSTONE (for himself and Mr. SIMON):

S. 2365. A bill to provide for a study of the health consequences for the spouses and descendants of atomic veterans of the exposure of such veterans to ionizing radiation; to the Committee on Veterans Affairs.

By Mr. HATCH:

S. 2366. A bill to amend the Internal Revenue Code of 1986 to extend the tax-exempt status of Christa McAuliffe Fellowships; to the Committee on Finance.

By Mr. WOFFORD:

S. 2367. A bill to amend section 3013 of title 18, United States Code, to double the special criminal assessment amounts for the purpose of enhancing revenues for the Crime Victims Fund of the Office of Victims of Crime; to the Committee on the Judiciary.

By Mr. DECONCINI:

S. 2368. A bill to implement the intellectual property right provisions of the Uruguay Round of the General Agreement on Tariffs and Trade, and for other purposes; to the Committee on the Judiciary.

By Mr. SIMON (for himself, Ms. MOSELEY-BRAUN, and Mr. FORD):

S. 2369. A bill to grant the consent of the Congress to amendments to the Central Midwest Interstate Low-Level Radioactive Waste Compact; to the Committee on the Judiciary.

By Mr. DOLE:

S.J. Res. 215. A joint resolution designating September 5, 1994, Labor Day, as "Try American Day"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WELLSTONE (for himself and Mr. SIMON):

S. 2365. A bill to provide for a study of the health consequences for the spouses and descendants of atomic veterans of the exposure of such veterans to ionizing radiation.

ATOMIC VETERANS LEGISLATION

• Mr. WELLSTONE. Mr. President, the legislation I am introducing today was the subject of a statement I made on the floor of the Senate yesterday. It was also the subject of a colloquy yesterday between myself and Senator ROCKFELLER, the distinguished chairman of the Veterans' Affairs Committee. I refer my colleagues to yesterday's CONGRESSIONAL RECORD for a full explanation of the background and purpose of my introduction of this legislation.

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. 2365

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STUDY OF HEALTH CONSEQUENCES FOR FAMILY MEMBERS OF ATOMIC VETERANS OF EXPOSURE OF ATOMIC VETERANS TO IONIZING RADIATION.

(a) AGREEMENT FOR STUDY.—The Secretary of Veterans Affairs, in consultation with the Secretary of Defense and the Secretary of Health and Human Services, shall seek to enter into an agreement with the Medical Follow-up Agency of the Institute of Medicine of the National Academy of Sciences under which agreement the agency shall carry out the study described in subsection (c).

(b) ALTERNATIVE ORGANIZATION.—If the Secretary is unable within a reasonable period of time (as determined by the Secretary) to enter into an agreement with the agency referred to in subsection (a) to carry out the study required under that subsection, the Secretary shall seek to enter into an agreement to carry out the study with another appropriate organization or entity that—

(1) is not part of the Government;

(2) operates as a not-for-profit entity; and

(3) has an expertise and objectivity comparable to that of the agency referred to in subsection (a).

(c) NATURE OF STUDY.—The purpose of the study referred to in subsection (a) is to determine the nature and extent, if any, of the relationship between the exposure of veterans described in subsection (d) to ionizing radiation and the following:

(1) Genetic defects and illnesses in the children and grandchildren of such veterans.

(2) Untoward pregnancy outcomes experienced by the spouses of such veterans, including stillbirths, miscarriages, and neonatal deaths.

(d) COVERED VETERANS.—Subsection (c) applies to—

(1) any veteran who was exposed (as determined by the Secretary) to ionizing radiation as a result of—

(A) participation while on active duty in the Armed Forces in an atmospheric nuclear test that included the detonation of a nuclear device;

(B) service in the Armed Forces with the United States occupation force of Hiroshima or Nagasaki, Japan, before July 1, 1946; or

(C) internment or detention as a prisoner of war of Japan before that date in circumstances providing the opportunity for exposure to ionizing radiation comparable to the exposure of individuals who served with such occupation force before that date; and

(2) any other veteran that the Secretary designates for coverage under the study.

(e) REPORT.—Not later than each of March 1, 1995, October 1, 1995, October 1, 1996, and October 1, 1997, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the results of the study carried out under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out the study required under this section.•

• Mr. SIMON. Mr. President, I am pleased to join my good friend and colleague Senator WELLSTONE in sponsoring this bill to study the family health consequences of radiation exposure among atomic veterans.

In 1988, I introduced a bill which provides medical benefits to atomic veterans for the illnesses that resulted from their unknowing exposure to dangerous radiation during World War II and subsequent atomic tests. My interest began back in 1981 when I was in the House and met with Bob Farmer, an atomic veteran from southern Illinois. Besides his own illnesses, all nine of his children suffer from genetic defects which may be related to his service exposure. The pain and cost of raising children with deformities, tumors, and a variety of illnesses have taken a tremendous toll on the Farmer family. Yet there is no help for them because the Government does not know for sure if there is a link between Mr. Farmer's radiation exposure and his family's situation.

Now that we have moved into the second and third generations of atomic veteran's families, it is time to know what the indirect effects of our nuclear programs have been. With the public interest generated by Energy Secretary O'Leary's courageous opening of past radiation experiments, many descendants of atomic veterans are also coming forward with their own story of our atomic legacy.

I am pleased to join in introducing this bill and hope that the Senate will act quickly to look into this important matter.•

By Mr. HATCH:

S. 2366. A bill to amend the Internal Revenue Code of 1986 to extend the tax-exempt status of Christa McAuliffe Fellowships; to the Committee on Finance.

THE TAX EXCLUSION FOR CHRISTA MC AULIFFE SCHOLARSHIPS

Mr. HATCH. Mr. President, I rise today to introduce legislation to reinstate the tax-exempt status of the Christa McAuliffe fellowship.

The Christa McAuliffe fellowship is named after the teacher who gave her life in the explosion of the space shuttle *Challenger* in 1986. The fellowship is given to reward excellence in teaching by providing financial assistance to outstanding teachers. Only one or two teachers are chosen from each State per year. Recipients of the fellowship must use the funds in one of the following four ways: sabbaticals, consultation with school districts, innovative projects, or model teacher programs.

In the Technical and Miscellaneous Revenue Act of 1988 [TAMRA], Congress provided a tax exclusion for McAuliffe awards. The exclusion was applied only if the award was spent on a project approved by the Secretary of Education, and the money was not spent to directly or indirectly benefit the fellow. All award money used to personally benefit the fellow was fully taxable.

Congress, however, allowed this exclusion to expire in July of 1990, and now fellows must include the full amount of their award in taxable income. Because of this, the great honor of being awarded the Christa McAuliffe Fellowship is quickly dissipated by the heavy tax burden it creates for its recipients. Let me explain.

Sheri Lyn Sohm, of Salt Lake City, was the outstanding teacher selected to receive the Christa McAuliffe Fellowship in Utah for 1992. As the McAuliffe fellow, Sheri instructed teachers across the State in the techniques of community problem solving and assisted classes in implementing service projects. She used the fellowship money to purchase equipment and materials for these projects. Not until the money was spent did she learn that McAuliffe Fellowships were to be treated as taxable income. She was shocked to discover she owed $8,000 in taxes—$8,000 she had already spent to help educate American children.

Mr. President, this is not an isolated situation, nor was it caused by negligence on Sheri's part. Research shows that the tax information provided by the States and given to McAuliffe fellows is often inadequate and inconsistent. Many fellows do not learn their grants are taxable until the money is spent. The combination of taxing the grant and the States not providing reliable information has led to situations in which recipients who donate a large portion or their entire grants to schools end up paying the taxes out of their own pockets.

Mr. President, this is unfair. We should not tax these teachers on money they spend to help educate American children. Large portions of these fellowship awards are spent to buy such things as computers, equipment, and materials for service projects.

Mr. President, I do not believe it was the intent of Congress to place this undue tax burden on recipients of the Christa McAuliffe Fellowship. The bill I am introducing today will remedy this situation by retroactively reinstating the tax exclusion included in TAMRA. Award money the teacher spends on a project approved by the Secretary of Education would be excluded from taxable income. To prevent abuse, the bill also states that any amounts which directly or indirectly benefit the recipient are fully taxable.

This is not an expensive change to make in terms of revenue lost to the Treasury. The Joint Committee on Taxation has estimated the lost revenue over five years to be only $3 million.

This tax exclusion is only fair. We should not punish this country's most outstanding teachers by requiring them to pay taxes on money they spend to benefit our children. Excluding these fellowship awards would help teachers, students, and this great Nation meet its educational goals.

I urge each of my colleagues to support this bill.

By Mr. WOFFORD:

S. 2367. A bill to amend section 3013 of title 18, United States Code, to double the special criminal assessment amounts for the purpose of enhancing revenues for the Crime Victims Fund of the Office of Victims of Crime; to the Committee on the Judiciary.

THE CRIME VICTIMS FUND ENHANCEMENT ACT OF 1994

• Mr. WOFFORD. Mr. President, today I introduce the Crime Victims Fund Enhancement Act of 1994. My bill will double the special criminal assessment amounts paid by convicted Federal defendants for the purpose of enhancing revenues for the crime victims fund.

In the next few days we will begin debate on final passage of the crime bill, the most comprehensive anticrime legislation in history. In addition to putting 100,000 new cops on the street, providing funding for prison construction and prevention programs, the crime bill includes several important provisions to assist victims of crime. I support those provisions and my legislation will add to that effort by further assisting the real casualties of crime: The victims.

Since its beginning in 1986, the crime victims fund, created by the Victims of Crime Act of 1984 [VOCA], have increased from $68 million to a high of $221 million in 1992. Grants from the fund support State programs that compensate victims and their families for medical and other expenses resulting from violent crime and organizations that provide direct assistance to crime victims, such as rape crisis centers, shelters for battered spouses, and counseling for child sexual abuse victims.

But as crime and its costs have increased over the past 8 years, so has the demand for victims compensation and services. This demand has unfortunately outdistanced the supply of funding available through the crime victims fund.

By doubling the special criminal assessment my legislation will provide up to $10 million to the crime victims fund. Such an increase would mean an additional $1 million to Pennsylvania victims assistance programs and direct victims compensation.

While that sum may seem small to some, it can make a significant difference to a victims assistance program that is operating on a shoe string budget or an individual who might regain a element of dignity through the assistance or compensation available through the Crime Victims Fund. One such organization is the Daughin County Victim/Witness Assistance Program in Harrisburg, PA. In her letter of support of my legislation, Laurie A. Reiley-Snell, the executive director of the organization writes:

The program I am with is a private, nonprofit agency. Because of the funding situation, especially with VOCA, each year I am tormented with the decision—should we move money around for staff benefits or should we move money to at least maintain the current level of service to victims. It is never an easy decision and up to now we have always chosen the clients. VOCA is a necessity for many of us and the thought of having the funds enhanced is exciting.

The organizations that benefit from the Crime Victims Fund and who will benefit from the enhanced funding provided by my bill serve millions of victims of crime nationwide. My legislation has the support of the National Organization for Victim Assistance, the National Victim Center, as well as many victims organizations across the Commonwealth of Pennsylvania.

Mr. President, day after day, we hear stories of violent crime and the lives and security of our citizens taken by such senseless acts. While the real loss to victims of crime can never be adequately measured, the least we can do, as a society, is provide adequate compensation and assistance to those we have failed to protect from violence. For the past 8 years the Crime Victims Fund has accomplished that. My legislation will enhance this essential effort.

I ask unanimous consent that the full text of the bill appear in the RECORD. I also ask unanimous consent that the letters of support of my legislation appear in the RECORD.

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

S. 2367

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 "Crime Victims Fund Enhancement Act of 1994".

SEC. 2. SPECIAL CRIMINAL ASSESSMENTS.

Section 3013(a) of title 18, United States Code, is amended—

(1) in paragraph (1)(A)—

(A) in clause (i) by striking "$5" and inserting "$10";

(B) in clause (ii) by striking "$10" and inserting "$20"; and

(C) in clause (iii) by striking "$25" and inserting "$50";

(2) in paragraph (1)(B)—

(A) in clause (i) by striking "$25" and inserting "$50";

(B) in clause (ii) by striking "$50" and inserting "$100"; and

(C) in clause (iii) by striking "$125" and inserting "$250"; and

(3) in paragraph (2)—

(A) in subparagraph (A) by striking "$50" and inserting "$100"; and

(B) in subparagraph (B) by striking "$200" and inserting "$400".

NATIONAL VICTIM CENTER,
Arlington, VA, August 1, 1994.

Hon. HARRIS WOFFORD,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR WOFFORD: On behalf of the Board of Directors and the Staff of the National Victim Center, we would like to offer our full support for the Crime Victims Fund Enhancement Act of 1994.

The National Victim Center works with more than 8,000 victim organizations and criminal justice agencies nationwide, many of which are the direct beneficiaries of the Victims of Crimes Act (VOCA) funds.

Since its creation in 1984 the VOCA Fund, has provided direct financial assistance to millions of crime victims through state administered compensation programs, and insured essential services to millions more through local victim assistance programs. For these thousands of organizations and agencies whose financial constraints force them to walk a precarious line between red and black ink, VOCA Funds have become their life blood.

The rising demand for victim assistance and services has mirrored the rise in the nation's crime rate. While demand has always outstripped available resources, in recent years demand has dramatically increased, while resources for victims and victim service organizations have actually declined.

VOCA fine collections dropped sixty percent from 1992 to 1993, from $221 million to $144 million. These reductions in Federal funding, coupled with budget cutbacks at the state and local level and reductions in private contributions, have led to a financial crisis of unparalleled proportions in the Victims' Movement.

The resulting funding famine becomes painfully evident when viewed on a state by state and case by case basis. Typical is the experience of the Jefferson County Domestic Violence Shelter in Arvada, Colorado. In 1993, alone 524 domestic violence victims, including 222 children, were turned away for lack of space.

Washington state recently funded a program to provide counseling and assistance to male victims of sexual assault (the preferred target of pedophiles). The program, designed to accommodate 50 victims, was swamped by more than 500 requests in the first three months of operation alone.

Texas has been forced to de-fund its Court Appointed Special Advocates Program, which provides critical counseling and advocacy to child victims of incest and abuse.

For organizations and agencies already operating with shoe string budgets, recent reductions in funding have pushed thousands to the brink of bankruptcy and hundreds more beyond the brink.

Additional Federal funding has become not only important, but imperative if victims and victim service organizations are to survive financially.

The introduction of the Crime Victim Fund Enhancement Act of 1994 could not have come at a more opportune time. By doubling the relatively small fines currently assessed to Federal offenders, the Act would raise more than $10 million in additional funding that would, in turn, be available to rescue financially strapped crime victims and victim organizations

In fact, there is virtually nothing Congress could do that would have a greater positive impact on the Victims' Movement and the lives of the millions of crime victims it serves, than passing legislation which will boost fines earmarked for the Victims of Crime Fund.

Indeed, the view was empirically confirmed by a poll conducted by the National Victim Center last month. The Center asked victim policy leaders and organizations to rank the relative importance of numerous victim-related issues of national consequence. Increasing VOCA funding ranked first by a considerable margin.

The proposed measure is supported by the National Victim Center, 8,000 victim organizations and the more than 6 million citizens who fall victim to violent crime each year. Moreover, with statistics indicating that five out of six Americans will be victims of violent crime at least once during their life time, virtually all Americans have a stake in the passage of this legislation.

The Board of Directors and Staff of the National Victim Center wish to applaud Senator Wofford for introducing this vital measure and we strongly urge his colleagues in Congress to lend their full support and endorsement.

Sincerely,

DAVID BEATTY,
Director of Public Affairs.

NATIONAL ORGANIZATION
FOR VICTIM ASSISTANCE,
Washington, DC, July 28, 1994.

Hon. HARRIS WOFFORD,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR WOFFORD: We understand that you are proposing to double the so-called penalty assessments that help to fund the Crime Victims Fund that was created by Victims of Crime Act (VOCA) of 1984. We warmly applaud your initiative of putting the assessments into a still-affordable range of $10 to $400 per offense, the first such increase in many years. A telephone call today from a former victim of violent crime helps to illustrate, with bad news and good, the importance of the additional $10 million that your VOCA amendment would generate.

As background, the woman had called our national helpline—1-800-TRY NOVA—after having seen it as a trailer on one of the many television programs that have recently focused on the crime of domestic violence. She wanted to complain that our number was not cross-referenced as a "domestic violence" service in the "800" directory assistance files. She urged us to correct that problem with our WATTS carrier.

The reason the woman had been looking for such a number was not to get help but to offer it. When she then heard that our 800 line is funded entirely by private donations, and has no funding whatever for the staff and volunteers who handle the calls 24 hours a day, she said she wanted to help in our fundraising efforts to improve and expand that service.

That anecdote once again highlights the bad news that we face every day—namely,

the huge gap that still exists between the need for victim assistance and its availability. A couple of years ago, the National Crime Survey found that one reporting victim in nine was offered some kind of victim services by the authorities—which meant that, finally, victim services were now registering on the radar screen, but that we still were failing to reach eight out of nine victims known to the justice system. Again, the task ahead of us is enormous.

But what motivated the caller in the first place to offer her help was the very encouraging news: she has been looking for years to pay back a movement whose help in her bleakest months had saved her life—figuratively and perhaps literally. That lifesaver was a talented victim advocate in a rural, VOCA-funded program who helped make sure the justice authorities took seriously the violence the woman's husband had done to her, and who helped the victim find the interior and external resources to see the case through and to reformulate her life.

The victims' movement survives on the goodwill of those it has helped. Our newest volunteer joins tens of thousands of other survivors of crime who, in gratitude for the help they have received, are offering crisis counseling to sexual assault victims, are helping to provide death notifications in the horrible aftermath of murder, are holding a child's hand in the alienating confines of a courtroom, and are organizing the yard sales that put a few more dollars in the local program's emergency fund.

But essential to all of these volunteer services are the full-time, paid staff who train and supervise them, who know the local justice officials and the victim rights laws they are supposed to honor, and who provide the workaday services that transform goodwill into concrete deeds—staff members like that VOCA-supported victim advocate whose skilled compassion indirectly led to our today's telephone offer of help.

The extra good news in this example is that each victim assistance advocate funded by VOCA has a major multiplier effect in the hundreds of victims they help every year and the recruits they enlist to help others. If, as we estimate, 200 or 300 additional advocates will be hired if your bill becomes law, the ripple effects will reduce in significant measure the gap between the aspirations and the actualities of our movement.

Thank you for your initiative; it will have our stringest support.

Sincerely,

MARLENE A. YOUNG, PH.D., J.D.,
Executive Director.

VICTIM/WITNESS
ASSISTANCE PROGRAM,
Harrisburg, PA, August 1, 1994.

Hon. HARRIS WOFFORD,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR WOFFORD: I write to you on behalf of the individuals who are victimized in Dauphin County, Pennsylvania. I was excited to hear that you are presenting legislation that will enhance the Crime Victims Fund.

The program that I am with is a private, non-profit agency. The staff consists of six members. Four staff members work with victims who are proceeding through the criminal justice system, one staff member works in the juvenile justice system and my position. We do not have a support staff—each individual is responsible for their own "paperwork". Four of the staff work 40 hours/week and the other two staff work 37.5 hours/week. The latter two are VOCA funded positions. No one has medical benefits. Because of the funding situation, especially with VOCA, each year I am tormented with the decision—should we move money around staff benefits or should we move money to at least maintain the current level of services to victims. It is never an easy decision and up to now we have always chosen the clients.

The Dauphin County Victim/Witness Assistance Program provides a variety of services to all different types of victims. The crimes range from harassment to theft to forgery to assault to homicide—and everything in between. Services include: accompaniment to any meeting or proceeding, assistance and follow-up with Crime Victims Compensation and restitution claims, referrals to other agencies, options counseling, crisis intervention, assistance with property return, case status updates, criminal justice system orientation, creditor and employer intercession notification (case outcome, offender release), victim input sentence, plea agreements), assistant with transportation and/or day care, legal options counseling, advocacy and most importantly we provide a caseworker that really does not care about how they are feeling about what happened to them. Each caseworker carries an average caseload of 150–200 clients (or more).

I am proud to say that we have a special component to our program that not all agencies are able to provide yet and that is the juvenile Justice System Coordinator. Often, the system does not always acknowledge victims of juvenile crime the way victims want to be acknowledged. In addition to all the above mentioned responsibilities of a caseworker, this position also includes; witness management, oversight of the Victim-Offender Mediation Program and the recruitment, training and coordination of the volunteer program that assists with duties mentioned. This position is funded by Drug Control and Systems Improvement funds which are received through the Pennsylvania Commission on Crime and Delinquency.

If there was an increase in the VOCA funding it may mean that the two VOCA staff members may be able to work the same number of hours per week as the other staff and/or have comparable wages ($8.00/hour is the maximum for current staff—VOCA pays $7.25/hour and $6.85/hour). It may mean five additional hours per week for clients. If the funds were increased significantly it would probably mean more in terms of client needs and/or staff benefits.

I thank you for the opportunity to bring to your attention one small program in the arena of many programs that are providing services. VOCA is a necessity for many of us and the thought of having the funds enhanced is exciting.

If there is any information that I can provide in the future, please contact me at the above address or telephone number. Good luck with your proposal. We will anxiously await a response on its progression. Thank you for your time.

Sincerely yours,

LAURI A. REILEY-SNELL,
Executive Director.

ANTI-VIOLENCE PARTNERSHIP
OF PHILADELPHIA,
Philadelphia, PA July 29, 1994.

Hon. HARRIS WOFFORD,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR WOFFORD: I am writing this letter in support of the Crime Victims Fund Enhancement Act of 1994. I have been very dismayed to see that most legislators do not include services to crime victims as they struggle to put together a comprehensive Crime package. Victims services have always been vastly underfunded. In the last decade, as crime and violence in America has risen, funding to victims services has not even increased proportionally—in fact it has been reduced.

Families of Murder Victims (FMV), a program of the Anti-Violence Partnership of Philadelphia (AVP) has received Victims of Crime Act (VOCA) funding since, 1986, the first year of VOCA'S inception. FMV was the first program in the United States created solely for the co-victims of homicide (friends and families of murder victims) to receive VOCA funding.

FMV, a non-profit victims service agency is located in the Philadelphia District Attorney's Office, and provides a wide array of services to co-victims. These services include accompaniment to court proceedings, assistance with filing for crime victims compensation, crisis counseling, grief and bereavement counselling, support groups, referrals to mental health and legal services, and orientation to the criminal justice system.

Last year, FMV provided services to more than 1,200 co-victims of homicide and assisted families in receiving more than $125,000.00 in reimbursement from the Pennsylvania Crime Victim Compensation Board. And we accomplished this with a budget of only $69,000.00, of which $36,00,000 was from VOCA funds.

This fiscal year, FMV faces an 8% cut in VOCA funding due to the VOCA funding shortfall. Considering our total budget of $69,000.00, this loss is very difficult to absorb and we are unable to make it up from other sources. This is on top of a total loss of $24,000.00 in revenue over the last two years. Some of this loss is as a result of governmental cutbacks as well as our chronic difficulty in attracting traditional funding. Without VOCA funding over the last eight years, FMV would have had to close down, or at the very least, sharply curtail services.

We applaud your efforts to try and restore some of your VOCA funding. Funding for crime victim services must be included in the campaign against crime and violence in our country. It is not an issue that deserves to be put on the back burner. There needs to be greater recognition that funding must be directed to assist those who have already been victimized by crime.

Thank you for recognizing this important issue and directing your energies and resources into The Crime Victims Fund Enhancement Act of 1994. Any additional efforts in this direction will be greatly appreciated by all victim services agencies and the crime victims they serve.

Sincerely

DEBORAH SPUNGEN,
Executive Director.

PENNSYLVANIA COALITION
AGAINST RAPE,
Harrisburg, PA, July 29, 1994.

Hon. HARRIS WOFFORD,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

DEAR SENATOR WOFFORD: On behalf of the Pennsylvania Coalition Against Rape, I am writing in support of the Crime Victims Enhancement Act of 1994. It is our understanding that this bill would substantially increase revenues for the Crime Victims Fund of the Office of Victims of Crime at the Justice Department.

PCAR represents 51 sexual assault centers in Pennsylvania which provide services to

victims in 67 counties. These programs provide free counseling services to victims as well as other direct services; and in addition provide prevention education programs and trainings in their communities.

Many of the programs have experienced a decrease in the amount of funding received from various sources. This has impacted the centers by limiting the number of counseling hours which can be maintained to serve an ever-increasing number of children and adults requesting services. Many of the centers have had to establish waiting lists for services and reduce the number of professional trainings provided.

For these reasons, PCAR strongly supports your bill which would double the special criminal assessment amounts. The revenue provided would directly benefit victims of sexual assault as well as victims of other violent crimes. We look forward to hearing from you as to the passage of this important piece of legislation.

Sincerely,

BRENDA TODD ROBERSON,
Public Policy Analyst.

COALITION OF PENNSYLVANIA
CRIME VICTIMS ORGANIZATION,
Harrisburg, PA, July 29, 1994.

Hon. HARRIS WOFFORD,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR: On behalf of the Coalition of Pennsylvania Crime Victims Organization (COPCVO) I would like to express our support for your legislation, The Crime Victims Fund Enhancement Act of 1994. COPCVO is a coalition of over 150 victim advocacy programs and individuals in Pennsylvania who work directly with victims and on behalf of victims.

Since 1984 Victims of Crime Act monies have greatly enhanced services to child abuse, domestic violence, sexual assault and other serious crime victims in Pennsylvania. However, during this same period of time VOCA funding has had several years of decreases. The funding may decrease but the need for services continues to rise.

Increasing the assessments would, in fact, help to increase and possibly stabilize the fund. By increasing the fund we can continue to attempt to provide services to all those in need in our Commonwealth.

Please let me know if our coalition can assist you in anyway in future supporting this legislation.

Sincerely,

MARY ACHILLES,
Director, Office of Victim Services.

WOMEN'S CENTER & SHELTER
OF GREATER PITTSBURGH,
Pittsburgh, PA, July 29, 1994.

Hon. HARRIS WOFFORD,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR WOFFORD: I am pleased to write in support of legislation to double the special assessments for enhancing revenues for the Crime Victims Fund of the Office of Victims of Crime at the Justice Department. Women's Center and Shelter of Greater Pittsburgh has provided sanctuary from stress and violence to women and their children for twenty years. As a recipient of Pennsylvania Commission on Crime and Delinquency Victims of Crime Act funding, we are well positioned to understand the urgent need for an increase in this funding.

As an agency committed to the elimination of domestic violence, the Women's Center and Shelter is in need of increased funding to help more victims of domestic violence. Women's Center and Shelter provides a safe and supportive community to women and their children, educates the public about the needs of women, especially those who are victims of domestic violence. We accompany women through the Criminal Justice System and inform them of the services available. We collaborate in order to utilize our resources effectively. Our focus is on the needs of women in domestic violence situations who come from all ethnic, racial, educational and economic backgrounds.

Women's Center and Shelter supports your efforts to increase funding for these much needed services. I am confident The Crime Victims Fund Enhancement Act of 1994 will provide increased funding for additional domestic violence services greatly needed in this community.

Sincerely yours,

MARTHA A. FRIDAY,
Executive Director.

WOMEN ORGANIZED
AGAINST RAPE,
Philadelphia, PA, July 29, 1994.

Hon. HARRIS WOFFORD,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

DEAR SENATOR WOFFORD: Women Organized Against Rape supports your legislation to increase funding for the Office of Victims of Crime.

As a rape crisis center operating in Philadelphia, PA, we see over 6,000 women, children and men each year who are victimized and traumatized by the prevalence of sexual violence. In order to provide the level of services demanded by our county, we need to maintain adequate funding. Such funding received from the Victims of Crime Act (VOCA) has enabled us to extend much needed counseling services in the form of individual, family and support group counseling. At present, approximately one-third of our clients are under the age of eighteen—many of whom grew up in abusive households where sexual abuse occurred on an ongoing basis. These same children come from families where the parent(s) were also victimized by sexual violence and suffered in silence.

An increase in funding would allow our center to provide more counseling support and decrease the waiting list of families needing our services. More funding would assist us in outreach efforts to women and children that respond to the sexual violence perpetrated in their communities by keeping quiet. Furthermore, a funding increase would enable us to expand our prevention education efforts in the community, addressing the attitudes and behaviors that condone the ever-increasing rate of sexual assault.

We thank you for your awareness of victim support and your development of the legislation to increase this much needed funding.

Sincerely,

VANESSA G. JACKSON,
Executive Director.

CENTER FOR VICTIMS OF
VIOLENT CRIME
Pittsburgh, PA, July 29, 1994.

Hon. HARRIS WOFFORD,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR WOFFORD: This letter is in response to your Crime Victims Fund Enhancement Act of 1994 legislation, which will soon be introduced into the United States Senate. The Center for Victims of Violent Crime (CVVC) is unequivocally aware of the Victims of Crime Act of 1984, which created the Crime Victims Fund to provide federal financial assistance for Victims of Crime. Consequently, the Center has been a recipient of this fund for years.

According to our facts, the proposed legislation would increase funding for the Office of Victims of Crime, eventually providing greater funding for victim-witness groups in this country. The Center for Victims of Violent Crime is assuredly in support of this legislation and will continue to support your efforts throughout the legislative process.

CVVC provides assistance to thousands of crime victims, families of victims, and witnesses annually. Victims of Crime Act funding has enabled CVVC to provide victims with a 24-hour hotline, crisis intervention, home and hospital visits, court accompaniment, counseling support groups, post-trial advocacy, victim compensation claims assistance, and many other unique services.

Within the last four years, there has been an immense escalation in crime in Pennsylvania. Doubling the special criminal assessment amounts for the purpose of enhancing revenues for the Crime Victims Fund would be a desirable relief. This additional money would afford victim-witness groups in Pennsylvania the opportunity to enhance and create programs that are presently lacking.

Again, we are in favor of this bill and will do all in our power to help move it through Congress. If CVVC can provide you with additional information or assistance, please do not hesitate to contact Mary Phan-Gruber or Jeffrey Kerr at (412) 392-8582.

Sincerely,

NANCY WELLS,
Executive Director.

VICTIM WITNESS SERVICES
OF ERIE COUNTY,
Erie, PA, July 29, 1994.

Hon. HARRIS WOFFORD,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR WOFFORD: Victim Witness Services is a program of the Erie County Rape Crisis Center and receives more than one half of its funding from VOCA. This program was begun in 1986 to serve victims of personal injury crimes and family members of homicide victims.

The program provides individual and group counseling, crisis intervention, and accompaniment to criminal justice proceedings. Nearly one thousand victims and their significant others each year benefit from these and other services.

Fiscal year 94-95 brought us a decrease in federal funds and forced us to reduce a full time counselor position to twenty-one hours per week.

The Crime Victims Fund Enhancement Act, if passed, would assist many thousands of victims. Continued and increased financial support to victim assistance programs would enable the programs to continue and increase services to those in need.

Thank you for your continued work to improve the lot of crime victims.

Very truly yours,

ANGELA PORFILIO,
Program Director.

THE CRIME VICTIMS CENTER
OF CHESTER COUNTY,
West Chester, PA, August 1, 1994.

Hon. HARRIS WOFFORD,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR WOFFORD: I would like to take this opportunity to thank you for introducing The Crime Victims Fund Enhancement Act of 1994. As the Executive Director

of The Crime Victims' Center of Chester County, Inc., I see, firsthand, the absolute need for additional financial assistance for victims of crime through both direct victims compensation and victims assistance programs.

The Crime Victims' Center of Chester County, Inc., is a non-profit, comprehensive victims' center that celebrated its 20th anniversary in November of 1993. We serve the County of Chester—762 square miles with a population of 376,396, 13 school districts, 5 hospital emergency rooms, 57 police municipalities (including 2 State Police Barracks and the County Detectives), 13 District Justices as well as the Chester County Court of Common Pleas. This agency provided 21,656 hours of direct service to 2,594 victims and family members/witnesses during fiscal year 1993–1994.

The range of services provided include 24 hour crisis response to 2 hotlines—sexual assault and other crimes, accompaniment to emergency rooms, police and court procedures, supportive counseling, both individual and groups, and assistance with Victim Impact Statement Procedures, the Victim Input program with the Pennsylvania Board of Probation and Parole, and Crime Victims' Compensation Forms.

It takes a variety of people with special skills and caring to provide these services. At a time when requests for services is increasing, the funding to provide these services is not keeping pace. Increased funding is essential, for our center and others like it, to accommodate the variety of victims' needs as they achieve recovery from emotional and physical trauma and to maintain the quality service provision to those who so need it.

We wholeheartedly support this piece of legislation and would certainly encourage everyone else to do likewise.

On behalf of the victims and families we serve, we thank you for your efforts.

Sincerely,

MARGARET D. GUSZ,
Executive Director.

YWCA,
Lancaster, PA, August 1, 1994.

Hon. HARRIS WOFFORD,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR WOFFORD: The Lancaster YWCA is in support of the Crime Victims Fund Enhancement Act of 1994, which provides greater funding for victims across the country.

The Lancaster YWCA Sexual Assault Prevention and Counseling Center provides direct services to child and adult victims of sexual assault in Lancaster County. We are dedicated to assisting survivors and their families through the entire healing process. All of our client services are free and confidential. Staff and trained volunteers are available 24 hours a day and 365 days a year.

The Lancaster YWCA Sexual Assault Prevention and Counseling Center provides a 24 hour hotline, short and long term counseling to victims and their families, accompaniment services to hospitals, police, and through court proceedings as necessary, information and referral services, Crime Victims Compensation information, referrals for children's medical exams, and prevention/education programs.

If the additional funds provided for in your proposal would become available, they would certainly make a difference for victims of sexual assault by providing victims with assistance for medical and other expenses. These funds are needed to help victims through the entire healing and recovery process.

Best Wishes for the passage of the bill!

Sincerely,

HEIDI WEBER,
Associate Executive Director.

PENNSYLVANIA COALITION
AGAINST DOMESTIC VIOLENCE,
Harrisburg, PA, August 1, 1994.

Hon. HARRIS WOFFORD,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR WOFFORD: I am pleased to write in support of the Crime Victims Fund Enhancement Act of 1994, which will provide additional revenue for the Crime Victims Fund administered by the Justice Department's Office of Victims of Crime.

Providers of domestic violence services in Pennsylvania have long struggled to meet the needs of battered women and their dependent children within the context of sharply limited resources. Passage of the legislation you have proposed will result in the availability of additional financial assistance to victims of domestic violence—in some instances through compensation for medical and other expenses resulting from the violent crimes which are committed against them, in other situations through increased funding for shelter programs and legal advocacy projects.

Many thanks for your efforts to provide the additional resources which can so positively affect the lives of women and children who are victims of domestic violence.

Sincerely,

SUSAN KELLY-DREISS,
Executive Director.

VICTIMS RESOURCE CENTER,
Wilkes-Barre, PA, August 1, 1994.

Hon. HARRIS WOFFORD,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR WOFFORD: On behalf of Victims Resource Center, I am writing to express our whole-hearted support of the Crime Victims Fund Enhancement Act of 1994. We, like the majority of crime victim service centers across the state of Pennsylvania, are in desperate need of additional funding to serve the ever increasing number of persons seeking aide at our center.

The services which we have developed in response to victim needs include crisis intervention; counseling; court orientation; personal advocacy; accompaniment services to hospitals, police interviews, and all court related proceedings; assistance in filing Crime Victims Compensation claims; and transportation. We provide these services to over 900 adult victims and 300 child victims each year, as well as to their family members. This is a 48% increase over the numbers of persons seeking services only three years before, and a 165% increase over five years ago.

Our resources to provide these services are extremely limited, and growing at a rate disproportionate to service demands. While these service demands have increased by 48% within the last three years, our operating income has grown only by 23%. Our VOCA funds, of which we will receive $47,657.00 this year, comprising 9% of our income, have in fact been reduced from the previous year by five percent.

Everyone knows that crime is escalating. This is true in suburban and rural America such as in Wilkes-Barre or Tunkhannock, Pennsylvania, just as it is true in urban centers. Increasing crime creates larger numbers of victims, each in need of information and support, and often crisis counseling and other services only available from victim service programs such as VRC. This escalating crime has created a demand well beyond our limited resources. As a result, it is difficult, but unfortunately necessary, for a victim of rape to hear that her counseling sessions must stop, because too many others are waiting for their first appointment. It is difficult, but necessary, for a child victim to hear that her or his counselor cannot attend their trial, because another child victim is testifying at the same time and also needs the counselor. These are difficulties that can only be solved with increasing funding of victim programs through an increasing commitment to crime victims.

We are therefore pleased to see the new legislation which would increase the funds available to centers such as ours, enabling us to restore higher levels of service to all victims seeking our aide. As I stated, our need is desperate.

Sincerely,

CAROL L. LAVERY,
Executive Director.

By Mr. DECONCINI:

S. 2368. A bill to implement the intellectual property right provisions of the Uruguay round of the General Agreement on Tariffs and Trade, and for other purposes; to the Committee on the Judiciary.

THE TRADE-RELATED ASPECTS OF INTELLECTUAL PROPERTY RIGHTS IMPLEMENTATION ACT OF 1994

• Mr. DECONCINI. Mr. President, today I would like to submit the administration's draft legislation to implement the intellectual property provisions of the Uruguay round of the General Agreement on Tariffs and Trade [GATT]. I believe it is important for the public to have the opportunity to review the changes that are being proposed to domestic law prior to the formal submission of the implementing legislation by the administration. For this reason, I am introducing this bill today.

The agreement on trade-related aspects of intellectual property rights [TRIP's] makes some positive improvements in the protection of intellectual property worldwide. It establishes comprehensive standards for the protection of intellectual property rights in countries which join the World Trade Organization [WTO]. Each member country is required to implement standards that supplement several existing intellectual property conventions and to ensure that critical enforcement procedures will be available to safeguard intellectual property rights.

Certain changes to United States law are necessary under the proposed Uruguay round. In the patent area, the agreement requires changing the term of patent protection. The agreement also provides that patents rights must include the exclusive right to offer for sale and to import patented goods. In addition, patent inventive activity in member countries will be treated the

same as inventive activity in the United States allowing proof of a date of invention in any WTO country in order to establish priority of invention.

In the trademark area, the agreement requires that U.S. law prohibit the registration of trademarks for wines and spirits that contain misleading geographical indications. In addition, the definition of abandonment must be changed to require 3 consecutive years of non-use of a mark to cancel a registration rather than 2 years as currently required.

In the copyright area, the agreement requires member countries to provide rental rights in computer programs. Therefore, the draft implementing legislation would strike the sunset provision that exists in U.S. law on rental rights.

In addition, the draft implementing legislation proposes two additional changes to U.S. copyright law. First, it provides retroactive copyright protection to foreign works that fell into the public domain in the United States because of the failure to comply with copyright formalities prior to U.S. accession to the Berne Convention. The draft legislation also provides for both civil and criminal protection against the unauthorized creation and trafficking in bootleg copies of sound recordings of a live performances.

The purpose of introducing this bill is to provide the public with an opportunity to comment on the proposed changes. The procedure under which the GATT agreement and other fast-track trade agreements are considered in Congress significantly limits the ability of Congress and its committees to amend the legislation. Therefore, all concerns need to be resolved prior to the submission by the administration of their final bill. Strong U.S. intellectual property laws are critical to keeping this Nation the leader in technology and innovation. Only through careful consideration can we ensure that the proposed changes will responsibly improve intellectual property protection.

Mr. President, I ask unanimous consent that the full 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. 2368

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 "Intellectual Property Rights, Trade-Related Aspects of Implementation Act of 1994".

SEC. 2. RENTAL RIGHTS IN COMPUTER PROGRAMS.

Section 804(c) of the Computer Software Rental Amendments Act of 1990 (Public Law 101-650; 104 Stat. 5089, 5136) is amended by striking out the first sentence.

SEC. 3. CREATION AND TRAFFICKING IN BOOTLEG SOUND RECORDINGS PROHIBITED.

(a) IN GENERAL.—Chapter 113 of title 18, United States Code, is amended by inserting after section 2319 the following new section:

"§ 2319a. Creation of and traffic in bootleg sound recordings prohibited

"(a) Whoever, willfully and for purposes of commercial advantage or private financial gain, without the consent of a performer or a performer's agent—

"(1) fixes or causes to be fixed in a sound recording;

"(2) broadcasts, transmits, or otherwise communicates to the public or causes to be so broadcast, transmitted, or otherwise communicated, the sounds of a live performance; or

"(3) reproduces, distributes, sells, rents, offers for sale or rent, transports, broadcasts, transmits, or otherwise communicates to the public or possesses, for the purpose of—

"(A) creating any article in violation of paragraph (1); or

"(B) fixing the sounds therein,

shall, upon judgment of conviction, be fined not more than $250,000 or imprisoned for not more than 5 years, or both.

"(b) When any person is convicted of any violation of subsection (a), the court in its judgment of conviction shall, in addition to the penalty therein prescribed, order the forfeiture, destruction, or other disposition of the applicable articles, implements, devices, and equipment as required under section 4 (b) and (d) of the Intellectual Property Rights General Agreement on Tariffs and Trade Implementation Act of 1994.

"(c) The provisions of this section do not preempt any State statute or civil or criminal cause of action arising under a State's common law.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 113 of title 18, United States Code, is amended by inserting after the item relating to section 2319 the following:

"2319a. Creation of and traffic in bootleg sound recordings prohibited.".

(c) EFFECTIVE DATE.—This section shall take effect 1 year after the date of entry into force of the World Trade Organization Agreement as referred to under the Uruguay Round Implementation Act and shall apply to—

(1) all performances fixed on and after that date; and

(2)(A) all traffic in articles containing sounds fixed without their performer's authorization; and

(B) all broadcasts, transmissions or other disseminations of sounds fixed without their performer's authorization on and after that date without regard to the date upon which the article containing such sounds was fixed.

SEC. 4. PROHIBITION OF CREATION AND TRAFFICKING IN BOOTLEG SOUND RECORDINGS.

(a) IN GENERAL.—Whoever, without the consent of a performer or a performer's agent—

(1) fixes or causes to be fixed in a sound recording;

(2) broadcasts, transmits, or otherwise communicates to the public or causes to be so broadcast, transmitted, or otherwise communicated the sounds of a live performance; or

(3) reproduces, distributes, sells, rents, offers for sale or rent, transports, broadcasts, transmits, or otherwise communicates to the public or possesses, for the purpose of—

(A) creating any article in violation of paragraph (1); or

(B) fixing the sounds therein,

shall, upon judgment of liability in a civil proceeding, be subject to the sanctions under sections 502 through 505 of title 17, United States Code, as if he were an infringer of copyright under section 501 of such title.

(b) DISPOSITION OF ARTICLES CONTAINING UNAUTHORIZED FIXATIONS.—When any person is held liable for a violation of subsection (a), the court in its judgment shall, in addition to the other relief therein granted, order the forfeiture and destruction or other disposition of all articles created in violation thereof and all implements, devices, or equipment used in the manufacture of such articles.

(c) NO PREEMPTION.—The provisions of this section do not preempt any State statute or civil or criminal cause of action arising under a State's common law.

(d) FOREIGN-MANUFACTURED ARTICLES.—(1) In a case where the fixing of sounds in articles outside the United States would have been a violation of subsection (a) if said fixation had taken place within the United States, the importation, sale, rental, or other distribution of such articles is prohibited. Persons committing these acts shall be subject to the sanctions set out in subsection (a) to the same extent as if that subsection had been violated.

(2)(A) The Secretary of the Treasury and the United States Postal Service shall separately or jointly prescribe regulations for the enforcement of the provisions of this section prohibiting importation.

(B) The Secretary of the Treasury shall prescribe, by regulation, a procedure under which any performer or representative thereof may, upon payment of a specified fee, be entitled to notification by the United States Customs Service of the importation of articles that appear to consist of fixations of a particular performance.

(C) Articles imported in violation of the importation prohibitions of this section are subject to seizure and forfeiture in the same manner as property imported in violation of the customs revenue laws. Forfeited articles shall be destroyed as directed by the Secretary of the Treasury or the court, as the case may be, except that the articles may be returned to the country of export whenever it is shown to the satisfaction of the Secretary of the Treasury that the importer had no reasonable grounds for believing that his or her acts constituted a violation of law.

(e) EFFECTIVE DATE.—This section shall take effect 1 year after the date of entry into force of the World Trade Organization Agreement as referred to under the Uruguay Round Implementation Act and shall apply to—

(1) all performances fixed on and after that date; and

(2)(A) all traffic in articles containing sounds fixed without their performer's authorization; and

(B) all broadcasts, transmissions or other disseminations of sounds fixed without their performer's authorization on and after that date without regard to the date upon which the article containing such sounds was fixed.

SEC. 5. RESTORATION OF COPYRIGHT.

(a) IN GENERAL.—Section 104A of title 17, United States Code, is amended to read as follows:

"§ 104A. Copyright in certain works

"(a) RESTORATION OF COPYRIGHT; TERM OF RESTORED COPYRIGHT.—(1) Copyright in a restorable work shall vest automatically on the date of restoration.

"(2) Subject to the provisions of subsections (b) through (j), any restorable work shall have copyright protection under this title for the remainder of the term of copyright protection that it would have otherwise enjoyed in the United States.

"(3) Copyrights in certain motion pictures and works included therein as to which restoration was properly sought under section 104A of this title as it was in force on the day prior to the effective date of this section shall be deemed to have been restored thereunder, but shall otherwise be subject to all of the provisions of this section.

"(b) OWNERSHIP OF RESTORED COPYRIGHT.—A restored copyright shall vest initially in the author of a restorable work as determined under the law of its source country.

"(c) ELIGIBILITY TO FILE NOTICE OF INTENT TO ENFORCE A RESTORED COPYRIGHT AGAINST RELIANCE PARTIES.—(1) Any person who owns a restored copyright, or any exclusive right therein, may file or serve a notice of intent to enforce that copyright against reliance parties under the provisions of subsections (d) and (e) of this section.

"(2) The filing or service of such a notice shall create no presumption as to the truth of any statement set out in such notice.

"(d) REMEDIES AND LIMITATIONS THEREON.—(1) Subject to paragraphs (2) through (4) of this subsection, the remedies set out in chapter 5 of this title shall be available, in respect of a restored copyright, immediately upon restoration, with respect to any act committed on or after the date of restoration.

"(2) The remedies for infringement set out in chapter 5 of this title shall be available against reliance parties only upon satisfaction of at least one of the following conditions:

"(A) The owner of the restored copyright files, between the date of restoration and 24 months thereafter, a notice of intent to enforce a restored copyright that complies with regulations of the Copyright Office that shall be published in the Federal Register no later than 60 days prior to the TRIPs effective date.

"(B) As against a particular reliance party, the owner serves upon that reliance party a proper notice of intent to enforce a restored copyright.

"(3) Notwithstanding the provisions of paragraph (2), no reliance party shall be subject to liability under this title, for any act other than reproduction of the work in which a restored copyright subsists, if such act is performed prior to the completion of 12 months after the earlier of publication of the title of the restored work in the Federal Register or receipt of notice in compliance with paragraph (2)(B).

"(4) Notwithstanding any other provision of law, a reliance party shall be subject to statutory damages or attorney's fees only with respect to any act of infringement committed after both—

"(A) January 1, 2000; and

"(B) receipt of notice that complies with subsection (e) (1), (2), and (4).

"(e) NOTICES OF INTENT TO ENFORCE A RESTORED COPYRIGHT.—(1) Any notice of intent shall clearly identify—

"(A) the person who owns the restored copyright; and

"(B) the title of the restorable work, including—

"(i) an English translation of a foreign language title; and

"(ii) alternative titles by which the work, or a derivative work based thereon, may reasonably be expected to have been known in the United States, and any other information specified by regulation.

"(2) If a work has no formal title, it shall be described in sufficient detail so as to maximize the probability of its identification. Such notice shall be signed by the owner of the restored copyright or his agent. If such notice is signed by an agent, the agency shall have been constituted in a writing signed by the owner prior to execution of notice by the agent.

"(3) For a notice filed with the Copyright Office—

"(A) a reasonable fee may be imposed to cover its receipt, processing, recordation, or publication of the information set out in such notice of intent; and

"(B) minor errors and omissions may be corrected after the period established in subsection (d)(2)(A), and such corrections shall be published in the Federal Register.

"(4) For a notice served upon a reliance party, the notice shall identify with substantial precision the use to which the owner of the restored copyright objects.

"(5) Any material false statement or claim knowingly made in any notice of intent shall make void all claims and assertions set out therein, with respect to all titles set out therein.

"(6) The Copyright Office shall publish in the Federal Register, on a quarterly basis, beginning no later than 4 months after the TRIPs effective date, a list containing at least the information required under paragraph (1) with respect to restored copyrights as to which a notice of intent has been filed. With respect to works whose copyrights are restored after the TRIPs effective date, the Copyright Office shall publish a list containing at least the information required under paragraph (1) with respect to restored copyrights as to which a notice of intent has been filed, on a quarterly basis as established by regulation.

"(7) Such lists shall be cumulative on an annual basis. In order to facilitate the public identification of restored copyrights as to which enforcement is intended, at least one complete list shall be maintained in one or more files distinct from other Copyright Office records.

"(f) EFFECT OF RESTORATION OF COPYRIGHT IN DERIVATIVE WORKS, COLLECTIVE WORKS, AND COMPILATIONS.—A copyright restored under this section shall protect only the copyrightable authorship contributed to the work whose title is set out in the notice of intent. Neither a restored copyright in a work upon which a derivative work is based nor a restored copyright in a separately copyrightable work contained in a collective work or compilation shall be enforceable against a reliance party unless a notice of intent has been filed in the Copyright Office or served on the reliance party.

"(g) IMMUNITY FROM WARRANTY AND RELATED LIABILITY.—(1) No person who warranted, promised or otherwise undertook to guarantee that a work created by such person infringes no rights of another, and which warranty, promise, or guarantee is breached by virtue of the restoration of copyright under this section, shall be liable to any claimant seeking legal, equitable, arbitral, or administrative relief of any type whatsoever therefore.

"(2) No person shall be compelled to perform, or held liable for failure to perform, any act the performance of which is made infringing under the provisions of this section.

"(h) NO ESTOPPEL.—The act of filing any notice described in subsection (e) shall not prejudice the ability of a person to seek at any time a judicial determination that a particular work was never in the public domain in the United States.

"(i) PROCLAMATION OF COPYRIGHT RESTORATION.—Whenever the President finds that a particular foreign nation extends, to works by authors who are nationals or domiciliaries of the United States or to works that are first published in the United States, restored copyright protection to a similar extent as that provided to restorable works under this section, the President may by proclamation extend protection under this section to works of which one or more of the authors is, on the date of first publication, a national, domiciliary, or sovereign authority of that nation, or which was first published in that nation. The President may revise, suspend, or revoke any such proclamation or impose any conditions or limitations on protection under a proclamation.

"(j) DEFINITIONS.—For the purposes of this section and section 109(a):

"(1) The term 'date of adherence or proclamation' means the earlier of the dates upon which a foreign country that, as of the TRIPs effective date, is neither a member of the Berne Union or World Trade Organization, nor the subject of a proclamation under section 104A(i)—

"(A) becomes a member of either the Berne Union or World Trade Organization; or

"(B) is effectively proclaimed under section 104A(i).

"(2) The term 'date of restoration' of a restored copyright means—

"(A) the TRIPs effective date, if the work is restorable work on that date; or

"(B) the date of adherence or proclamation.

"(3) The term 'eligible country' means a country, not the United States, that on the date copyright is restored under the provisions of this section has either—

"(A) joined the World Trade Organization or adhered to the Berne Convention for the Protection of Literary and Artistic Works; or

"(B) been the subject of a proclamation under subsection (i).

"(4) The term 'reliance party' means a person who, prior to the date of enactment of the Intellectual Property Rights General Agreement on Tariffs and Trade Implementation Act of 1994, or with respect to a restorable work having a source country that was not an eligible country until after the TRIPs effective date, prior to the date of adherence or proclamation—

"(A) was engaged to a significant extent in, and, as of the relevant date, was continuing to do or authorize any of the acts set out in section 106 with respect to a restorable work; or

"(B) had, in preparing to do such acts, either—

"(i) acquired a substantial number of copies or phonorecords of a restorable work; or

"(ii) made substantial monetary investments in respect of such work.

"(5)(A) The term 'restorable work' means an original work of authorship that is not protected under this title by virtue of—

"(i) noncompliance with formalities imposed at any time by United States copyright law, including failure of renewal, lack of proper notice, or failure to comply with the manufacturing requirement;

"(ii) the absence of copyright relations between the United States and the source country; or

"(iii) by reason of section 301(c); but not in the public domain in its source country that—

"(I) has at least one author or, if the work is a sound recording a producer, who was, at the time the work was created, a national or domiciliary of an eligible country; and

"(II) if published, was published initially in an eligible country and not published within 30 days thereafter in the United States.

"(B) No work in which the copyright was ever owned or administered by the Alien Property Custodian which could if restored, be owned by a government or instrumentality thereof, shall be a restorable work.

"(6) The term 'restored copyright' means a copyright that becomes effective under the provisions of this section, without regard to whether such copyright was ever previously in effect in the United States.

"(7)(A) The term 'source country' of a restorable work means—

"(i) not the United States; and

"(ii)(I) in the case of an unpublished work, the eligible country in which—

"(aa) the author is a national or domiciliary; or

"(bb) if a restorable work has more than one author, the majority of foreign authors are nationals or domiciliaries; or

"(II) in the case of a published work, the eligible country in which the work is initially published.

"(B) If under subparagraph (A)(ii)(I) of this definition, no majority exists, or under subparagraph (A)(ii)(II) of this definition, a restorable work was published on the same day in two or more eligible countries, then the source country shall be the country other than the United States having the most significant contacts with the work.

"(8) The term 'TRIPs effective date' is the date upon which the obligations under the Agreement on Trade-Related Aspects of Intellectual Property become effective with respect to the United States.".

(b) LIMITATION ON EXCLUSIVE RIGHTS.—Section 109(a) of title 17, United States Code, is amended by striking out "copy or phonorecord." and inserting "copy or phonorecord; except that the sale or other disposition, without the authorization of the owner of a restored copyright, of copies or phonorecords manufactured before the date of restoration of works in which copyright has been restored under the provisions of section 104A of this title shall be authorized under this section—

"(1) only during the post-restoration grace period afforded to reliance parties established by section 104A(d)(3); and

"(2) thereafter, only as part of a sale or disposition of no more than one copy or phonorecord at a time.".

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 1 of title 17, United States Code, is amended by amending the item relating to section 104A to read:

"104A. Copyright in certain works.".

SEC. 6. DEFINITION OF "ABANDONMENT".

Section 45 of the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946, commonly referred to as the Trademark Act of 1946 (15 U.S.C. 1127) is amended by amending the paragraph defining "abandonment" to read as follows:

"A mark shall be deemed to be 'abandoned' when either of the following occurs:

"(1) When its use has been discontinued with intent not to resume such use. Intent not to resume may be inferred from circumstances. Nonuse for three consecutive years shall be prima facie evidence of abandonment. 'Use' of a mark means the bona fide use of that mark made in the ordinary course of trade, and not made merely to reserve a right in a mark.

"(2) When any course of conduct of the owner, including acts of omission as well as commission, causes the mark to become the generic name for the goods or services on or in connection with which it is used or otherwise to lose its significance as a mark. Purchaser motivation shall not be a test for determining abandonment under this paragraph.".

SEC. 7. NONREGISTRABILITY OF MISLEADING GEOGRAPHIC INDICATIONS FOR WINES AND SPIRITS.

Section 2 of the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946, commonly referred to as the Trademark Act of 1946 (15 U.S.C. 1052(a)) is amended by amending subsection (a) to read as follows:

"(a) Consists of or comprises immoral, deceptive, or scandalous matter; or matter which may disparage or falsely suggest a connection with persons, living or dead, institutions, beliefs, or national symbols, or bring them into contempt, or disrepute; or a geographical indication which, when used on or in connection with wines or spirits, identifies a place other than the origin of the goods and is first used on or in connection with wines or spirits by the applicant on or after the date of entry into force of the World Trade Organization Agreement as referred to under the Uruguay Round Implementation Act.".

SEC. 8. TREATMENT OF INVENTIVE ACTIVITY.

(a) IN GENERAL.—Section 104 of title 35, United States Code, is amended to read as follows:

"§ 104. Invention made abroad

"(a) IN GENERAL.—In proceedings in the Patent and Trademark Office, in the courts, and before any other competent authority, an applicant for a patent, or a patentee may not establish a date of invention by reference to knowledge or use thereof, or other activity with respect thereto, in a foreign country other than a NAFTA country or a WTO Member country, except as provided in sections 119 and 365 of this title. Where an invention was made by a person, civil or military, while domiciled in the United States or a NAFTA country or a WTO Member country serving in any other country in connection with operations by or on behalf of the United States or a NAFTA country or a WTO Member country, respectively, the person shall be entitled to the same rights of priority in the United States with respect to such invention as if such invention had been made in the United States or a NAFTA country or a WTO Member country, respectively. To the extent that any information in a NAFTA country or a WTO Member country concerning knowledge, use, or other activity relevant to proving or disproving a date of invention has not been made available for use in a proceeding in the Office, a court, or any other competent authority to the same extent as such information could be made available in the United States, the Commissioner, court, or such other authority shall draw appropriate inferences, or take other action permitted by statute, rule, or regulation, in favor of the party that requested the information in the proceeding.

"(b) DEFINITIONS.—For purposes of this section:

"(1) The term 'NAFTA country' has the meaning given that term in section 2(4) of the North American Free Trade Agreement Implementation Act.

"(2) The term 'WTO Member country' has the meaning given that term under the Uruguay Round Implementation Act.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to all patent applications that are filed on or after the date that is 1 year after the date of entry into force of the WTO Agreement, as referred to in the Uruguay Round Implementation Act, except that an applicant for a patent, or a patentee, may not establish a date of invention that is earlier than the effective date of this amendment by reference to knowledge or use thereof, or other activity with respect thereto, in a World Trade Organization country, except as provided in sections 119 and 365 of title 35, United States Code.

SEC. 9. PATENT RIGHTS CONFERRED.

(a) CONTENTS OF A PATENT.—Section 154 of title 35, United States Code, is amended to read as follows:

"§ 154. Contents and term of patent

"(a) IN GENERAL.—Every patent shall contain a short title of the invention and a grant to the patentee, his heirs or assigns, of the right to exclude others from making, using, offering for sale, or selling the invention throughout the United States and, if the invention is a process, of the right to exclude others from using, offering for sale, or selling throughout the United States, or importing into the United States, products made by that process, referring to the specification for the particulars thereof. Subject to the payment of fees as provided for in this title, such grant shall be for a term beginning on the date on which the patent issues and ending 20 years from the date on which the application for the patent was filed in the United States or, if the application contains a specific reference to an earlier filed application or applications under sections 120, 121, or 365(c) of this title, from the date on which the earliest such application was filed. Priority under sections 119, 365(a), or 365(b) of this title shall not be taken into account in determining the term of a patent. A copy of the specification and drawings shall be annexed to the patent and be a part thereof.

"(b) EXTENSION OF TERM IF CERTAIN DELAY.—Where the issuance of an original patent is delayed because of a proceeding under section 135(a) of this title or the application is placed under an order pursuant to section 181 of this title, the term of the patent shall be extended for the period of delay up to 5 years.".

(b) DEFINITION OF INFRINGEMENT.—Section 271 of title 35, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting ", offers to sell," after "uses"; and

(B) by inserting "or importing into the United States any patented invention" after "the United States";

(2) in subsection (c) by striking out "sells" and inserting "offers to sell or sells within the United States or imports into the United States for such purposes";

(3) in subsection (e)—

(A) paragraph (1) by striking out "or sell" and inserting "offer to sell, or sell within the United States or import into the United States";

(B) paragraph (3) by striking out "or selling" and inserting "offering to sell, or selling within the United States or importing it";

(C) paragraph (4)(B) by striking out "or sale" and inserting "offer to sell, or sale

within the United States or importation into the United States for such purposes"; and

(D) paragraph (4)(C) by striking out "or sale" and inserting "offer to sell, or sale within the United States or importation into the United States"; and

(4) in subsection (g)—

(A) in the first sentence by striking out "sells" and inserting "offers to sell, sells,";

(B) in the second sentence by inserting "offer to sell," after "importation,"; and

(C) in the second sentence by inserting ", offer to sell" after "other use".

(c) CONFORMING AMENDMENTS.—(1) Section 41(c)(2) of title 35, United States Code, is amended to read as follows:

"(2) No patent, the term of which has been maintained as a result of the acceptance of a payment of a maintenance fee under this subsection, shall abridge or affect the right of any person or his successors in business who made, purchased, or used anything protected by the patent within the United States, or imported anything protected by the patent into the United States after the 6-month grace period but prior to the acceptance of a maintenance fee under this subsection, to continue the use of, to offer for sale, or to sell to others to be used, offered for sale, or sold, the specific thing so made, purchased, used, or imported. The court before which such matter is in question may provide for the continued manufacture, use, offer for sale, or sale of the thing made, purchased, or used within the United States, or imported into the United States, as specified, or for the manufacture, use, offer for sale, or sale in the United States of which substantial preparation was made after the 6-month grace period but before the acceptance of a maintenance fee under this subsection, and it may also provide for the continued practice of any process, practice, or for the practice of which substantial preparation was made, after the 6-month grace period but prior to the acceptance of a maintenance fee under this subsection, to the extent and under such terms as the court deems equitable for the protection of investments made or business commenced after the 6-month grace period but before the acceptance of a maintenance fee under the subsection.".

(2) The second paragraph of section 252 of title 35, United States Code, is amended to read as follows:

"No reissued patent shall abridge or affect the right of any person or his successors in business who, prior to the grant of a reissue, made, purchased, or used within the United States, or imported into the United States anything patented by the reissued patent, to continue the use of, to offer to sell, or to sell to others to be used, offered for sale, or sold, the specific thing so made, purchased, used, or imported unless the making, using, offering for sale, or selling of such thing infringes a valid claim of the reissued patent which was in the original patent. The court before which such matter is in question may provide for the continued manufacture, use, offer for sale, or sale of the thing made, purchased or used, or imported as specified, or for the manufacture, use, offer for sale, or sale in the United States of which substantial preparation was made before the grant of the reissue, and it may also provide for the continued practice of any process patented by the reissue, practiced, or for the practice of which substantial preparation was made, prior to the grant of the reissue, to the extent and under such terms as the court deems equitable for the protection of investments made or business commenced before the grant of the reissue.".

(3) Section 262 of title 35, United States Code, is amended—

(A) by inserting ", or offer to sell," after "may make use"; and

(B) by inserting "within the United States, or import into the United States," after "or sell the patented invention".

(4) Section 272 of title 35, United States Code, is amended by inserting "offered for sale," after "vehicle and is not".

(5) Section 287 of title 35, United States Code, is amended—

(A) in subsection (a) by striking out "making or selling any patented article for or under them," and inserting "making, offering for sale, or selling within the United States any patented article for or under them, or importing any patented article into the United States for such purposes,";

(B) in subsection (b)(1)(C) by inserting "offer for sale," after "importation, use,";

(C) in subsection (b)(4)(A) by inserting "or offered for sale" after "or sold";

(D) in subsection (b)(4)(A)(ii) by inserting "offer for sale," after "importation, use,";

(E) in subsection (b)(4)(C) by inserting "offered for sale or" after "patented process which have"; and

(F) in subsection (b)(4)(C) by inserting "or imported into the United States," after "United States".

(6) Section 292(a) of title 35, United States Code, is amended—

(A) by inserting "offered for sale," after "anything made, used,";

(B) by inserting "within the United States, or imported into the United States" before "by him"; and

(C) by striking out "made or sold" and inserting "made, offered for sale, sold, or imported".

(7) Section 295 of title 35, United States Code, is amended by inserting ", offer for sale," after "importation, sale".

(8) Section 307(b) of title 35, United States Code, is amended by inserting "within the United States, or imported into the United States," after "purchased, or used".

SEC. 10. PATENT TERM AND INTERNAL PRIORITY.

(a) TERM.—Section 154 of title 35, United States Code, is amended to read as follows:

"§ 154. Contents and term of patent

"(a) IN GENERAL.—Every patent shall contain a short title of the invention and a grant to the patentee, his heirs or assigns, of the right to exclude others from making, using, offering for sale, or selling the invention throughout the United States and, if the invention is a process, of the right to exclude others from using, offering for sale, or selling throughout the United States, or importing into the United States, products made by that process, referring to the specification for the particulars thereof. Subject to the payment of fees as provided for in this title, such grant shall be for a term beginning on the date on which the patent issues and ending 20 years from the date on which the application for the patent was filed in the United States or, if the application contains a specific reference to an earlier filed application or applications under sections 120, 121, or 365(c) of this title, from the date on which the earliest such application was filed. Priority under sections 119, 365(a), or 365(b) of this title shall not be taken into account in determining the term of the patent. A copy of the specification and drawings shall be annexed to the patent and be a part thereof.

"(b) EXTENSION OF TERM IN CERTAIN DELAY.—Where the issuance of an original patent is delayed because of a proceeding under section 135(a) of this title or the application is placed under an order pursuant to section 181 of this title, the term of the patent shall be extended for the period of delay up to 5 years. Any and all extensions available under this subsection shall not extend the term of an original patent for more than 5 years.

"(c) TERMS OF CERTAIN PATENTS.—Except for patents for designs, the term of a patent in force on the effective date of this section shall be the greater of the 20-year term provided in this section or 17 years after the date of the grant. The remedies of sections 283, 284, and 285 of title 35, United States Code, shall not apply to any acts which were commenced or for which significant investment was made before the date of acceptance of the World Trade Organization Agreement by the United States and which became infringing because of the change in the term of a patent; except that such acts may only be continued upon the payment of an equitable remuneration to the patentee.".

(b) ESTABLISHMENT OF A DOMESTIC PRIORITY SYSTEM.—(1) Section 119 of title 35, United States Code, is amended to read as follows:

"§ 119. Benefit of earlier filing date; right of priority

"(a) IN GENERAL.—An application for patent for an invention filed in this country by any person who has, or whose legal representatives or assigns have, previously filed an application for a patent for the same invention in a foreign country which affords similar privileges in the case of applications filed in the United States shall have the same effect as the same application would have if filed in this country on the date on which the application for patent for the same invention was first filed in such foreign country, if the application in this country is filed within 12 months from the earliest date on which such foreign application was filed; but no patent shall be granted on any application for patent for an invention which had been patented or described in a printed publication in any country more than 1 year before the date of the actual filing of the application in this country, or which had been in public use or on sale in this country more than 1 year prior to such filing.

"(b) RIGHT OF PRIORITY.—No application for patent shall be entitled to a right of priority under subsection (a) unless a claim therefor and a certified copy of the original foreign application, specification, and drawings upon which it is based are filed in the Patent and Trademark Office before the patent is granted, or at such time during the pendency of the application as required by the Commissioner not earlier than 6 months after the filing of the application in this country. Such certification shall be made by the patent office of the foreign country in which filed and show the date of the application and of the filing of the specification and other papers. The Commissioner may require a translation of the papers filed if not in the English language and such other information as he deems necessary.

"(c) FOREIGN FILING.—In like manner and subject to the same conditions and requirements, the right provided under subsection (a) may be based upon a subsequent regularly filed application in the same foreign country instead of the first filed foreign application, provided that any foreign application has been withdrawn, abandoned, or otherwise disposed of, without having been laid open to public inspection and without leaving any rights outstanding, and has not served, nor thereafter shall serve, as a basis for claiming a right of priority.

"(d) INVENTOR'S CERTIFICATES.—Applications for inventor's certificates filed in a foreign country in which applicants have a

right to apply, at their discretion, either for a patent or for an inventor's certificate shall be treated in this country in the same manner and have the same effect for purpose of the right of priority under subsection (a) as applications for patents, subject to the same conditions and requirements of this section as apply to applications for patents. Such applicants shall be entitled to the benefits of the Stockholm Revision of the Paris Convention at the time of such filing.

"(e) PROVISIONAL APPLICATION.—An application for patent filed under sections 111(a) or 363 of this title for an invention disclosed in the manner provided by the first paragraph of section 112 of this title in a provisional application filed under section 111(b) of this title, by an inventor or inventors named in the provisional application shall have the same effect, as to such invention, as though filed on the date of the provisional application filed under section 111(b) of this title, if the application for patent filed under sections 111(a) or 363 of this title is filed within 12 months from the date on which the provisional application was filed and if it contains or is amended to contain a specific reference to the provisional application. A provisional application filed under section 111(b) of this title may not be relied upon in any proceeding in the Patent and Trademark Office unless the fee set forth in subsection 41(a)(1)(C) has been paid and the provisional application was pending on the filing date of the application for patent under sections 111(a) or 363 of this title.".

(2) Section 41(a)(1) of title 35, United States Code, is amended by adding at the end the following new subparagraph:

"(C) On filing each provisional application for an original patent, $150.".

(3) Section 111 of title 35, United States Code, is amended to read as follows:

"§ 111. Application

"(a) IN GENERAL.—(1) Application for patent shall be made, or authorized to be made, by the inventor, except as otherwise provided in this title, in writing to the Commissioner. Such application shall include—

"(A) a specification as prescribed by section 112 of this title;

"(B) a drawing as prescribed by section 113 of this title; and

"(C) an oath by the applicant as prescribed by section 115 of this title.

"(2) The application must be accompanied by the fee required by law. The fee and oath may be submitted after the specification and any required drawing are submitted, within such period and under such conditions, including the payment of a surcharge, as may be prescribed by the Commissioner. Upon failure to submit the fee and oath within such prescribed period, the application shall be regarded as abandoned, unless it is shown to the satisfaction of the Commissioner that the delay in submitting the fee and oath was unavoidable or unintentional. The filing date of an application shall be the date on which the specification and any required drawing are received in the Patent and Trademark Office.

"(b) PROVISIONAL APPLICATIONS.—(1) A provisional application for patent shall be made, or authorized to be made, by the inventor, in accordance with regulations prescribed by the Commissioner. Such application shall include—

"(A) a specification as prescribed by the first paragraph of section 112 of this title; and

"(B) a drawing as prescribed by section 113 of this title.

"(2) A claim shall not be required in a provisional application. The application must be accompanied by the fee required by law. The fee may be submitted after the specification and any required drawing are submitted, within such period and under such conditions, including the payment of a surcharge, as may be prescribed by the Commissioner. Upon failure to submit the fee within such prescribed period, the application shall be regarded as abandoned, unless it is shown to the satisfaction of the Commissioner that the delay in submitting the fee was unavoidable or unintentional. The filing date of a provisional application shall be the date on which the specification and any required drawing are received in the Patent and Trademark Office. The provisional application shall be regarded as abandoned 12 months after its filing date and shall not be subject to revival thereafter. Subject to all the conditions in this subsection, sections 111(b)(2) and 119(e) and as prescribed by the Commissioner, an application for patent filed under section 111(a) of this title may be treated as a provisional application for patent.

"(3) A provisional application shall not be entitled to the right of priority of any other application under sections 119 or 365(a) of this title or the benefit of an earlier filing date in the United States under sections 120, 121, or 365(c) of this title.

"(4) The provisions of this title relating to applications for patent shall be applicable to provisional applications for patent, except as otherwise stated and except that provisional applications for patent shall not be subject to sections 115, 131, 135, and 157 of this title.".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Section 156(a)(2) of title 35, United States Code, is amended by adding "under subsection (e)(1) of this section" after "extended".

(2) Section 172 of title 35, United States Code, is amended—

(A) by striking out "section 119" and inserting "section 119 (a) through (d)"; and

(B) by inserting at the end "The right of priority provided for by section 119(e) of this title shall not apply to designs.".

(3) Section 173 of title 35, United States Code, is amended by inserting "after the date of grant" after "years".

(4) Section 365 of title 35, United States Code, is amended—

(A) in subsection (a) by striking out "section 119" and inserting "section 119 (a) through (d)"; and

(B) in subsection (b) by striking out "the first paragraph of section 119" and inserting "section 119(a)".

(5) Section 373 of title 35, United States Code, is amended by striking out "section 119" and inserting "section 119 (a) through (d)".

(6) The table of sections for chapter 11 of title 35, United States Code, is amended—

(A) by striking the item relating to section 111 and inserting the following:

"111. Application.";

and

(B) by striking the item relating to section 119 and inserting the following:

"119. Benefit of earlier filing date; right of priority.".

SEC. 11. EFFECTIVE DATE.

(a) IN GENERAL.—Subject to subsection (b), the provisions of this Act and the amendments made by this Act shall take effect 1 year after the date of entry into force of the World Trade Organization Agreement as referred to under the Uruguay Round Implementation Act.

(b) PATENT TERM AND INTERNAL PRIORITY.—Section 10 shall take effect 6 months after the date of enactment of this Act and shall apply to all applications filed in the United States on or after the effective date. The term of a patent granted on a plant or utility application that is filed after the effective date and that contains a specific reference to an earlier filed application under the provisions of sections 120, 121, or 365(c) of title 35, United States Code, shall be determined from the filing date of the earliest filed application, a reference to which is made under sections 120, 121, or 365(c) of such title.●

By Mr. SIMON (for himself, Ms. MOSELEY-BRAUN and Mr. FORD):

S. 2369. A bill to grant the consent of the Congress to amendments to the central midwest interstate low-level radioactive waste compact; to the Committee on the Judiciary.

LEGISLATION ON THE CENTRAL MIDWEST COMPACT

● Mr. SIMON. Mr. President, at the request of Governor Edgar of Illinois, I am introducing legislation today granting congressional approval for various amendments to the central midwest compact on low-level radioactive waste.

The central midwest compact was established by Illinois and Kentucky in 1984 and received Congress' approval in 1986. The creation of the compact was a critical step in allowing Illinois and Kentucky to manage and control the disposal of radioactive waste within their borders.

This past year, both States adopted amendments to that compact that clarified its implementation and operation. Since these amendments modify an agreement between two States, they must receive congressional approval under the U.S. Constitution. The legislation I am offering provides that authorization.

In introducing this measure, I want to emphasize that I have taken no position on the merits of any specific waste disposal site or disposal plan. When these issues are subsequently debated in Illinois and Kentucky, it will be necessary for all concerned to act with the highest public concern for the health and safety of local citizens, for the protection of the environment, and for the efficient management of our waste materials.

I want to thank Senators MOSELEY-BRAUN and FORD for cosponsoring this legislation with me. We look forward to a speedy congressional approval.●

By Mr. DOLE:

S.J. Res. 215. A joint resolution designating September 5, 1994, Labor Day, as "Try American Day"; to the Committee on the Judiciary.

TRY AMERICAN DAY

Mr. DOLE. Mr. President, in the frequent debates we have in the Senate over the trade deficit, we pay a great deal of attention to the reasons for that deficit: the competitiveness of our

producers, the trade barriers erected by some of our competitors, and the relative openness of the American market in comparison with other countries, to name a few.

The debate often overlooks one reason for the trade deficit—the tremendous appetite Americans have for products made outside the United States. That appetite helps make us the largest importing nation in the world.

Being the largest importer should not be a problem for us. In fact, it should serve as an argument for other countries to open their markets to American-made products.

I believe it would be constructive, however, if all Americans gave more thought to selecting American-made products whenever possible. It would be good if every American looked at products made here in the United States as not just a consumer's choice, but as a job in their locality, a paycheck for their neighbor, and a direct economic benefit to their community.

This idea should not just occur to the individual consumer but to corporate purchasers as well. Those corporations who come to Washington seeking some sort of protection might do well to survey their machine tools, their corporate vehicles and their capital equipment to see where they were produced and how the purchasing choice was made.

To try to promote the idea of considering American-made products, I am introducing today a joint resolution designating September 5, 1994, Labor Day, a "Try American Day." Last year, I introduced a similar joint resolution which passed the Senate. I am pleased to say that this joint resolution is supported by "USA-Owned/USA-Made," an organization which promotes American quality, services and products.

The designation "Try American Day" avoids any confusion with "Buy American" legislation or any Federal Government mandate. This should be a personal choice for the American buyer.

Labor Day has been chosen as an appropriate day to honor the American worker.

The joint resolution also identifies American agriculture as a salute to the productivity of that important sector of American life.

The joint resolution authorizes the President to issue a proclamation calling on Americans to observe the day with appropriate activities and the purchase of American-made goods and services. But I would hope, Mr. President, that the resolution would have a positive effect on the purchase of American-made goods and services for the other 364 days of the year as well.

Mr. President, to date, "Try America" joint resolutions similar to this one have been passed by State governments in Arizona, Nevada, and Utah and by counties and cities in California, Arizona, and Washington State and are expected to pass in a number of other States and localities.

I want to make it clear to my colleagues that this joint resolution is not intended as any sort of Government-imposed mandate or any criticism of goods produced in other countries. It is simply intended as a modest effort to make consumers more aware of the skills and hard work of the millions of American men and women producing world-class products in large companies, small businesses, agriculture, the food industry, and the service sector.

Mr. President, 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 in the RECORD, as follows:

S.J. RES. 215

Whereas the creativity and ingenuity of American working men and women in the United States have provided a host of new products and services which improve the quality of life in the United States and the world;

Whereas American workers should be recognized as one of our Nation's most valuable resources;

Whereas the American spirit of entrepreneurship, pride of craftsmanship, and commitment to quality are hallmarks recognized throughout the world;

Whereas the United States and its citizens have reason to celebrate the strength and quality of American products and services;

Whereas the quality and abundance of American goods are a tribute to the productivity and ability of American workers;

Whereas the ability of American companies to export, even in the face of strong trade barriers in many countries, is a sign of the true competitiveness of American products;

Whereas American farmers and ranchers provide this country and the world with a wide array of high quality food and fiber products and consistently create annual agricultural trade surpluses of more than $20,000,000,000;

Whereas the energy and perseverance of American business serves as a beacon for other nations that strive to ensure prosperity for their people; and

Whereas American small business provides a basis for economic progress and for the creation of jobs and opportunities for people from every corner of America: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That September 5, 1994, Labor Day, is designated "Try American Day", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities and to honor the day through the purchase of American-made goods and services.

ADDITIONAL COSPONSORS

S. 277

At the request of Mr. SIMON, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 277, a bill to authorize the establishment of the National African-American Museum within the Smithsonian Institution.

S. 1037

At the request of Mrs. MURRAY, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 1037, a bill to amend the Civil Rights Act of 1991 with respect to the application of such Act.

S. 2127

At the request of Mr. COATS, his name was added as a cosponsor of S. 2127, a bill to improve railroad safety at grade crossings, and for other purposes.

S. 2178

At the request of Mr. DASCHLE, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of S. 2178, a bill to provide a program of compensation and health research for illnesses arising from service in the Armed Forces during the Persian Gulf War.

S. 2238

At the request of Mr. KENNEDY, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 2238, a bill to prohibit employment discrimination on the basis of sexual orientation.

S. 2242

At the request of Mr. DASCHLE, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 2242, a bill to establish a National Institute for the Environment, to improve the scientific basis for decision-making on environmental issues, and for other purposes.

S. 2363

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 2363, a bill to establish registration and tracking procedures and community notification with respect to released sexually violent predators.

SENATE JOINT RESOLUTION 90

At the request of Mr. ROBB, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of Senate Joint Resolution 90, a joint resolution to recognize the achievements of radio amateurs, and to establish support for such amateurs as national policy.

SENATE JOINT RESOLUTION 189

At the request of Mr. ROTH, the names of the Senator from Hawaii [Mr. INOUYE] and the Senator from Louisiana [Mr. JOHNSTON] were added as cosponsors of Senate Joint Resolution 189, a joint resolution designating October 1994 as "National Decorative Painting Month."

SENATE JOINT RESOLUTION 209

At the request of Mr. COCHRAN, the names of the Senator from Delaware [Mr. BIDEN], the Senator from Arkansas [Mr. BUMPERS], the Senator from Montana [Mr. BURNS], the Senator from Indiana [Mr. COATS], the Senator

from Idaho [Mr. CRAIG], the Senator from Texas [Mrs. HUTCHISON], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Arizona [Mr. MCCAIN], the Senator from Ohio [Mr. METZENBAUM], the Senator from New York [Mr. MOYNIHAN], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Joint Resolution 209, a joint resolution designating November 21, 1994, as "National Military Families Recognition Day."

SENATE CONCURRENT RESOLUTION 66

At the request of Ms. MIKULSKI, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of Senate Concurrent Resolution 66, a concurrent resolution to recognize and encourage the convening of a National Silver Haired Congress.

AMENDMENTS SUBMITTED

LABOR—HHS APPROPRIATIONS ACT

SPECTER AMENDMENT NO. 2460

Mr. SPECTER proposed an amendment to the bill (H.R. 4606) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1995, and for other purposes, supra; as follows:

On Page 25, line 13, before the last period, insert the following:

SEC. 108. PROHIBITION ON THE USE OF THE UNITED STATES ARMED FORCES IN HAITI.

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

(1) Article I, Section 8 of the United States Constitution provides that Congress shall have the sole power to declare war; and

(2) On July 31, the United Nations Security Council adopted Resolution 940, which authorizes member states of the United Nations to use all necessary means to facilitate the departure from Haiti of the military leadership, consistent with the Governors Island Agreement, the prompt return of the legitimately elected President, and the restoration of the legitimate authorities of the Government of Haiti.

(b) PROHIBITION OF UNITED STATES ARMED FORCES IN HAITI.—The President is prohibited from using the United States Armed Forces to facilitate the departure of the military leadership and the restoration of the legitimately elected government.

(c) The prohibition in subsection (b) does not apply if—

(1) the use of the United States Armed Forces in Haiti is authorized in advance by Congress;

(2) the temporary deployment of forces of the United States Armed Forces into Haiti is necessary in order to protect or evacuate United States citizens from a situation of imminent danger and the President reports as soon as practicable to Congress after the initiation of the temporary deployment, but in no case later than 48 hours after the initiation of the temporary deployment; or

(3) the deployment of forces of the United States Armed Forces into Haiti is vital to the national security interests of the United States (including the protection of American citizens in Haiti), there is not sufficient time to seek and receive congressional authorization, and the President reports as soon as practicable to Congress after the initiation of the deployment, but in no case later than 48 hours after the initiation of the deployment.

McCAIN AMENDMENT NO. 2461

Mr. McCAIN proposed an amendment to the bill H.R. 4606, supra; as follows:

At the end of the committee amendment on page 69, at the end of line 5, insert the following: "Provided further, that $37,360,000 shall be transferred to Department of Health and Human Services to be used solely for AIDS research and prevention programs in Fiscal Year 1997."

BROWN (AND OTHERS) AMENDMENT NO. 2462

Mr. BROWN (for himself, Mr. SIMON, Mr. MURKOWSKI, and Mr. LIEBERMAN) proposed an amendment to the bill H.R. 4606, supra; as follows:

At the appropriate place in the committee amendment, add the following new section:

"SEC. . VISAS FOR OFFICIALS OF TAIWAN.

Section 4(b)(6) of the Taiwan Relations Act (22 U.S.C. 3302(b)(6)) is amended—

(1) by inserting "(A)" immediately after "(6)"; and

(2) by adding at the end the following:

"(B) Whenever the president of Taiwan or any other high-level official of Taiwan shall apply to visit the United States for the purposes of discussions with United States federal or state government officials concerning:

(i) Trade or business with Taiwan that will reduce the U.S.-Taiwan trade deficit;

(ii) Prevention of nuclear proliferation;

(iii) Threats to the national security of the United States;

(iv) The protection of the global environment;

(v) The protection of endangered species; or

(vi) Regional humanitarian disasters.

The official shall be admitted to the United States, unless the official is otherwise excludable under the immigration laws of the United States.".

HELMS AMENDMENT NO. 2463

Mr. HELMS proposed an amendment to the bill H.R. 4606, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . PROTECTION AGAINST THE HUMAN IMMUNODEFICIENCY VIRUS.

Chapter 51 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1118. Protection against the Human Immunodeficiency Virus

"(a) IN GENERAL.—Whoever, after testing positive for the Human Immunodeficiency Virus (HIV) and receiving actual notice of that fact, knowingly donates or sells, or knowingly attempts to donate or sell, blood, semen, tissues, organs, or other bodily fluids, except as determined necessary for medical research, shall be fined or imprisoned in accordance with subsection (c).

"(b) TRANSMISSION NOT REQUIRED.—Transmission of the Human Immunodeficiency Virus does not have to occur for a person to be convicted of a violation of this section.

"(c) PENALTY.—Any person convicted of violating the provisions of subsection (a) shall be subject to a fine of not less than $10,000 nor more than $20,000 and imprisoned for not less than 1 year nor more than 10 years, or both.".

DOLE (AND OTHERS) AMENDMENT NO. 2464

(Ordered to lie on the table.)

Mr. DOLE (for himself, Mr. LIEBERMAN, Mr. MCCAIN, Mr. MOYNIHAN, Mr. WELLSTONE, Mr. EXON, Mr. FEINGOLD, Mr. HATCH, and Mr. DECONCINI) submitted an amendment intended to be proposed by them; as follows:

At the appropriate place, add the following:

SEC. . TERMINATION OF ARMS EMBARGO.

(1) TERMINATION.—The President shall terminate the United States arms embargo of the Government of Bosnia and Herzegovina no later than November 15, 1994 so that Government may exercise its right of self-defense under Article 51 of the United Nations Charter.

(2) DEFINITION.—As used in this section, the term 'United States arms embargo of the Government of Bosnia and Herzegovina' means the application to the Government of Bosnia and Herzegovina of—

(A) the policy adopted July 10, 1991, and published in the Federal Register of July 19, 1991 (58 F.R. 33322) under the heading 'Suspension of Munitions Export Licenses to Yugoslavia'; and

(B) any similar policy being applied by the United States Government as of the date of receipt of the request described in paragraph (1) pursuant to request described in paragraph (1) pursuant to which approval is denied for transfers of defense articles and defense services to the former Yugoslavia.

(3) RULE OF CONSTRUCTION.—Nothing in this section shall be interpreted as authorization for deployment of United States forces in the territory of Bosnia and Herzegovina for any purpose, including training, support, or delivery of military equipment.

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, the Committee on Small Business has scheduled a hearing for Tuesday, August 9, 1994. The purpose of the hearing is to receive testimony regarding recommendations to improve the Small Business Administration's [SBA] Minority Small Business and Capital Ownership Development Program [more commonly known as the SBA Section 8(a) Program]. The hearing will be conducted in the committee's hearing room, SR-428A, commencing at 10 a.m. The Senator from Massachusetts [Mr. KERRY] will chair the hearing.

The committee expects to receive testimony from SBA's Deputy Administrator, Cassandra M. Pulley, regarding SBA's concept for a new Minority

Enterprise Development [MED] Program.

Testimony will also be received from representatives of the minority business enterprise community regarding SBA's MED Program proposal and the Business Development Opportunity Act of 1994, being proposed by the Senator from Massachusetts [Mr. KERRY]. Representatives are expected from the Minority Business Enterprise Legal Defense and Education Fund [MBELDEF], the Latin American Management Association [LAMA], the National Federation of 8(a) Companies, the National Association of Minority Business [NAMB], and others.

Further information concerning this hearing may be obtained from the committee's procurement policy counsel, William B. Montalto. Bill may be reached at 224-5175.

COMMITTEE ON INDIAN AFFAIRS

Mr. BUMPERS. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will be holding a markup on Wednesday, August 10, 1994, beginning at 10 a.m., in 216 Hart Senate Office Building on S. 2036, the Indian Self-Determination Contract Reform Act of 1994; S. 2150, the Native Hawaiian Housing Assistance Act of 1994; S. 2259, the Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act; S. 2269, the Native American Cultural Protection and Free Exercise of Religion Act of 1994; S. 2329, the Mohegan Nation of Connecticut Land Claims Settlement Act; and, for other purposes to be followed immediately by confirmation hearings for Harold Monteau to serve as the Chairman of the National Indian Gaming Commission and Gary Kimble to serve as the Commissioner for the Administration for Native Americans.

Those wishing additional information should contact the Committee on Indian Affairs at 224-2251.

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, I would like to announce that the Small Business Committee has rescheduled the markup of the Small Business Reauthorization and Amendments Act of 1994. The markup will be held on Wednesday, August 10, 1994, at 1:30 p.m., in room 428A of the Russell Senate Office Building. The markup had previously been scheduled for Wednesday, August 3, 1994. For further information, please call Patricia Forbes, Deputy Staff Director of the Small Business Committee at 224-5175.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Friday, August 5, 1994 at 8:30 a.m., in SR-332, to consider the pending nominations, Dr. Jose Amador, of Texas, to be Assistant Secretary for Science and Education and Roger Viadero, of Virginia, to be Inspector General of the Department of Agriculture.

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

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Friday, August 5, 1994 at 10 a.m., in SR-332, to discuss beef and dairy checkoff programs.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MITCHELL. 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 Friday, August 5, beginning at 9:30 a.m., to conduct a hearing pursuant to Senate Resolution 229.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MITCHELL. 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 Friday, August 5 beginning at 9:30 a.m. to conduct a markup on the nominations of Janet Yellen to be a member of the Board of Governors of the Federal Reserve System; Julie Belaga to be a member of the Board of Directors of the Export-Import Bank; and Susan Baron and Danny David to be members of the National Corporation for Housing Partnerships.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. MITCHELL. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing on the reproductive hazards for veterans associated with radiation, agent orange, and Gulf war exposures. The hearing will be held on August 5, 1994, at 10:30 a.m. in room 216 of the Hart Senate Office Building.

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

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Friday, August 5, 1994, to hold a hearing on "Oversight of the Insurance Industry: Blue Cross/Blue Shield—Federal Contracts."

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

ADDITIONAL STATEMENTS

DESALTING THE SEAS

• Mr. SIMON. Mr. President, the Waukegan News-Sun is one of the few newspapers in the United States that has taken an interest in a problem that is going to be afflicting not only this Nation but the world in the decades to come. They also note something that I was not aware of, a study by Population Action International that suggests, "by the year 2,025, one in three people on the face of the Earth will live where water is scarce."

I am talking about the water problems and the need to have research to find a less expensive way of converting salt water to fresh water.

It may seem strange for the Waukegan News-Sun, published in a community sitting at the edge of a huge body of water, Lake Michigan, to take an interest in the problem of water around the world.

But the reality is that if we do not move toward solving the desalination problem, the sons and daughters of the present residents of Waukegan are going to be adversely affected.

Legislation is now pending in the Senate to move ahead on this, and I hope we will move and move before long.

We should listen to the final two sentences of their editorial: "Furthering mankind's ability to cost-effectively produce fresh water from the sea is most important from a world survival perspective. We hope the usual indifference can be overcome so that better technology can be developed."

I ask to insert the entire editorial into the RECORD at this point.

The editorial follows:

[From the News-Sun, July 23-24, 1994]

DESALTING THE SEAS

At issue: The need for further research to develop cost-effective technology to drink water from the seas.

Desalination may seem a decidedly out-of-the-ordinary cause for one of Illinois' U.S. senators.

Yet, Sen. Paul Simon is the chief sponsor of a bill to revive the federal government's dormant research into desalination—removing salt and impurities from sea water to make it safe for human consumption and agricultural irrigation. No newcomer to this concern, Simon has been working on more research funding since 1986.

With Lake Michigan, many rivers and underground aquifers supplying in most years more than adequate supplies of water, we Illinoisans do not think about water shortages.

However, consider that less than one percent of the Earth's water is fit for human consumption.

We remember from geography that more of the Earth consists of great bodies of water than of land masses. That water, however, is salty.

Technology exists to desalt water from the oceans, but it is expensive and energy-intensive. Among the most arid nations, only rich countries such as Saudi Arabia can afford big-scale desalting plants.

The ocean states of California and Florida are forced by water shortages to rely on existing, expensive commercial desalination. And that can indeed have an impact here in Illinois. Shortages of cheap water for irrigation in California and Florida mean higher prices here for fruits and vegetables.

In Africa and the Middle East, droughts are common and water supplies always are scarce.

Sen. Simon said recently he has heard Israeli and Egyptian leaders talk more about water than oil—to the degree that the next war in that region well could be fought over water, not oil.

A study by Population Action International (PAI) forecasts that, by the year 2025, one in three people will live where water is scarce. Already, PAI noted, half of the world's population suffers from water-related diseases such as diarrhea, which claims the lives of four million infants a year.

With the world's population growing, it's clear, as the senator said, that we "are going to have to use the two-thirds of the world that is covered by salt water."

Simon's bill would authorize investment in research to develop "the best and most economical" means of desalination; $5 million in fiscal year 1995, $10 million in 1996 and "such sums as may be necessary" through 1999.

The measure also would authorize $50 million over the period for development of facilities in a cost-sharing arrangement with municipalities and states.

The United States was once considered at the forefront of desalination technology development. Federally funded research was largely curtailed in 1974, in part because of the Arab oil embargo. That created a shortage of fuel for the experimental plants. Also, the technology development was considered sufficient.

Simon acknowledges it doesn't have much sex appeal. Nevertheless, as he points out, "it really is important for civilization. It is one of these things that is going to have a huge impact on the future for our kids and future generations."

Furthering mankind's ability to cost-effectively produce fresh water from the sea is most important from a world survival perspective. We hope the usual indifference can be overcome so that better technology can be developed.•

CONGRATULATING PROFESSOR LOUIS W. STERN

• Ms. MOSELEY-BRAUN. Mr. President, I would like to take a moment today to congratulate a fellow Illinosan, Prof. Louis W. Stern of the Kellogg Graduate School of Management at the Northwestern University in Evanston, IL. Professor Stern has just been awarded the AMA/Erwin distinguished Marketing Educator Award for 1994.

Professor Stern will be honored on Sunday, August 7, in a ceremony conducted by the American Marketing Association at their conference in San Francisco. He is very well known and respected and is a real leader in his field. He has written 9 books and over 80 articles on marketing management, behaviorial sciences, and legal issues.

In addition to his professional duties, Mr. Stern has served as a consultant to the Federal Trade Commission, IBM, Ford, Kodak, Xerox, and General Electric. He has also testified before committees in the House of Representatives regarding antitrust matters.

Professor Stern should be proud of his many accomplishments and Illinois is glad to call him one of its own.•

TV MENACE EATS AWAY AT CHILDREN, FAMILIES

• Mr. SIMON. Mr. President, a longtime friend of mine, Jack Mabley, who writes a column for the Daily Herald in suburban Cook County, Illinois, and who for many years wrote a column for the Chicago Daily News, recently had a column on television that provides insight.

It is a powerful argument why we have to maintain public television. And as many of my colleagues know, I am not pleased that public television is increasingly relying on the same commercial interests that support commercial television.

My colleagues have heard me speak often about television violence, and the evidence of the harm that has been done is overwhelming. I am pleased the industry is gradually turning around on entertainment television violence, but there is still the overall question of the impact it has on each of us and on our culture beyond the grossest forms of abuse.

I ask to insert the Jack Mabley column into the RECORD at this point.

The column follows:

TV MENACE EATS AWAY AT CHILDREN, FAMILIES

What is the most insidious, most harmful scientific development of this generation? In my opinion, television.

A good argument can be made for the nuclear bomb, which has the potential for eliminating the human race. I think the bomb is less of a menace because its danger is clearly recognizable, and it is under control. In fact, because of its deterrent value, a third world war may have been avoided.

The menace of television is not clearly recognized, and television is out of control. The physical means of transmitting television—the air waves—are a national asset, but we have turned this asset over to business people whose objective is to make money.

I wrote the above three paragraphs 18 years ago, and little has changed except the violence and vulgarity have increased.

William A. Kelly of Arlington Heights clipped that column and sent me a copy this week with his comment that my premonition now seems like an understatement.

"To attack TV now is to undermine the gods of sport, the gladiators, the craze to be entertained—stronger than patriotism," said Kelly, a retired circuit court judge.

The atrophying of the collective brains of families as they sit like mummies in front of the tube every night is bad enough, but the worst tragedy is what television is doing to our children.

Advertisers pour billions into television because they are convinced the medium influences viewers to buy their products.

It is difficult to argue that the content between the commercials does not affect the behavior and morals and ethical standards of the viewers, especially the young viewers who are impressionable and imitative.

And they still spend more time watching television than they spend in school.

I heard from a family who broke up over television. The mother told me:

"The saddest effect is what has been done to family life. Maybe, just maybe, a family can be drawn close together if each member is a video devotee.

"Bucking such a family addiction has had its bad effect, and I speak of a firm marriage that would have seen its silver year this year.

"My former spouse, whose goodness is unquestioned, got hooked, years ago. That example influenced our children. When 'what do we watch?' reached dispute proportions, the solution was yet another TV set.

"Piped-in strangers populated our home, each spouting an alien philosophy, in living color.

"In an effort to insulate myself from the bombardment, I insulated myself from my family. One day we looked at each other and beheld strangers. It wasn't grounds for divorce, but it was reason enough for me."

A few words about technical advancements in TV may be appropriate here.

The telecasts of World Cup soccer games, where they don't have TV timeouts and play is continuous, popularized (with advertisers) the crawl, that is, the ad that creeps across the bottom of the screen, like the warnings of storms or tornadoes that crawl across local TV screens. Look for more of this commercial intrusion.

Baseball has sneaked in a new advertising form by placing little billboards behind home plate, where the center field camera will pick them up.

To counteract this new ad assault, a New York company is selling a device that automatically zaps commercials in taped programs. It will list at $199 starting this month.

I still rely on the old fashioned way, a zapper at my side for live commercials, and fast forward for taped programs.•

SCHEDULE

Mr. MITCHELL. Mr. President, following discussions with several Senators, and following the reaching of certain agreements, some of which have been entered, and some of which I will shortly enter, I have decided upon the following schedule for next week:

Beginning at 10 a.m. on Monday, the Senate will resume consideration of the Labor—Health and Human Services appropriations bill. Under the agreement previously entered, the only amendments in order will be those contained in a list which was presented to the chair today and which will be published in the CONGRESSIONAL RECORD.

Further under that agreement, those amendments must be offered by noon on Monday. The managers will be present and will be prepared to debate any amendments that are offered by that day. Any votes which will be required as a result of those amendments

will occur beginning at 10 a.m. on Wednesday morning.

Upon the completion of the debate on amendments to the Labor—Health and Human Services appropriations bill, the Senate will resume consideration of the Department of Defense appropriations bill. The managers will be present and will be prepared to receive and debate amendments.

On Monday, following completion of the debate on amendments to the Labor—Health and Human Services bill, and on Tuesday morning, it is my intention, and that of the managers; that action on the Defense Department appropriations bill will also be completed by Tuesday; and that any votes required on amendments to that appropriations bill will occur on Wednesday morning following the votes on the Labor—Health and Human Services appropriations bill.

In addition, I will shortly obtain unanimous consent to agreements regarding consideration of the military construction appropriations conference report and the foreign operations conference report. Under these agreements, there will be brief times for debate early next week, and these votes will also be stacked to occur beginning Wednesday morning.

So, Mr. President, there will be no rollcall votes until Wednesday morning beginning at 10 a.m. But Senators should be on notice that beginning at that time there are likely to be several votes. They will include all remaining votes on the Labor—Health and Human Services appropriations bill, all amendments to the Department of Defense appropriations bill, including final passage of both of those bills, and then votes on the two conference reports to which I have just referred and on which I will shortly obtain agreements—the military construction appropriations and foreign operations conference reports. So there will be several votes occurring beginning on Wednesday morning at 10 a.m., and every Senator is on notice to be present at that time.

I will not entertain any requests for changing the times of those votes. I want to make that clear in advance. No Senator should bother to call me and ask to change those times. We now have 5 days notice, ample opportunity for Senators to be present at that time. We have a lot of business to conduct here.

Finally, we will in accordance with our original schedule proceed to begin the debate on the health care reform bill on Tuesday. That will occur following completion of the amendments to the Department of Defense appropriations bill. There will be no votes on health care on Tuesday, however, and there will be no votes prior to 2 p.m. on Wednesday on that bill. Senators can expect soon thereafter that amendments will be offered, debate will occur, and votes will occur on those amendments beginning next Wednesday afternoon.

Finally, I repeat what I have said on several occasions until now. We will remain in session next week through and including Saturday on the health care bill. We will return to session the following Monday, and then we will remain in session continuously through and including each Saturday until we complete action on the bill.

I thank all of my colleagues for their cooperation and assistance.

Mr. President, I am now going to present the unanimous consent request to which I referred first regarding the military construction appropriations bill.

UNANIMOUS-CONSENT AGREEMENT—CONFERENCE REPORT ON H.R. 4453

Mr. MITCHELL. Mr. President, I ask unanimous consent that the majority leader, following consultation with the Republican leader, may at anytime proceed to the consideration of the conference report accompanying H.R. 4453, the military construction appropriations bill, and that when the Senate considers the conference report it be considered under the following limitations; that there be a time limitation of 50 minutes for debate prior to adoption of the conference report, with the time divided as follows: 20 minutes equally divided and controlled between Senators SASSER and GORTON, or their designees, and 30 minutes under the control of Senator MCCAIN.

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

Mr. MITCHELL. Mr. President, I ask unanimous consent that upon adoption of the conference report, the Senate concur, en bloc, in the House amendments to the Senate amendments, and that the Senate recede from its amendment No. 29, and the motions to reconsider be laid upon the table, en bloc, with the above occurring without intervening action.

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

Mr. MITCHELL. Mr. President, I now ask unanimous consent that it be in order to request the yeas and nays on adoption of the conference report.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MITCHELL. 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. MITCHELL. Mr. President, as I said earlier, it is my intention to schedule this vote to occur in the series of votes to occur beginning at 10 a.m. on Wednesday. I intend to schedule the debate at some time during Monday or Tuesday when it is most convenient for all participating in that debate.

UNANIMOUS-CONSENT AGREEMENT—CONFERENCE REPORT ON H.R. 4426

Mr. MITCHELL. Mr. President, I now ask unanimous consent that the majority leader, following consultation with the Republican leader, may at any time proceed to the consideration of the conference report accompanying H.R. 4426, the foreign operations appropriations bill, and that when the Senate considers the conference report, it be considered under the following limitations; that there be a time limitation of 50 minutes for debate prior to adoption of the conference report, with the time divided as follows: 15 minutes under the control of Senator LEAHY, 10 minutes each under the control of Senators MCCONNELL, HELMS, and SPECTER, and 5 minutes under the control of Senator GRAMM.

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

Mr. MITCHELL. Mr. President, I now ask unanimous consent that it be in order to request the yeas and nays on adoption of the conference report.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MITCHELL. 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. MITCHELL. Mr. President, as previously stated this vote will occur in the sequence of votes beginning on Wednesday at 10 a.m.

NAVAL VESSELS TRANSFER ACT

Mr. MITCHELL. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on a bill (H.R. 4429) to authorize the transfer of naval vessels to certain foreign countries.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendments of the Senate numbered 1 through 11 to the bill (H.R. 4429) entitled "An Act to authorize the transfer of naval vessels to certain foreign countries.".

Resolved, That the House agree to the amendment of the Senate numbered 12 to the aforesaid bill, with the following amendments:

Page 2, beginning on line 13, strike "or any other provision of law".

Page 3, strike line 3 and all that follows through line 9.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate concur in the amendments of the House and that any statements thereon appear in the RECORD at the appropriate place as though read.

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

So the Senate concurred in the amendments of the House.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ORDERS FOR MONDAY, AUGUST 8, 1994

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand adjourned until 10 a.m., Monday, August 8; and that when the Senate reconvenes on that day, the Journal of proceedings be deemed to have been approved to date, the call of the calendar be waived, and no motions or resolutions come over under the rule; that the morning hour be deemed to have expired; that the time of the two leaders be reserved for their use later in the day; and that immediately thereafter, the previous order regarding the Labor-HHS appropriations bill be executed.

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

ADJOURNMENT TO MONDAY, AUGUST 8, 1994, AT 10 A.M.

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate today, I now move that the Senate stand adjourned as previously ordered.

The motion was agreed to, and the Senate, at 6:34 p.m. adjourned until Monday, August 8, 1994, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate August 5, 1994:

THE JUDICIARY

ROBERT N. CHATIGNY, OF CONNECTICUT, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF CONNECTICUT VICE WARREN W. EGINTON, RETIRED.

JUDITH D. MCCONNELL, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA VICE A NEW POSITION CREATED BY PUBLIC LAW 101-650, APPROVED DECEMBER 1, 1990.

IN THE ARMY

THE FOLLOWING U.S. ARMY RESERVE OFFICERS FOR PROMOTION TO THE GRADES INDICATED IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF SECTION 593(A) AND SECTION 3384, TITLE 10, UNITED STATES CODE:

To be major general

BRIG. GEN. MAX GUGGENHEIMER, 231-42-2791
BRIG. GEN. GEORGE J. STEINER, 473-38-3427
BRIG. GEN. THOMAS B. MURCHIE, 559-74-3488
BRIG. GEN. BILLY F. JESTER, 492-74-3553

To be brigadier general

COL. JAMES G. BROWDER, 230-58-1364
COL. DANIEL C. BALOUGH, 572-74-0228
COL. ROGER P. HAND, 061-32-3380

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES IN THE GRADE INDICATED BELOW, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593, 3385 AND 3392.

To be major general

SAM C. TURK, 456-60-7366

To be brigadier general

FEDERICO LOPEX III, 458-70-0744

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES IN THE GRADE INDICATED BELOW, UNDER THE PROVISION OF TITLE 10, UNITED STATES CODE, SECTIONS 593, 3385 AND 3392:

To be brigadier general

COL. WAYNE D. MARTY, 458-66-9856

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE.

To be lieutenant colonel

ROBERT G. KOWALSKI, 046-38-4514
JOHN D. SHARKEY, 313-52-73351

THE FOLLOWING NAMED INDIVIDUALS FOR A RESERVE OF THE ARMY APPOINTMENT, WITHOUT CONCURRENT ORDER TO ACTIVE DUTY UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 593(A), 594(A), 3353 AND 3359:

MEDICAL CORPS

To be colonel

ALFRED S. GERVIN, 409-74-6211

MEDICAL CORPS

To be lieutenant colonel

WILLIAM M. DYER, JR., 409-66-7562
CHARLES J. FISHER, JR., 546-68-6693
MICHAEL F. WALSH, 522-70-6491

THE FOLLOWING NAMED INDIVIDUAL FOR A RESERVE OF THE ARMY APPOINTMENT, WITH CONCURRENT ORDER TO ACTIVE DUTY UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593, 594, AND 689:

MEDICAL CORPS

To be Lieutenant Colonel

JOHNATHAN NEWMARK, 139-44-5026

IN THE MARINE CORPS

THE FOLLOWING NAMED LIEUTENANT COLONEL OF THE U.S. MARINE CORPS FOR PROMOTION TO THE TEMPORARY GRADE OF COLONEL UNDER THE PROVISIONS OF ARTICLE II, SECTION 2, CLAUSE 2 OF THE UNITED STATES CONSTITUTION:

TRUMAN W. CRAWFORD, 093-26-4365

HOUSE OF REPRESENTATIVES—*Friday, August 5, 1994*

The House met at 10 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 5, 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.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer.

As we reflect on the stories and parables of individual experience, may we, O God, do unto others as we would have them do unto us. We know that the incidents and ordeals of human affairs can bring anxieties and apprehensions that hinder hope and the assurances of faith. As You, O God, have given us our lives and blessed us with all good things and created the heavens and the Earth, so keep each of us in Your grace now and evermore. This is our earnest prayer. 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 Pledge of Allegiance will be led by the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming 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 bill and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 617. An act to authorize research into the desalinization of water and water reuse and to authorize a program for States, cities, or any qualifying agency which desires to own and operate a desalinization or water reuse facility to develop such facilities; and

S.J. Res. 194. Joint resolution to designate the second week of August 1994 as "National United States Seafood Week."

CREATING JOBS WITH UNIVERSAL COVERAGE

Mr. GEJDENSON. Mr. Speaker, we in Connecticut have been battered by an economy that saw some of the most significant challenges we have faced in this century, defense downsizing, changes in the insurance industry, a loss of our banking system and capital. As we start to rebuild our economy and start to see recovery as much of the Nation has already seen, one of the greatest challenges in the formation of new businesses is the insurance for those individuals with the talent, the skill, and the courage to start new businesses, because when you have a handful of people who have worked all of their lives and have some assets, starting a business without health insurance for the employees it is a challenge worse than going to the roulette table.

Under today's system these businesses are at a disadvantage. They pay $3,000 and $4,000 more in insurance premiums than competitors that are larger and work right next door.

If we want to start new small businesses in America, passing a Universal Health Care Program will help this economy, help people go to work, and help continue this recovery.

LLOYD CUTLER'S REDACTIONS

Mr. LIVINGSTON. Mr. Speaker, on July 26, 1994, Lloyd Cutler, special counsel to the President, before the House Committee on Banking, Finance and Urban Affairs said:

We have not redacted anything relevant to the committee's inquiries, and I'd like to add that as a lawyer who has been in the business of producing documents to other lawyers for a good 50 years, this is the first time that any other lawyer has ever questioned whether the production of redacted documents under my supervision has been unethical.

Despite Mr. Cutler's statement, the Wall Street Journal of August 5, 1994, amply demonstrated that Mr. Cutler did indeed redact, or delete, critical information from the material supplied to pertinent congressional committees.

It turns out he redacted references to the Rose Law Firm, the RTC, the disclosure or lack of disclosure on the impact on Madison Guaranty Savings & Loan, Mr. Hubbell's relationship with his father-in-law, Seth Ward, and litigation in Madison Guaranty, whether or if FDIC or RTC would review the conflicts of interests, civil and criminal liability of the Rose Law Firm and other attorneys for failure to disclose civil actions on James and Susan and McDougal on the board of Madison Savings & Loan and on professional law firms and accounting firms involved in those same circumstances.

Mr. Cutler, you owe the American people an explanation. You have redacted, or deleted, vital information. In my opinion, you should consider resignation as counsel to the President of the United States.

I shall expand on these comments in a 5-minute special order this afternoon, August 5, 1994.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind the gentleman from Louisiana that he should direct his remarks to the Chair.

HEALTH CARE: THE AMERICAN MANDATE

(Mr. DERRICK asked and was given permission to address the House for 1 minute.)

Mr. DERRICK. Mr. Speaker, cynics and wiseacres tell us that health care reform is nothing more than an empty political gambit. They say it is a sham designed to wow the voters, and hint at freedom-choking mandates.

Reform opponents also imply that no one really believes in the issue. It is all politics, they say. A crusade for saps with no grassroots support.

Mr. Speaker, it is these cynics that threaten America. The idea that no one cares about reform belies reality. Americans are literally dying for it.

Thousands of business associations, consumer groups, health organizations, and citizens' leagues understand the vital importance of reform. I intend to make my colleagues aware of the broad and profound support for reform, and I will be highlighting those groups that daily join the swelling ranks of reform supporters. Health care reform is not a sham—it is the mandate of the American majority.

FAMILY LEAVE BILL MAKES AMERICA MORE FAMILY FRIENDLY

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, today I take the well to prove I really am a gentle lady, because the reason I like to come down here is to feed the words back of some of the Members that fought so hard against family leave. Now family leave has been in effect for exactly 1 year in America, and guess what? No companies have gone under, productivity has not dropped off, it has not become a complex thing to administer. There have been fewer than 1,000 complaints and almost all of them were solved by phone.

Yes, America is much more family friendly. I honestly thing that people cannot stand up and say they are pro-family and then vote against all family-friendly legislation.

Thank goodness the good buys won on this one and Americans for the last year have had a much more family-friendly workplace. Let us get on, let us do more, and let us measure these things against the facts rather than rhetoric.

LET US HAVE REALISTIC HEALTH CARE REFORM

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute.)

Mr. THOMAS of Wyoming. Mr. Chairman, more than 6 months ago Bill Clinton stood here in the House, held up a credit card and announced he would produce health care for everyone that would never be taken away. He did not talk about the cost, who would pay. He did not talk about the increase in bureaucracy. He did not talk about the reduction in choice, just that there would be another mother of all unfunded mandates.

As Americans figured out the many details, the messy details, that idea bombed. Last evening the House Democrat leadership was here with the major pitch: benefits for everyone. Did they talk about who would pay? No. Did they talk about the expansion of entitlements which is driving the budget? No. Did they talk about the expansion of government bureaucracy needed in the plan? No.

Good public policy will not come from snake oil sales techniques. Benefits have costs. There really is no free lunch.

We only have a short time left in this session. Let us not fill it with campaign pitches. Let us deal with the tough job of realistic pay-as-you-go policy.

□ 1010

NOT A BAD RACKET

(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, with all this health care reform talk, insurance companies are literally worried sick.

So to make sure the insurance companies keep their hands in the bank, the insurance companies are now buying the hospitals.

Now, think about this. Insurance companies only insure healthy people who do not get sick, and they make a lot of money. Then they take that money off the healthy people, and they buy the hospitals. Now, the hospitals make money treating all of those sick people that the insurance companies will not cover.

That is not a bad racket.

All this health reform is really getting the industry to make major adjustments. Think about it.

LET US VOTE ON HEALTH CARE IN SEPTEMBER

(Mr. BLILEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLILEY. Mr. Speaker, here we go again. We have four bills that have not been drafted, that are, indeed, changing daily, have not been scored, and yet you tell us we will be voting on them in 2 weeks. Most of them will be over a thousand pages long.

Mr. Speaker, the CBO has not had a chance to score them. This is not the end of the process, Mr. Speaker.

We should draft these bills. We should have them available to the public, the 250 million Americans who will be vitally affected by what we do or what we do not do. Let them read it, read it ourselves, indeed, and come back the first week in September and vote on it.

That is good policy, that is good procedure, and that is what we should follow.

SET ASIDE PARTISAN INTERESTS

(Mr. PENNY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENNY. Mr. Speaker, 1 year ago, on the first Friday in August, I announced my intention to retire from Congress.

Part of my motivation was the fierce partisanship that now dominates our congressional behavior. It has not always been this way.

Social Security was passed by overwhelming margins of support in both the Democratic and Republican caucuses. The Federal Highway Act of 1956, a landmark bill, had nearly unanimous support from both Democrats and Republicans. The Civil Rights Act of 1964 had substantial Democratic and Republican support. Even Medicare, the centerpiece of the Great Society, had the support of most Democrats and nearly half of all Republicans.

Recent polls show that Americans are increasingly displeased with the performance of their national leadership. Maybe it is because today on so many issues, from the budget to health care, they see a partisan display instead of efforts to build a bipartisan consensus.

History demonstrates the truly important issues know no party lines.

Americans will once again respect their Government when they see political leaders setting aside partisan interests and, instead, working together for the national interest.

FAMILY HEALTH FIRST

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, a lot of words have been spilled on the House floor about the importance of family, about quality time with children, about making Congress family-friendly.

Apparently, Congress puts families first in theory, but not in practice. We would rather sound good than act right.

Because the House leadership wants a vote on the health care plan, they have pushed back the summer recess until the third week of August. House leaders may not have school-aged children but dozens of other Members of Congress do. Since school activities resume in August, that means very short or no summer family vacations.

If we are going to vote on health care, let us set aside artificial deadlines, give Congress time to consider the legislation and the American people time to find out what is in it. A good health care plan next month is better than a bad plan this month.

Honoring the scheduled 2-week August recess and giving health care the scrutiny it deserves will do more for family health than hasty debate and rushed votes.

Who knows, if Congress practiced what it preached about families, maybe it would get a cleaner bill of health from the American people.

DO NOT LET THE CRIME BILL GET HIJACKED

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, special interests, lobbies, and partisan politics could kill the crime bill, the one

issue all Americans want us to tackle immediately and without partisanship.

Poll after poll show the American people are fed up with crime and desperately want us to pass a crime bill.

Mr. Speaker, are we prepared to vote against 100,000 new cops on the beat? Are we prepared to vote against three strikes and you are out, the death penalty for over 60 Federal crimes? Are we prepared to vote against tougher sentencing and very strong and effective prevention measures?

Mr. Speaker, the American people do not want petty partisan politics or special interests to hijack this crime bill. Let us pass it, and let us pass it soon.

WRONG TO RUSH HEALTH CARE

(Mr. HOBSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOBSON. Mr. Speaker, let me take you back almost 1 year ago. It was then that President Clinton unveiled his health care plan to a joint session of Congress and the American public. It has taken nearly a year for the American public to discover what was in the Clinton bill, that it contained, among other unpopular measures: job-killing employer mandates; global budgets that ration care; restrictions on choice of doctors and health care plans; and deep cuts in Medicare.

And it has taken nearly a year for the American people to reject this Clinton plan and to bury it. In its place a Clinton-Gephardt bill cropped up that, while hard to imagine, was even worse.

Now it appears that this bill may be pulled as well and will be replaced with the Senate's version, the Mitchell bill, which nobody has had a chance to read. Nearly all we know about the Mitchell bill is that it is 7 inches thick and contains 17 new taxes.

Now the White House and the majority want to force the Mitchell bill through Congress during the next 2 weeks. Mr. Speaker, I plead for time so that the American people and their elected representatives can study this plan and root out the hidden costs. It would be irresponsible and could be disastrous to the American health care system to proceed any other way.

THE FAMILY AND MEDICAL LEAVE ACT

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, what will history remember about the 103d Congress? I believe it will remember what this Congress did to give American families more security. And that started exactly 1 year ago with passage of the Family and Medical Leave Act.

Who did this new law give security to?

To seniors and children, who now can count on the care of their families during medical emergencies.

To parents, who can now balance their careers and family without fear of losing their jobs.

Mr. Speaker, the Family and Medical Leave Act brought this Nation into the modern era. But we cannot stop there.

Real security also means health care coverage that can never be taken away, and safety on our streets and in our homes.

Let us use today's important anniversary of the Family and Medical Leave Act to press ahead by passing comprehensive health care coverage and a crime bill that balances tough punishment and smart prevention. Let us give American families the security they deserve.

TIME NEEDED TO STUDY THE HEALTH BILL

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, it is becoming more and more clear as I speak to my constituents that the American people do not just want Congress to pass any health care plan they can. They want us to take our time and get it right. Because whatever we pass, we know one thing for sure. It will affect every single American.

I am worried about what happens after the House and Senate have passed their bills. As usually happens, the leaders who control both bodies will meet secretly behind closed doors to write one health care bill. We will have no idea who they are talking to or what deals will be made. Then they may try to ram their plan through in the early morning hours after a marathon session, without giving the Members of Congress or the American people enough time to study the details.

Mr. Speaker, I hope you will make a pledge today that all meetings of the conference committee will be open to the public and that the American people will be given adequate time to study and debate the details of the final health bill before the last votes are taken.

The American people deserve no less.

IN SUPPORT OF MFN STATUS FOR CHINA

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, I rise in support of the President's decision to delink MFN status for China from the internal affairs of China. There is a reason for that, and that reason is if we do not follow that policy, we will be taking a simple step, and that is to shoot ourselves in the foot.

□ 1020

Because a failure to delink is simply going to result in a retaliation against American exports to China. We will be losing American jobs associated with export and getting nothing.

When I say getting nothing, that is because the simple sanctions against a few simple products from China is going to only be a pinprick in the hide of this 1 billion population country. It will affect nothing.

The way to affect human rights in China is to give them inspiration, not aggravation. It is to engage them, it is to get to know them, it is to trade with them, because the one thing about America is that when we affect people the way we affect people is to let them get to know us. We have got to get to know them better, not less.

Support the President on MFN.

FLORIDA SENIORS DISTURBED BY AARP'S ENDORSEMENT OF CLINTONCARE

(Mr. MILLER of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of Florida. Mr. Speaker, today's Washington Post reports that the AARP has endorsed Clinton-Gephardt's sweeping expansion of Medicare coverage to include the unemployed and other uninsured workers. Coupled with nearly $500 billion in Medicare cuts, this expansion is a recipe for disaster for seniors.

This massive new entitlement is also the final step toward a single-payer, Government-controlled system, and again, seniors will be the first victims. Britain's single-payer system, for instance, often denies renal dialysis to elderly patients because the cost is deemed too high.

Their members in my district do not agree with the AARP's blanket endorsement of Clintoncare. According to Florence J. Irving of Sun City Center, "the AARP does not speak for many of its members." William G. Smith of Holmes Beach, writes "the AARP 'leadership' has become part of the 'Washington Establishment'— [they] do not represent [their] membership vis-a-vis health care reform."

Mr. Speaker, what is going on over in the Washington offices of the AARP?

"HARRY AND LOUISE" TV ADS ON HEALTH CARE CHANGED, ENDORSE UNIVERSAL COVERAGE

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, there is an old saying that goes: "Be careful

what you wish for, you just might get it." It is a maxim that, today, should be hanging on the walls of the Health Insurance Association of America. The HIAA is best known as the creator of Harry and Louise, the celluloid couple who led the $50 million attack on the Clinton health care plan.

But, now that the Clinton bill is off the table, the HIAA is afraid Congress may pass the disastrous Republican alternative without universal coverage and that has Harry and Louis singing a different tune. Ironically, the HIAA is now calling for a plan that has universal coverage as its foundation—much like the Clinton plan which they just spent untold millions to defeat.

Here is a copy of their new ad: "Insurance Reform and Universal Coverage—They Work Together." Democrats in this body could not agree more—that is why the Gephardt bill contains both and why it is the best path to health care reform. We are happy to see that Harry and Louise have finally seen the light. We just wish they had not been in the dark so long.

THE HEALTH CARE DEBATE: A LOGICAL SCHEDULE

(Mr. HOEKSTRA asked and was a given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOEKSTRA. Mr. Speaker, yesterday the majority leader outlined a timeline for debating what may be the most important legislation that we have dealt with in Congress in a generation. Incredibly, the leadership apparently wants us to debate and vote on this important issue without being able to examine the proposed legislation in any depth, and without being able to discuss the legislation in any depth, and without being able to discuss the legislation with our constituents.

My question is: What is the hurry? We still have plenty of time left in this Congress to deal with this issue in a responsible fashion. In fact, I and many of my freshman colleagues today will hold a press conference outlining a schedule that allows us to review these bills next week, to go home and review the materials with our constituents, and then come back and debate and vote on this legislation in September.

The President last night began a series of nightly television ads. The Cabinet is being mobilized to go to the American people. But Congress will be held hostage. We will be forced to vote before we can ever discuss these materials and this issue with our constituents.

Please, do not hold elected Representatives of the American people hostage during the health care debate.

HEALTH REFORM NOW

(Mr. CARDIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARDIN. Mr. Speaker, the people of this Nation are asking us to pass health reform now. They benefit from health care reform.

Let me talk about the typical person, "Mary," who works fulltime for a large company and is currently insured. She needs health reform now. Why? She will be able to continue to receive coverage under her private health plan. It will not change. However, she will be guaranteed the right to choose at least one plan, offering unrestricted choice of a doctor or a managed care plan.

She will be able to continue to receive the benefits she is receiving now but they will even be better because they will have to include the national benefit package in addition to the benefits she is currently receiving which her employer will be required to continue.

Her employer will be required to pay at least 80 percent of the plan. She will be protected against some reduction if the employer tried. She will never lose her coverage.

Mary needs health care reform. She benefits. All of our people benefit from health reform. Let us pass it.

TRUE CRIME

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, an article on the front page of yesterday's New York Times grossly misrepresents the motives and diligence of many Members of this House. According to the article:

> All 178 Republicans in the House can be expected to vote against the crime bill since they do so regardless of the nature of the legislation.

If the Times wants to go into the pulp fiction business, that's their concern. But let us separate myth from fact: I and my Republican colleagues want nothing more than to lend full support to a tough and smart crime bill. The problem is that no such legislation exists. What we call a crime bill is little more than a $33 billion social spending bill full of pork and waste. It is a bill that does a whole lot more to raise the deficit than it does to reduce crime. Right now this so-called crime bill is in Democratic Party gridlock caught up in Democratic Party machinations. It is not the Republicans holding it up.

MS. SMITH WANTS COVERAGE, AFFORDABILITY, AND GUARANTEED ACCESS

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, real people and how they are affected: Ms. Smith, who works for a small company, is currently insured. Under the Gephardt House leadership plan, she receives coverage under either a private plan offered by her employer, a private plan offered through the Federal Employee Health Benefits Plan, or Medicare part C. And she will have a choice of plans within that—choice, important and critical—a choice of at least one plan offering unlimited choice of doctors.

Americans are concerned about that. We are assuring that happens.

Benefits that will be the same or better than she now has? Have her employer pay at least 80 percent of the cost of her premiums, as most employers under this scenario that have insurance now, now pay. She will never lose coverage even if she loses her job. That is what Ms. Smith cares about, the coverage that she can get and afford an always be sure that it is there.

DEMOCRATS, NOT REPUBLICANS, RESPONSIBLE FOR DELAYING HEALTH CARE REFORM

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, let us see if we can figure it out. In an article in yesterday's Wall Street Journal, several people blamed Republicans for delaying health care reform.

Let us look at the facts: It was the Clinton administration that was over 6 months late in introducing their bill, H.R. 3600, the one everyone was waiting for to start the process.

The Republican alternative, H.R. 3080, was introduced more than 2 months before H.R. 3600. The Republican bill has 38 more cosponsors than the President's bill and 51 more cosponsors than the single-payer bill, H.R. 1200.

And now the recess is being delayed because the majority still does not have their bill ready.

Our side of the aisle has been ready, willing, and able to pass needed and necessary health care reform, Mr. Speaker, but we have not had the opportunity.

I think we have now figured it out. Those on the other side of the aisle control the schedule, and they are responsible for the delays.

□ 1030

GIVING SMALL BUSINESS THE OPPORTUNITY TO OFFER HEALTH INSURANCE

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission

to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I happen to be one of those small businesses that cannot afford at this time to offer health care coverage. With the plan that we have coming before us, Mr. Speaker, for the first time I will be able to offer health insurance to the persons that work for my company. Right now I am limited to those who have retired from other jobs or those who can get coverage through their parents or spouses. It does decrease choices. It does cause the feeling that one cannot afford to hire certain people because we cannot afford to offer the plan. With this plan people will have an opportunity to make a choice between plans and never lose their health care coverage whether they continue to work for my company or not.

Mr. Speaker, it is time for us to be able to do that. Small businesses need the opportunity to offer insurance without going out of business. The opportunity is now. We can do it now.

CLINTON-KENNEDY BILL ACTUALLY WORSE THAN CLINTON-GEPHARDT BILL

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, once again the Democratic leadership has come up with a good press conference and a bad health bill. The Clinton-Kennedy bill, introduced by Senator MITCHELL, is in fact a bill that has 20 new Government agencies and 17 new taxes. It is a bill which is so complex and so convoluted that it is actually worse than the Clinton-Gephardt bill, which is a giant Government program, but at least it is only one giant Government program.

I simply urge all my colleagues to look very carefully at the Clinton-Kennedy bill introduced by Senator MITCHELL. I say, "Make sure you understand all the taxes, all the Government agencies, all the different ways in which it makes life more complicated, and health more expensive and the ways in which it raises taxes, for example, on virtually every union member in the country. It raises taxes in a very bizarre way on virtually everyone who has a complete health program, and it is a very strange bill put together by staff, not yet printed, not yet truly seen by anyone, with no hearings held on it. It is, in fact, worse than the Clinton-Gephardt bill."

HERE ARE THE FACTS

(Mr. FAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAZIO. Mr. Speaker, I hope people can put aside all the rhetoric about taxes and big government bureaucracies. The facts on this plan will come out, and, just because revenues are referenced in the Tax Code 1 time or 17 times does not make it a new tax.

There are a lot of people in my district who need this plan. I have lots of independent farm families paying a lot for health insurance with $5,000 and $6,000 deductible policies. Basically all they have is catastrophic coverage unless, of course, they are married to someone who works for a public agency so that they can shift their health care costs to them.

Mr. Speaker, what I hope my constituents understand is: "If you can accept the plan that we are offering, and I hope we can pass it and put it in place, you will have a plan, a private plan, available to you. You will have Medicare part C available to you, something that offers you an unlimited choice of doctors or a managed care plan and a private plan offered through the Federal Health Employee Benefit Program providing you with many, many options. You will have access to fair, community-rated insurance prices under each of the options in the Democratic plan. You will also have 80 percent of the costs of your premium deducted because today self-employed people get zero in terms of tax deductions for the health costs."

Mr. Speaker, this is a huge increase in the pockets of people who are self-employed, farmers and the kinds of self-employed small business people. They need our help. We should pass this bill.

WHERE ARE THE DETAILS?

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker and our colleagues, our Founding Fathers must be rolling over in their graves as they watch the prospect of how we are going to handle the most massive bill ever introduced in Congress to take control of one-seventh of the Nation's economy. It is called health care reform, and we do not have a bill.

I heard the people from the other side of the aisle talking about all the glorious parts of this, but all it is, Mr. Speaker, is talking points, like the candy man telling someone how good the candy is going to be and not talking about the fact that it is full of sugar.

Where are the details? The details do not exist.

We know when we are going to pass it: August 19. We know when we are going to start the debate. We are going to do that on August 15. But where is the legislation that we are going to debate?

We all know that the devil is in the details, and the American people have a right to know what is in this legislation. They have a right to participate in this debate, and today, without the details, none of us can do that.

I think it is a shame.

SALUTING THE PRESIDENT AND CONGRESS FOR THEIR SUPPORT OF FAMILIES

(Mrs. UNSOELD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. UNSOELD. Mr. Speaker, 1 year ago we stood in the Rose Garden. A mother held the binder while President Clinton signed the Family and Medical Leave Act into law. This was a mother whose child suffered from cancer—a mother whose ability to hold a job and her husband's ability to keep his job were simply denied at a time in their lives when family unity was of the highest priority; denied because employers would not grant medical leave to these parents.

Today 2.5 million people—including 57 percent of working mothers with children under the age of 6—are now able to spend valuable time with a child or with an elderly parent without fear of losing their jobs.

That is support for families. That is a family value.

And guess what? By the end of 1993 most business organizations already have family and medical leave policies in place that go beyond the minimum requirements of this act. For example, 9 out of 10 employers continue to provide benefits other than health care for employees who are taking FMLA leave.

Today we salute the leadership of President Clinton and this Congress in their support of families—support when and where it counts.

MFN ENSURES CONTINUED IMPROVEMENT IN THE HUMAN RIGHTS SITUATION IN THE PEOPLE'S REPUBLIC OF CHINA

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, one of the most inhumane, immoral things that this Congress could possibly do would be to deny most-favored-nation trading status to the People's Republic of China. Every shred of evidence that we have seen over the past several years has demonstrated that the human rights situation in China has improved. Why? Because of U.S. investment and exposure to Western values.

Now just a couple of weeks ago, Mr. Speaker, reports came out that 80,000,000 people were killed during the Mao era. That report has just come out. It came out today because in a closed society, Mr. Speaker, years ago this information did not get out to the

West, and, if one listens to the statements of some of the most prominent Chinese dissidents, like Yang Zhao who said, "MFN status helps our economic reforms, and in the long run that will help improve human rights," we must renew most-favored-nation trading status for the People's Republic of China so we can ensure improvement in the area of human rights.

CELEBRATING THE 1-YEAR ANNIVERSARY OF THE FAMILY AND MEDICAL LEAVE ACT

(Mr. BECERRA asked and was given permission to address the House and to revise and extend his remarks.)

Mr. BECERRA. Mr. Speaker, as we forge past the gridlock in this Congress that is trying to stop meaningful and needed health care reform, let me rise today in honor of the 1-year anniversary of the Family and Medical Leave Act. It provides essential rights for the working people of our country. It also affords workers an opportunity to take better care of their families. Looking back to where we were merely a year ago, guaranteed family and medical leave was just not available to Americans. Only 37 percent of women in companies with more than 100 employees even had maternity leave, and now most American workers have access to these and even other benefits.

I am a new parent myself, and I say to my colleagues, as a son, as a husband, and now as a very proud father, that no person should be forced to choose between keeping a job and caring for a sick child, parent or spouse, nor should parents be forced to choose between leaving their new-born baby immediately after the child's birth and keeping that job.

If workers lose their jobs because they choose to meet family responsibilities, it not only creates personal strife for that family, but also a burden on social programs and the rest of America.

Mr. Speaker, I am pleased that in celebrating the 1-year anniversary of the Family and Medical Leave Act we can also celebrate the fact that no American worker will have to make such choices between work and family.

HEALTH CARE REFORM

(Mr. PACKARD asked and was given permission to address the House for 1 minute.)

Mr. PACKARD. Mr. Speaker, the other night President Clinton addressed the American people and urged them to contact their Representatives in Congress to express their views about health care reform. My constituents took the President's advice and started calling my district offices immediately after the speech and they are still calling.

And what are they saying? Oppose the President's plan; keep big government out of my doctor's office; and prevent bureaucrats from tinkering with my health care.

As a dentist, I can understand their concerns. Health care is a personal relationship between doctor and patient. The Clinton-Gephardt-Mitchell approach to health care reform is exactly the kind of big government, one size fits all approach to health care reform my constituents hate.

Instead, those who called my office asked me to work for the kind of health care reforms which address their concerns. My constituents want us to ensure access to health insurance, to protect them from losing their insurance in case they should change jobs or get sick, and to control costs by reforming malpractice laws.

Mr. Speaker, I hope the President is listening, because I sure am. I urge my colleagues to listen as well. Fix what is wrong with the system instead of handing over the entire thing to Government bureaucrats to deal with. It is not what the American people are saying they want or need.

□ 1040

NRA PROFESSES TO FIGHT CRIME, YET OPPOSES THE CRIME BILL

(Mrs. LOWEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LOWEY. Mr. Speaker, like a bad horror movie, the NRA is back, rearing its ugly head in a desperate attempt to block action on the crime bill.

For months the NRA has been trying to fool the American people by talking tough on crime.

The NRA says it is committed to fighting crime, but it opposes our tough, smart crime bill that will lock criminals behind bars, put 100,000 new police officers on the beat, and get guns off the streets.

The NRA claims to care about women's safety, but it will not support the Violence Against Women Act, which will help prosecute rapists and help victims of domestic violence.

Let us face it, the NRA does not care about crime, or about victims, or about the safety of our communities and our families.

The NRA cares about one thing, and one thing only: guns.

The NRA is trying to defeat this crime bill because it contains a ban on assault weapons—weapons of war that have been turned on our police officers in the streets and on our children in schoolyards.

Keeping these killing machines legal is more important to the NRA than the lives and safety of the American people.

Mr. Speaker, this Nation needs this crime bill. The public supports it. We cannot let the special interest NRA block the way. It is time to stand up for our constituents, stand up to the NRA, and pass this crime bill.

STOPPING PORK-BARREL POLITICS FROM INFECTING THE HEALTH CARE DEBATE

(Mr. ZIMMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZIMMER. Mr. Speaker, we are all familiar with the hundreds of millions of dollars in favors that were dispensed by the White House in exchange for votes for the North American Free-Trade Act. Now it looks like this let's-make-a-deal attitude has become a part of the health care reform process. Yesterday the Wall Street Journal ran an editorial that said, and I quote, "The White House and Democratic leadership have decided to get this thing passed the old-fashioned way: They're cutting deals, any deals whatever * * *"

I would like my colleagues to know that I will be introducing the Health Care Pork Repeal Act to rescind all the pork-for-votes deals that we can identify. I ask my colleagues and I ask the public to keep your eyes open and let me know about any deals that you become aware of so we can include them in this legislation. We need to put an end to what the Wall Street Journal called the pork spectacle.

FAMILY LEAVE

(Mr. KLINK asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. KLINK. Mr. Speaker, I rise today on the first anniversary of the passage of the Family and Medical Leave Act. This is an important piece of legislation, one I was very happy to work on in my first session here in Congress as a member of the Committee on Education and Labor. Unfortunately for my brother, who lives in Colorado, who was a veteran and who was injured in service to his country, he ended up losing his job because he broke his wrist in an automobile accident just before this piece of legislation became law.

But I do remember the many people who came to me when I was running for this office and said, "You know, we hate to have to make that decision between taking care of a child or parent or a spouse who is sick and our jobs." It is just not right, and that is why this Family and Medical Leave Act is so important.

It simply provides 12 weeks of unpaid leave in the case of a medical emergency in a family. That is unpaid leave. Most industrialized countries require 12 to 14 weeks of paid leave. This is unpaid leave.

The American family has changed dramatically over the years. The days

are gone when you usually had a single breadwinner at work and another parent who is at home. So we really need to commend the chairman of the committee, the gentleman from Michigan [Mr. FORD], and the subcommittee chairman, the gentleman from Montana [Mr. WILLIAMS], for what they did, and we also need to commend the President for signing this bill. It has made a tremendous difference in the lives of Americans.

PORK-BARREL PROGRAMS IN THE CRIME BILL

(Mr. GOODLATTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Speaker, taxpayer-funded midnight basketball leagues. Federally funded arts and crafts. Dance programs paid for with Federal money. A local partnership act. Sound like a brand new, huge Federal giveaway program? Well, it is. Unfortunately, it is President Clinton's so called crime bill.

Under the guise of crime fighting, President Clinton is trying to spend billions of dollars we do not have on pork-barrel programs which were rejected last year in his so-called stimulus package.

We can do better and we must do better.

Let us reject this bloated bureaucratic boondoggle and pass a real crime fighting bill that focuses on tougher sentencing for crooks, steamlines endless death penalty appeals puts enough police on the beat, and builds the needed prison space.

COMMEMORATION OF SIGNING OF VOTING RIGHTS ACT

(Ms. BROWN of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BROWN of Florida. Mr. Speaker, I rise today to commemorate the signing of the Voting Rights Act by President Lyndon B. Johnson almost 30 years ago. Unfortunately, we are fighting the same hard-won battles all over again—whether the Congress of the United States should look like all Americans or just some.

It took us 25 years to get the Voting Rights Act enforced. Now that Congress finally begins to look like all Americans—women, African-Americans, Hispanics, and other minorities—the bad old boys from the bad old days are trying to send us back to the back of the political bus.

The recent decision in North Carolina approving the current map, is both timely and proper; it reaffirms my belief that districts created to remedy violations of the Voting Rights Act should not be stricken down by the courts. The shape of a district is not in the Constitution, but fair representation is guaranteed. The North Carolina decision demonstrates the correctness of looking at what unites districts, not just race, but that these districts have been economically disadvantaged for too long.

In Florida, there was no African-American in Congress for over 120 years. Now there are three African-Americans and two Hispanics, but these accomplishments have been attacked in court.

As President Clinton recently stated,

> We are committed to the gains made by minority voters through enforcement of the Voting Rights Act. Inclusion of all Americans in the political process is not a luxury; it is central to our future as the world's most vibrant democracy.

□ 1050

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4658 AND H.R. 4841

Mr. HILLIARD. Mr. Speaker, I ask unanimous consent to have my name removed from cosponsorship of H.R. 4658 and H.R. 4841.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from Alabama?

There was no objection.

GATT UNFAIR TO AMERICAN PATENT HOLDERS

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, this body will soon be making a decision on GATT. Unfortunately, powerful interest groups are using this trade legislation as a vehicle to accomplish other goals for themselves. Few of my colleagues realize that the GATT implementation language will dramatically reduce the patent rights of our Nation's inventors, to the benefit of huge Japanese and American multinational corporations.

Mr. Speaker, I support free trade. I was a strong advocate of NAFTA. I ask my colleagues today to join me in opposing GATT as long as it contains provisions that will whittle away the patent rights of our inventors to provide a windfall to the big guys.

I am insulted that they are trying to pull this sort of thing in the first place. Let us send GATT back to Mickey Kantor, tell him to pull out these provisions of GATT, and send it back to the House. Let us not undo the rights of our inventors so that big buys overseas and big guys here can make a profit and benefit from their inventions, while we restrict the patent rights of our own creative people.

HEALTH CARE REFORM

(Mr. HOKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOKE. Mr. Speaker, I was in my office and I heard the gentlewoman from Texas speak of the problem that she had been unable to buy insurance for her small business. I felt that I had to come over and respond, because I too founded a small business, and what I would like to say to the gentlewoman is that we do not have to change the health care system so that 15 percent of the American economy is nationalized in order to solve this problem. We can do the same thing we did up in Cleveland, OH, which is the city I represent, and have a purchasing cooperative and small business health insurance purchasing reform. That is a part of the Republican health care package that has got 135 or so cosponsors.

The other thing I wanted to speak to is this notion that somehow Republicans are responsible for holding up a health care bill in Congress. That is absolutely preposterous. The numbers speak for themselves. There are 257 Democratic votes in this House. Give us 257 votes, and I guarantee you, we will pass in the next week a complete comprehensive health reform package that will include insurance reform, malpractice tort reform, paperwork reform, small business reform, and medical savings accounts.

MEMBERS URGED TO SUPPORT DISCHARGE PETITION FOR CONGRESSIONAL REFORM

(Mrs. FOWLER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. FOWLER. Mr. Speaker, I would like to call Members' attention to Discharge Petition No. 26 which I filed today. If you have been telling your constituents that you support congressional reform, then you want to sign this discharge petition.

It will allow us to consider the recommendations of the Joint Committee on the Organization of Congress under an open amendment process.

The Speaker has promised to consider the joint committee package on the floor sometime in September. The question is what package and under what kind of rule.

Yesterday, the Rules Committee began marking up a weak version of the reform package. If we are forced to vote on that package with a closed rule, we will not have real congressional reform.

The rule I seek to discharge would guarantee an open amendment process, one that will allow those of us who truly want to see this institution run in a more efficient and effective manner make that happen.

I urge my colleagues to sign Discharge Petition No. 26.

FEDERAL CROP INSURANCE REFORM ACT OF 1994

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 507 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 507

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 4217) to reform the Federal crop insurance program, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Agriculture now printed in the bill modified by the amendments printed in part 1 of the report of the Committee on Rules accompanying this resolution. The committee amendment in the nature of a substitute, as modified, shall be considered as read. All points of order against the committee amendment in the nature of a substitute, as modified, are waived. Before consideration of any other amendment it shall be in order to consider the amendments printed in part 2 of the report of the Committee on Rules. Each amendment printed in part 2 of the report may be offered only by a Member designated in the report, shall be considered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in part 2 of the report are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute, as modified. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my friend, the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume.

Mr. Speaker, during consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 507 is an open rule providing for the consideration of H.R. 4217, the Federal Crop Insurance Reform Act of 1994. The resolution waives all points of order against consideration of the bill, and provides for 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture.

The amendment in the nature of a substitute recommended by the Committee on Agriculture, now printed in the bill, as modified by the amendments printed in part one of House Report 103-666, will be considered as an original bill for the purpose of amendment under the 5-minute rule. All points of order against the committee substitute, as modified, are waived.

Before consideration of any additional amendments, it will be in order to consider the two amendments printed in part two of House Report 103-666: First, an amendment offered by Representative PENNY or Representative GUNDERSON or a designee, and second, an amendment offered by Representative DE LA GARZA or a designee as a substitute for the Penny-Gunderson amendment.

Each amendment may be offered only by a Member specified in the report, will be considered as read, and will be debatable for 30 minutes, equally divided and controlled by the proponent and an opponent thereto. Although both amendments will be open to further amendment under the rule, neither amendment will be subject to a demand for a division of the question in the House or the Committee of the Whole. All points of order against the two amendments are waived, and finally, the resolution provides for one motion to recommit with or without instructions.

Mr. Speaker, the Federal Crop Insurance Reform Act of 1994 would make significant changes in the 1980 Federal Crop Insurance Act and related statutes. These changes are designed to improve the crop insurance program to protect farmers from crop losses caused by natural disasters, and to eliminate the need for ad hoc disaster assistance legislation.

The 1980 Federal Crop Insurance Act attempted to broaden crop insurance coverage and increase farmer participation, spreading the risk of crop losses over a much broader base. However, the level of participation in the program has not reached the level expected when Congress passed the 1980 Act. As a result, the Federal Crop Insurance Corporation has experienced substantial losses since 1981.

The legislation made in order by this rule is designed to improve participation and reduce future losses. It would require the Corporation to establish a new catastrophic risk protection plan for the 50 crops currently insured against loss through drought, flood, or other disasters. The bill would allow producers to purchase additional coverage for these crops currently insured. The bill would create a permanent disaster assistance program for those crops not currently insurable under the program.

The legislation makes other improvements to the 1980 Act, and it will amend the Balanced Budget and Emergency Deficit Control Act of 1985, better known as Gramm-Rudman, to prevent the designation of appropriations for crop disaster assistance as emergency spending that does not count against discretionary spending limits.

Mr. Speaker, I urge Members to vote for this open rule, which will allow for expeditious consideration of the bill.

□ 1100

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Massachusetts [Mr. MOAKLEY] the distinguished chairman of the Committee on Rules, for yielding time to me, and I join him in supporting this open rule. When the Federal Crop Insurance Reform Act came before the Rules Committee, it had two major problems which will be resolved by this rule. First, there were provisions in the bill which constituted appropriations in a legislative bill, and second, there was a provision within the jurisdiction of the Ways and Means Committee. The rule self-executes amendments which eliminate these problems.

Normally, I would oppose self executing amendments, but in this case the amendments become part of the base text and are open to further amendment. Therefore, I do not object.

Over the last year, my home State of Tennessee has experienced devastating drought, followed closely by immense flooding in rural areas that forced many farmers to rely on Federal assistance for survival. Other areas of the country fell victim to similar situations, and Congress often must pass emergency disaster assistance bills to pay for crop losses and other damage. The Federal Crop Insurance Program was designed with the best of intentions, but it is not working, and we must make some reforms so that the taxpayers do not have to pay for emergency appropriations each time disaster strikes our Nation.

The change made in this bill will improve the delivery and coverage of Federal crop insurance programs by offering crop producers premium-free catastrophic insurance coverage for crops. One of the main reasons the current program is inadequate is because of lack of participation. This bill provides strong incentives to encourage crop producers to purchase additional coverage from private insurers.

There are some conflicting views over the potential budget impact of this bill, and two differing amendments are expected to be offered which address this issue. The rule provides for these amendments to be considered first, but they would each be subject to further amendment under this open rule.

Mr. Speaker, I urge adoption of this rule.

Mr. Speaker, I include for the RECORD the following information.

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.

Congress (years)	Total rules granted [1]	Open rules		Restrictive rules	
		Number	Percent [2]	Number	Percent [3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	85	24	28	61	72

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through August 4, 1994.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number and date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (D–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental Appropriations	37 (D–8; R–29)	1 (not submitted) (D–1; R–0)	A: 240–185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1-D not submitted) (D–2; R–2)	PQ: 250–172. A: 251–172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase Public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H. Res. 149, Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: Nate Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0 (May 24, 1993).
H. Res. 173, May 18, 1993	MC	S.J. Res. 45: United States Forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote (May 20, 1993)
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194 (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department. H.R. 2404: Foreign aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401–0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. (July 21, 1993).
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	149 (D–109; R–40)		A: 246–172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National Defense authorization			PQ: 237–169. A: 234–169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D–3; R–9)	1 (D–1; R–0)	A: 213–191–1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National Defense authorization		91 (D–67; R–24)	A: 241–182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	A: 238–188 (10/06/93).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D–0; R–7)	3 (D–0; R–3)	PQ: 240–185. A: 225–195. (Oct. 14, 1993).
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	A: 239–150. (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	N/A	N/A	A: Voice Vote. (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	PQ: 235–187. F: 149–254. (Oct. 14, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D–7; R–7; I–1)	10 (D–7; R–3)	A: Voice Vote. (Oct. 13, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	N/A	N/A	A: Voice Vote. (Oct. 21, 1993).
H. Res. 286, Oct. 27, 1993	O	H.R. 334: Lumbee Recognition Act	N/A	N/A	A: Voice Vote. (Oct. 28, 1993).
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (D–0; R–0)	0	A: 252–170. (Oct. 28, 1993).
H. Res. 289, Oct. 28, 1993	O	H.R. 2151: Maritime Security Act of 1993	N/A	N/A	A: Voice Vote. (Nov. 3, 1993).
H. Res. 293, Nov. 4, 1993	MC	H. Con. Res. 170: Troop withdrawal Somalia	N/A	N/A	A: 390–8. (Nov. 8, 1993).
H. Res. 299, Nov. 8, 1993	MO	H.R. 1036: Employee Retirement Act–1993	2 (D–1; R–1)	N/A	A: Voice Vote. (Nov. 9, 1993).
H. Res. 302, Nov. 9, 1993	MC	H.R. 1025: Brady handgun bill	17 (D–6; R–11)	4 (D–1; R–3)	A: 238–182. (Nov. 10, 1993).
H. Res. 303, Nov. 9, 1993	O	H.R. 322: Mineral exploration	N/A	N/A	A: Voice Vote. (Nov. 16, 1993).
H. Res. 304, Nov. 9, 1993	C	H.J. Res. 288: Further CR, FY 1994	N/A	N/A	
H. Res. 312, Nov. 17, 1993	MC	H.R. 3425: EPA Cabinet Status	27 (D–8; R–19)	9 (D–1; R–8)	F: 191–227. (Feb. 2, 1994).
H. Res. 313, Nov. 17, 1993	MC	H.R. 796: Freedom Access to Clinics	15 (D–9, R–6)	4 (D–1; R–3)	A: 233–192. (Nov. 18, 1993).
H. Res. 314, Nov. 17, 1993	MC	H.R. 3351: Alt Methods Young Offenders	21 (D–7; R–14)	6 (D–3; R–3)	A: 238–179. (Nov. 19, 1993).
H. Res. 316, Nov. 19, 1993	C	H.R. 51: D.C. statehood bill	1 (D–1; R–0)	N/A	A: 252–172. (Nov. 20, 1993).
H. Res. 319, Nov. 20, 1993	MC	H.R. 3: Campaign Finance Reform	35 (D–6; R–29)	1 (D–0; R–1)	A: 220–207. (Nov. 21, 1993).
H. Res. 320, Nov. 20, 1993	MC	H.R. 3400: Reinventing Government	34 (D–15; R–19)	3 (D–3; R–0)	A: 247–183. (Nov. 22, 1993).
H. Res. 336, Feb. 2, 1994	MC	H.R. 3759: Emergency Supplemental Appropriations	14 (D–8; R–5; I–1)	5 (D–3; R–2)	PQ: 244–168. A: 342–65. (Feb. 3, 1994).
H. Res. 352, Feb. 8, 1994	MC	H.R. 811: Independent Counsel Act	27 (D–8; R–19)	10 (D–4; R–6)	PQ: 249–174. A: 242–174. (Feb. 9, 1994).
H. Res. 357, Feb. 9, 1994	MC	H.R. 3345: Federal Workforce Restructuring	3 (D–2; R–1)	2 (D–2; R–0)	A: VV (Feb. 10, 1994).
H. Res. 366, Feb. 23, 1994	MO	H.R. 6: Improving America's Schools	NA	NA	A: VV (Feb. 24, 1994).
H. Res. 384, Mar. 9, 1994	MC	H. Con. Res. 218: Budget Resolution FY 1995–99	14 (D–5; R–9)	5 (D–3; R–2)	A: 245–171 (Mar. 10, 1994).
H. Res. 401, Apr. 12, 1994	MO	H.R. 4092: Violent Crime Control	180 (D–98; R–82)	68 (D–47; R–21)	A: 244–176 (Apr. 13, 1994).
H. Res. 410, Apr. 21, 1994	MO	H.R. 3221: Iraqi Claims Act	N/A	N/A	A: Voice Vote (Apr. 28, 1994).
H. Res. 414, Apr. 28, 1994	O	H.R. 3254: NSF Auth. Act	N/A	N/A	A: Voice Vote (May 3, 1994).
H. Res. 416, May 4, 1994	C	H.R. 4296: Assault Weapons Ban Act	7 (D–5; R–2)	0 (D–0; R–0)	A: 220–209 (May 5, 1994).
H. Res. 420, May 5, 1994	O	H.R. 2442: EDA Reauthorization	N/A	N/A	A: Voice Vote (May 10, 1994).
H. Res. 422, May 11, 1994	MO	H.R. 518: California Desert Protection	N/A	N/A	PQ: 245–172 A: 248–165 (May 17, 1994).
H. Res. 423, May 11, 1994	O	H.R. 2473: Montana Wilderness Act	N/A	N/A	A: Voice Vote (May 12, 1994).
H. Res. 428, May 17, 1994	MO	H.R. 2108: Black Lung Benefits Act	4 (D–1; R–3)	N/A	A: VV (May 19, 1994).
H. Res. 429, May 17, 1994	MO	H.R. 4301: Defense Auth., FY 1995	173 (D–115; R–58)		A: 369–49 (May 18, 1994).
H. Res. 431, May 20, 1994	MO	H.R. 4301: Defense Auth., FY 1995		100 (D–80; R–20)	A: Voice Vote (May 23, 1994).
H. Res. 440, May 24, 1994	MC	H.R. 4385: Natl Hiway System Designation	16 (D–10; R–6)	5 (D–5; R–0)	A: Voice Vote (May 25, 1994).
H. Res. 443, May 25, 1994	MC	H.R. 4426: For. Ops. Approps, FY 1995	39 (D–11; R–28)	8 (D–3; R–5)	PQ: 233–191 A: 244–181 (May 25, 1994).
H. Res. 444, May 25, 1994	MC	H.R. 4454: Leg Branch Approp, FY 1995	43 (D–10; R–33)	12 (D–8; R–4)	A: 249–177 (May 26, 1994).
H. Res. 447, June 8, 1994	O	H.R. 4539: Treasury/Postal Approps 1995	N/A	N/A	A: 236–177 (June 9, 1994).
H. Res. 467, June 28, 1994	MC	H.R. 4600: Expedited Rescissions Act	N/A	N/A	PQ: 240–185 A: Voice Vote (July 14, 1994).
H. Res. 468, June 28, 1994	MO	H.R. 4299: Intelligence Auth., FY 1995	N/A	N/A	A: Voice Vote (July 19, 1994).
H. Res. 474, July 12, 1994	MO	H.R. 3937: Export Admin. Act of 1994	N/A	N/A	A: Voice Vote (July 14, 1994).
H. Res. 475, July 12, 1994	O	H.R. 1188: Anti. Redlining in Ins	N/A	N/A	A: Voice Vote (July 20, 1994).
H. Res. 482, July 20, 1994	O	H.R. 3838: Housing & Comm. Dev. Act	N/A	N/A	A: Voice Vote (July 21, 1994).
H. Res. 483, July 20, 1994	O	H.R. 3870: Environ. Tech. Act of 1994	N/A	N/A	A: Voice Vote (July 26, 1994).
H. Res. 484, July 20, 1994	MC	H.R. 4604: Budget Control Act of 1994	3 (D–2; R–1)	3 (D–2; R–1)	PQ: 245–180 A: Voice Vote (July 21, 1994).
H. Res. 491, July 27, 1994	O	H.R. 2448: Radon Disclosure Act	N/A	N/A	A: Voice Vote (July 28, 1994).
H. Res. 492, July 27, 1994	O	S. 208: NPS Concession Policy	N/A	N/A	A: Voice Vote (July 28, 1994).

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.—Continued

Rule number and date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 494, July 28, 1994	MC	H.R. 4801: SBA Reauth & Amdmts. Act	10 (D–5; R–5)	6 (D–4; R–2)	PQ: 215–169 A: 221–161 (July 29, 1994).
H. Res. 500, Aug. 1, 1994	MO	H.R. 4003: Maritime Admin. Reauth.	N/A	N/A	A: 336–77 (August 2, 1994).
H. Res. 501, Aug. 1, 1994	O	S. 1357: Little Traverse Bay Bands	N/A	N/A	A: Voice Vote (August 3, 1994).
H. Res. 502, Aug. 1, 1994	O	H.R. 1066: Pokagon Band of Potawatomi	N/A	N/A	A: Voice Vote (August 3, 1994).
H. Res. 507, Aug. 4, 1994	O	H.R. 4217: Federal Crop Insurance	N/A	N/A	

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

Mr. QUILLEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to House Resolution 507 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for consideration of the bill, H.R. 4217.

The Chair designates the gentleman from Maryland [Mr. CARDIN] as Chairman of the Committee of the Whole, and requests the gentleman from Washington [Mr. DICKS] to assume the chair temporarily.

□ 1104

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4217) to reform the Federal crop insurance program, and for other purposes, with Mr. DICKS, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Texas [Mr. DE LA GARZA] will be recognized for 30 minutes, and the gentleman from Texas [Mr. COMBEST] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I find myself in a very awkward and uneasy situation in that we have a simple bill that hopefully will correct the crop insurance program, take away the perennial ad hoc disaster that has cost $2.3 billion, $3 some billion, if we correct properly the crop insurance for farmers which benefits farmer, consumer, and allows for the continuation of producing food and fiber, indeed, for our very national security.

This is a situation that, hopefully, we are trying to correct. The government/private sector partnership in providing low-cost insurance to the producers.

Why low-cost insurance? For a very simple reason: If it were a viable money-making endeavor, the private sector would be doing it on their own. They cannot. So we have to intervene for our very national security to provide for the food and fiber.

We are the best fed nation in the world, in the history of the world, with the least amount of disposable income per family of the major industrialized countries in the world. That does not change. That is the reason that we have this safety net.

But because of budgetary constraints and trying to help, indeed, our friends and colleagues from the Committee on Appropriations, we put on budget ad hoc disaster and say that farmers have to buy the insurance, pay up front and then a comprehensive. So that our friends on the Committee on Appropriations will not have to work or worry about ad hoc disasters in the billions of dollars.

And we are here because the President recommended a fix to the crop insurance program. His budget allowed for a billion dollars to do that. We did not get the billion dollars. We were some $200 plus million short.

This is what the argument will be about, that how do we take care of that?

We propose, and I will offer an amendment that pays for 3 years. Allows us time for a GAO study to find out where we are, to find out what we need to do in order to make it a viable program. It never has been a pay-go situation.

If anyone, if anyone at any time points a finger at this committee, they do so unjustly, because we have been at the forefront. We have saved $60 billion in the past 12 years.

If every committee in this House had done that, we would not have a deficit. We have been responsible. We have taken the blows from agriculture. We never have asked anyone to share the burden with us. We have taken the blow. I am very concerned, disappointed and frustrated that somehow the issue has come around that it is us versus WIC or feeding programs.

□ 1110

This is erroneous. Some of the "Dear Colleague" letters are completely erroneous in that respect. We meet the pay-go. It was this committee that established the Mickey Leland legislation. We have been in the forefront. For anyone to say or even insinuate that we are out to get WIC or endanger WIC, it is not accurate. It is not correct.

We have been in the forefront. I, me personally, my colleague from Texas died working to help hungry people. I would be the last one personally to in any way smear his name or endanger the programs that he worked so hard for.

On the contrary, some of those that are now accusing us have at one time or another sought reductions in some of those programs, Public Law 480, food stamps. Somehow the stripes on some of those individuals have changed, and they put us in this very awkward, frustrating situation.

I challenge anyone to say that our committee has not been in the forefront. On the contrary, when the Select Committee on Hunger in the wisdom of this House was abolished, we established a Subcommittee on Hunger, so it would not die, so that Mickey Leland's name would not die with him.

Odd as it may seem, even though we had reduced the number of subcommittees, I asked that we add another subcommittee, that we add hunger to that subcommittee, and the gentleman from Minnesota [Mr. PENNY] was made chairman of that subcommittee.

That is our history. That is what we have done. I am so frustrated that because of misinformation, that there are those that are now pointing the finger at us: If you fund crop insurance, WIC will die.

Under my amendment and under this bill, WIC is funded for 3 years. We are arguing about 2 years that should not be. I hope that the Members would listen to the facts, would not get carried away with emotion, but most of all, that my colleagues would look to the background of this committee, of this gentleman from Texas, of the members of our committee who have worked diligently, hand in hand with the appropriators.

We do not want a problem with the appropriators. They have a hard enough problem without us intervening or interfering, but we have a difference of opinion. Unfortunately, some personalities have come into the picture.

I want to disassociate myself from all that. The question, Mr. Chairman, is very simple, actually, very truthfully. One program, they think they pay for everything in 5 years. They think they do. They now accuse us, that if we do it

our way, somehow we will endanger WIC and the feeding programs and Public Law 480. We do not do that. That is not our intention. That has not been our background. That has not been what we have done.

I come before my colleagues, actually putting my name and my person on the line, the activity of our committee on the line, and saying, "Look at what we have done, and pay no heed of what we are being accused unjustly, unmerited, unwarranted, and totally without fact."

Mr. Chairman, I reserve the balance of my time.

Mr. COMBEST. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today the House considers legislation that has been in the making since 1990 and is long past due in becoming law. The goal of H.R. 4217, the Federal Crop Insurance Reform Act of 1994, is to stop ad hoc agricultural disaster assistance, that has become an annual event, it seems, and to provide a slightly better crop insurance product than farmers can buy today. This two-part goal is worthy of adoption by the House.

H.R. 4217 is designed to save us from ourselves. Whether or not it will, frankly, remains to be seen. When acts of God strike, the Congress understandably wants to assist those who have been harmed. Last year's Midwest floods are estimated to cost $3.3 billion in assistance to agriculture. It is costly, and this cost is the reason for bringing H.R. 4217 to the floor.

Let me take 1 minute to provide some perspective. During the last 5 years, the Federal Government has spent on average $1.5 billion on agricultural disaster assistance. That is in addition to the more than $750 million that has been spent in the multiperil crop insurance program.

A General Accounting Office report published in January 1992, provides the numbers between 1980 and 1990 that show why we need to reform agricultural disaster assistance. Indeed, why we can no longer afford such assistance. I should note that some of these expenditures overlap from one calendar year to the next. But in 1989 alone, generally as a result of the devastating 1988 drought, the Federal Government dispersed a little more than $7 billion in crop insurance indemnities, disaster payments, and Farmers Home Administration emergency loans. In every year between 1980 and 1990, crop disaster payments or loans were made to producers, and those payments totaled more than $25 billion, according to the GAO.

Using his experience while a member of the Agriculture Committee and responding to the Midwest floods, Secretary Mike Espy earlier this year proposed legislation that I found to be on the right track. It tracked a legislative proposal that the House Agriculture Committee had been pursuing since the drought years of 1988 and 1989, and most importantly, it recognized more funds were needed to make the proposal work.

The bill is reform. It prohibits spending under the budget act by excluding agricultural disasters from those emergencies the President may declare as off budget. It also provides a catastrophic insurance policy to all farmers who produce crops currently reinsured by the Federal Crop Insurance Corporation [FCIC]. It provides assistance comparable to what producers have received under past disaster legislation.

It also gives producers the option of buying higher insurance coverage for both yield and price selection, and it does this at a slightly lower cost than under the current program.

For a $50 administrative fee per crop per county that is capped at $100 per farmer per county, producers receive this protection. If they participate in any price support or production adjustment program at USDA or benefit from any Farmers Home Administration farm lending program, they are required to obtain the catastrophic insurance coverage. The committee believes that offering producers an insurance policy they can plan for and depend on makes good risk management sense. Because most of our farmers depend on annual loans for crop production, lenders also agree that this is a positive initiative that will help the entire agribusiness community.

For those who produce crops not currently insured by FCIC, a standing disaster assistance program will be available until FCIC can offer reinsurance for those crops. This permanent disaster assistance is available generally to producers of speciality crops such as floracultural, ornamental nursery, Christmas tree or turfgrass crops as well as other food and fiber crops not currently insurable.

While the bill beefs up multiperil crop insurance and gives all farm program participants and others a backstop against catastrophic perils, it also makes several significant administrative changes to cut abuses and the evergrowing paperwork burdens of the delivery system. It does this by tracking agents who may be abusing the system and by moving sales closing dates forward in the planting year to restrict possible producer abuse. Additionally, it requires the FCIC to determine the per policy costs of administering this program and to take affirmative action to cut costs where appropriate.

Finally, and unfortunately, Mr. Chairman, a fair breeze has not propelled this legislation through the committee and here to the floor. To be blunt, our colleagues on the appropriations committee spent money in the fiscal year 1995 spending bill that has traditionally been used for administrative and operating expenses of insurance companies and agents. I am not going to get into the details of this matter; all of our committees have had to make tough decisions about where limited funds are to be spent. The appropriations committee is no exception.

Today, however, the Agriculture Committee will offer an amendment that will contribute $489 million in budget authority and $226 million in outlays during 1995 through 1999. It hits producers and the insurance industry to make these program reductions. Mr. Chairman, this effectively pays for the House Appropriations Committee's responsibility for crop insurance for the next 3 years. It is a fair compromise.

I would urge my colleagues to support it, and to oppose the Penny amendment.

Mr. Chairman, I would like to also talk a moment about what I think is some misinformation that in fact is circulating. The Committee on Agriculture has been accused of punting the ball, passing the ball, passing the buck, not living up to its responsibility, not living up to the pay-go provisions of the budget rules.

Mr. Chairman, that is simply not correct, in that the House Committee on Agriculture had substantially less to work with than was initially anticipated and recommended by the administration. The committee made the cuts that were required in order to legitimatize this bill with pay-go provisions.

All that the committee asked was that we would have an opportunity in a major crop insurance reform to determine whether or not that reform was going to work. If in fact the Penny-Gunderson amendment is accepted, it will be a self-fulfilling prophesy, and the crop insurance program will not work, and we will be right back where we started before this bill was ever introduced.

We have asked for the opportunity to see if, as anticipated, this program is going to work the way we would like to see it work. The Committee on Agriculture is not going to pass the buck to the appropriators, it is not going to shirk the responsibility to someone else. The chairman of the committee has rightly stated that "I do not believe that there is a committee in the House that has been more responsible, when given the task of making cuts, to make those cuts ourselves."

□ 1120

All we are asking is give this bill that we pay for for 3 years the opportunity to see if it is going to work, and then let us make those budgetary decisions based upon that information.

In the meetings with the chairman of the House Appropriations Subcommittee on Agriculture, in meetings with the gentleman from Minnesota [Mr.

PENNY], who is a member of the committee, in meetings with the gentleman from Wisconsin [Mr. GUNDERSON], who is a member of the Agriculture Committee, we have indicated that we have no intentions at all to pass this responsibility to someone else. We are going to take this responsibility, we are going to do it as painful as it may be, and we are going to try to do it in the least negative fashion that we possibly can.

But, Mr. Chairman, the concerns and the expressions of the fact that we are not doing our job, and that we are going to leave this job to someone else, and that we are not paying for this bill are simply, absolutely not true.

Mr. Chairman, I reserve the balance of my time.

Mr. DE LA GARZA. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from South Dakota [Mr. JOHNSON], chairman of the subcommittee that has jurisdiction over this matter.

Mr. JOHNSON of South Dakota. Mr. Chairman I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in strong support of H.R. 4217, the Federal Crop Insurance Reform Act of 1994. I applaud my colleagues on the Agriculture Committee for passing a bipartisan bill that makes fundamental changes to the way our farmers will manage financial risk due to crop shortfalls. I particularly want to commend the gentleman from Texas [Mr. COMBEST], ranking member of the committee, for his constructive work on this very difficult legislation.

As the chairman of the Agriculture Subcommittee with jurisdiction over this bill, I held four hearings on H.R. 4217. At each hearing there was unanimous consent that the present crop insurance program was not working. Two problems with the current program were immediately evident: First, participation was too limited to be a successful risk management tool for our Nation's farmers; and second, coverage was often inadequate when crops losses did occur.

It was realized that broadening participation and increasing benefits would increase the cost of the Federal crop insurance program. The administration requested that the average annual expenditures for ad hoc disaster payments for farmers of $1 billion be added to the budget baseline. I want to thank my colleagues on the Budget Committee for honoring this request.

I also want to emphasize to my colleagues that this is a fiscally responsible bill. You may hear debate today about the funding mechanism and who pays for the reform package, whether the money is charged to the authorizing committee or the appropriating committee, whether the funding should be discretionary or mandatory. But, this is inside-the-beltway talk. The money added to the baseline will not increase the deficit. It merely redirects how the money will be spent—instead of enacting annual emergency ad hoc disaster payments that are not subject to pay-go rules, the money will be used to fund the reform of the crop insurance program. In fact, the bill saves money over the next 5 years.

Let me tell you about the improved benefits of the bill. It provides two levels of protection. For the 50 crops that are insured, catastrophic coverage is free, except for a $50 processing fee. Crops not covered by crop insurance are available for free noninsured disaster assistance payments. Payments are made to a farmer when they lose more than half their crop. For greater protection, higher levels of crop insurance coverage can be purchased with Government subsidies averaging about 40 percent of the premium, in effect reducing a farmer's out-of-pocket costs by 8 to 17 percent from present levels. With increased levels of protection being offered and lower costs, farmer participation is expected to increase from present levels of about 30 percent to about 80 percent of all insurable land.

But the bill does more than just help our farmers. Unlike, ad hoc disaster payments, funding for crop insurance is guaranteed to be in place every year. This means that farmers can take crop insurance to the bank, and use the insurance as collateral for farm loans. With secure financing and income protection from crop losses due to natural disasters, consumers can be assured of a plentiful supply of food at reasonable prices. For these reasons, I urge my colleagues to support H.R. 4217.

Mr. QUILLEN. Mr. Chairman, I yield whatever time he might consume to the gentleman from Pennsylvania [Mr. MCDADE], ranking member of the Committee on Appropriations.

(Mr. MCDADE asked and was given permission to speak out of order and to revise and extend his remarks.)

ADMINISTRATION MUST GIVE US TOTAL PICTURE IN RWANDA

Mr. MCDADE. Mr. Chairman, I express my deep appreciation to the gentleman from Texas for yielding me the time. I rise not to speak on this particular bill. I rise to bring before the committee a matter that I consider to be of grave importance.

Mr. Chairman, I urge my colleagues to pay full attention to the reports from Rwanda being brought to us by our news organizations and their outstanding correspondents. I commend the media—especially the Washington Post and the New York Times—for providing us with in-depth coverage of the troubles in Rwanda.

Unfortunately, the information on this crisis provided to Congress by the administration—as far as I have learned, as the ranking member of the Defense Appropriations Subcommittee—has not kept pace with the reporting done by news organizations. I regret drawing a parallel, but I fear that we may be seeing similarities between the current Rwandan situation and our involvement in Vietnam nearly 30 years ago.

I do not mean to say that we will be confronted by a formidable armed adversary with the same capabilities as the North Vietnamese. But now, as then, I believe that the American people do not know the stakes involved in a Rwandan commitment. Also, what I have heard from the administration is not in line with what I have learned from the news reports. And like 30 years ago, I believe that the administration's funding requests for this mission have been vastly understated.

In 1965 and 1966, the Johnson administration minimized the extent of our involvement in Vietnam by not fully requesting of Congress the funding required to carry out our deepening involvement there. And in this situation in Rwanda, the administration has only asked Congress for those funds needed to carry out the humanitarian mission through the end of September. It should be apparent to everyone that a sustained humanitarian effort will take more than 8 weeks.

As we move into a new fiscal year in October, it is important to note that the administration estimates that the Rwanda effort will cost the Department of Defense at least $45 million per month. Over the course of an entire year, this would be $540 million which neither has been budgeted nor requested.

I was delighted to see the Secretary of Defense publicly articulate yesterday, four guidelines to govern the use of our military in Rwanda and other humanitarian and peacekeeping missions ensuring the safety of our troops; preventing mission creep, or going in with good intentions but being caught in an unforeseen and expanded mission; assessing the effects on our total military readiness; and evaluating whether it is a proper mission for the U.S. military.

But without total candor regarding future defense budget requirements and the complexities of the situation on the ground in Rwanda, we cannot properly evaluate our role in Rwanda or the impact on our national defense. It is my hope that the current administration will avoid the mistakes of the past, and give the American people the fullest possible picture of our military's mission in Rwanda.

To paraphrase the philosopher George Santayana, "Those who do not know the past are condemned to repeat it."

□ 1130

Mr. DE LA GARZA. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, today I rise in support of this comprehensive reform of our Nation's crop insurance system. This legislation will fundamentally change the way the Federal Government responds to natural disasters in rural America.

Recent evidence has shown us that the Federal crop insurance program is in dire need of change due to chronic losses, limited participation, and claims of inadequate coverage.

Despite the program's $900 million annual price tag, Congress and the administration have provided ad hoc disaster payments in the last 8 years at an average cost of $1 billion per year.

This bill will combine the present crop insurance program and the ad hoc disaster programs into a single new catastrophic insurance program.

In doing so, current legal authorities for ad hoc disaster are repealed. In the future, this new program will replace these disaster bills as the Federal response to emergencies involving widespread crop loss.

By replacing crop loss disaster aid with expanded more accessible crop insurance, it brings reality to the budget process and provides security for farmers against uncontrollable weather and natural disaster.

The American taxpayer must be assured that their tax dollars are being used in a cost-effective and efficient manner, while the American farmer must have access to a risk management tool that will allow him to manage the high cost associated with agriculture today.

I believe this bill is a step in the right direction, therefore, I urge my colleagues to support this legislation that will provide our farmers with an affordable and predictable risk management program and end the constant need for emergency disaster declarations.

Mr. Chairman, I also hope that other committees will follow the leadership of the Committee on Agriculture and have similar legislation on the floor in the very near future.

Mr. COMBEST. Mr. Chairman, I yield such time as he may consume to the gentleman from Kansas [Mr. ROBERTS], the ranking member of the committee.

Mr. ROBERTS. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of the crop insurance reform package as reported by the House Committee on Agriculture.

When our committee started action on crop insurance reform, we were very confident this legislation would establish a viable and reformed crop insurance program that provided our farmers and ranchers an array of risk-management tools. We also thought it would forcefully meet the challenge of preventing the future consideration of costly ad hoc disaster assistance programs.

If we do that, it is going to save taxpayers about $400 million a year based on the annual average of the disaster assistance that we have had in the past. With this bill, we thought it would address the immediate concerns in regard to the shortfall in discretionary funding relative to the current program. However, subsequent to the committee action, we were made aware of additional concerns relative to the budget-scoring process as well as concerns of other committees.

Consequently, the chairman and I worked, hopefully in bipartisan fashion, to fashion an amendment to insure that this crop insurance reform would be fully funded, be fully funded, and within the budget rules of the House, and the chairman's amendment does that, that it would make additional cuts in the program where reasonable and appropriate, and in such a manner so as not to destroy the viability of the reform package to meet its goals of preventing future cost outlays for disaster programs.

Most important, and something that has not been mentioned very often here, is that it would provide our farmers and ranchers with the proper risk-management tools so they could stay in business during very difficult times.

I want to reiterate to all of my colleagues that the de la Garza amendment to be considered on down the road here as we debate this addresses the concerns of the Committee on the Budget, and in doing so, made the tough choices that provide our colleagues on the Committee on Appropriations some solutions relative to the anticipated discretionary spending shortfalls.

I think simply, to sum up, we have a choice. We can go ahead with crop insurance reform that will work, or we can take another course where farmers and ranchers will be hit with the costs of a crop insurance program that will be less desirable, and this Congress will be subject to the pressures again of disaster bills. That is exactly what Secretary Espy has said in a letter to all of us, and I encourage my colleagues to read the letter from the Secretary in reference to what this administration wants.

Let me say, as a Republican member of the Committee on Agriculture, as the ranking member, that I respect the administration's decision finally to step up to crop insurance reform and to provide the needed funds so that we can get the job done. It is a paradox of enormous irony that we have people in this House that, for some reason, and I will not go into all of those, and I hoped that that would not be part of the debate here, in terms of strong differences of opinion, that would take away from this funding and make crop insurance reform not possible and our farmers and ranchers pay for it.

So I would urge my colleagues to consider this carefully, and when the amendment offered by the chairman, the gentleman from Texas [Mr. DE LA GARZA], is offered, the committee amendment, to support it.

Mr. DE LA GARZA. Mr.Chairman, I yield 3 minutes to our distinguished colleague, the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Chairman, this is a topic of great interest to me.

The bill involves a program, Federal crop insurance, that has been extremely important to the farmers I represent in North Dakota. North Dakota has one of the highest rates of participation in Federal crop insurance year after year after year.

In addition, my background as a State insurance regulator has had me working very closely to make sure the crop insurance reforms embodied in this bill are put together in a manner that will work.

At the heart of this legislation is a historic tradeoff, a tradeoff of the prospect of future disaster relief in exchange for an improved Federal crop insurance program. Now, without the ag disaster programs that have been funded by Congress, thousands of North Dakota farmers would have been wiped out in the 1988 drought, the 1993 flood, and countless other times where it has been critical, and the relief has been critical. So to trade off the prospect of future ag disaster relief is a frightening prospect when you represent North Dakota.

I am prepared to do it, because I think an improved Federal crop insurance program gives the farmers a better deal. It gives them certainty. It gives them a risk-management tool they know will be there, not a disaster program that depends upon the whim and the will of Congress on an ad hoc basis. So the tradeoff, while it is a frightening one, is a good one provided, and only provided, that the Federal Crop Insurance Program actually works, that we give them an improved product at the end of the day.

This is where the difference in the amendments to be brought to be considered this afternoon are so critical. The amendment offered by my friend and colleague, the gentleman from Minnesota [Mr. PENNY], in my opinion, breaks the public-private partnership required to make this program work. I believe it takes private sector reimbursement levels to an area where we will not have the participation from the private sector required to make the program work. This is where the chairman's amendment has involved so much effort, so many discussions with all of the participants, to actually fashion a level of funding that will retain private-sector participation.

□ 1140

When you have a public-private partnership, the private partner must be treated fairly. The private partner

must be compensated at a level essential to keep them in the business if they are going to rely on that private partner to make the program work.

That is exactly what is at stake here. It is a historic tradeoff. It will be a huge step for improving budget discipline of this country. It involves some risk to production agriculture and, therefore, the program has to work.

Go with the deal cut by the chairman and support the de la Garza amendments before you this afternoon and support the bill.

Mr. COMBEST. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. SMITH], a member of the committee.

Mr. SMITH of Oregon. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, crop insurance has been a second cousin to disaster relief since I have been in Congress, and we played one off against the other, costing billions of dollars in additional money, I believe, to the American public.

If we pass this bill, H.R. 4217, I think we will clear up one of the major problems we have had between these two programs. For the first time, if you grow a program crop you must have crop insurance and, therefore, you cannot come to the Congress and ask for disaster relief.

However, there is a very difficult problem here. For many, many years I have followed the gentleman from Minnesota, Mr. PENNY's lead in trying to trim Government, reduce the cost of Government, and yet he has gone beyond good judgment in this case with his amendment, very frankly, because he costs farmers more money than is necessary and he costs insurers to the point that we do not know whether they will even offer insurance.

Therefore, we think Mr. PENNY goes too far.

The gentleman from Texas' [Mr. DE LA GARZA] amendment addresses the policy question of funding crop insurance and it is much more prudent to do that.

Mr. PENNY's position lost heavily in committee. It is opposed by the administration. It is opposed by every leader in the Agriculture Committee that you have heard and will hear, and we believe the de la Garza amendment is a responsible way to address this issue.

The only thing assured here about this whole discussion is simply that the gentleman from Minnesota [Mr. PENNY] and I will not be here next year to answer the consequences of what we do because we are both going to retire.

Mr. DE LA GARZA. Mr. Chairman, I yield such time as I may consume to myself.

Mr. Chairman, again I continue with the same degree of frustration, exasperation as to the events that have brought us here. One of them is a "Dear Colleague" letter that has been distributed by Mr. PENNY and Mr. MCMILLAN that is actually an insult to our committee and to those of us who have worked so diligently, saving $60 billion of taxpayers' money in the past 12 years. It shows two cows at a table saying, "Please pass the buck." This is below the level of debate in our committee, and has been all along.

But my concern, though, is that that "Dear Colleague" says only one-half of the funding responsibility for the package is paid for honestly. This statement is not correct.

Another: While this approach technically adheres to pay-go restriction, it does not conform to the spirit of fiscal responsibility. Mr. Chairman, is not $60 billion worth of cuts fiscal responsibility? I ask my colleagues.

While passing the buck, leaving their fingerprints on difficult decision, without spending cuts required to pay for the program.

I come back, $60 billion, and our fingerprints are on it, our name is on it, the name of our committee is on it, and we tell the world.

Mr. Chairman, it is not fair, it is not accurate, it is an abuse of the privilege of debate which we should always honor and adhere to under the norm, which this committee has always worked toward. With the respect and admiration that we have for all the members, we have never, you have never seen a "Dear Colleague" like this from the Agriculture Committee.

I keep repeating, I hope that we get it: The issue is very simple, as a matter of fact, I could stand here—and I will; Mr. COMBEST almost said it—we tell the chairman of the Subcommittee on Appropriations that deals with this matter that we, if we are here 3 years from now, we will see that this responsibility does not fall on your committee. We never have done that, and we are not going to start now.

I stand here and pledge my sacred name and honor that we are not going to in any way impose on the Agriculture Committee because we have never done it. We are being accused of things that never were, that might not be, and I hope that my colleagues would understand that, that our pledge is that we are trying to fix a program that is broken, that does not work. Mr. Chairman, the best minds in our committee rejected the Penny amendment. I cannot do anything about that.

The members voted "no."

Mr. PENNY insisted that he be given an opportunity. So I went to the Committee on Rules and in his presence said allow the Penny amendment so that he can have an opportunity to present it to the House.

That did not merit this type of "Dear Colleague" letter when we honestly, directly, and I personally and the ranking member said, "Allow Mr. PENNY his day in court."

We are here to do that. We are here to do that.

I am proud of the fact that this is how we operate, openly, aboveboard.

I know there is an attack on agriculture, per se, for many reasons, most of it mass media, I guess. But the fact is that we have been responsible. Our contract with the Budget Committee, we sat down with Chairman SABO and we did what he said we should do. We will do more in the amendment. But our commitment with the Budget Committee has always been and will continue to be that you give us a number, allow us to do the cuts, and we will give you that amount.

We have done it every time since we have had a budget, and we will continue to do that.

But I still feel frustrated that putting us against WIC, that is not the case. That has never been the case. We have been at the forefront of feeding the needy, feeding the poor. All of those commodities you see going to Rwanda, those are U.S. commodities that go on the Surplus Commodities Program to the schools, that comes from things that we do.

So I assure the Members, and I hope and implore that you do what in your heart you feel is the right thing to do, but that you do it with the honest interpretation of the facts, which have been misrepresented by many of the "Dear Colleague" letters.

Mr. Chairman, I reserve the balance of my time.

Mr. COMBEST. Mr. Chairman, I yield myself 1 minute.

I want to make just a follow-up comment on what the chairman, the gentleman from Texas, just said. The chairman is not making a promise to be upheld in the future with no history of background; this committee, as I had indicated earlier, has always taken the number the Budget Committee has given us and we have made the hard, difficult choices ourselves and we have not passed those to anyone else.

I would also like to mention that in the Penny-McMillan "Dear Colleague" letter they say "this approach," the chairman's approach, the committee's approach, "technically adheres to pay-go. It does not conform to the spirit."

Mr. Chairman, what are the rules? The rules are that if you adhere to the rules of the House, you adhere to them.

□ 1150

Are we going to start making a judgment on:

"Well, gee, you adhere to the rule, but you didn't go far enough beyond that?"

We are within the budget. The Committee on the Budget has agreed to that. We have addressed the concerns and the rules of the House. Let us make the decision based upon the fact of, if the rules were met in this case, we meet the rules.

Mr. Chairman, I yield 3 minutes to the gentleman from Nebraska [Mr. BARRETT].

Mr. BARRETT of Nebraska. Mr. Chairman, the intent of this legislation is to put in place an alternative to what has become annual, off-budget, ad hoc disaster relief bills, and still provide agricultural producers with risk management protection for their crops. This is something that needs to be done, but if not structured correctly, this bill will create financial problems for farmers at a time when they most need assistance.

While I will support the bill, I still have reservations about the long-term financing mechanism upon which it relies. Unfortunately, the administration's luke-warm attempt to secure the appropriate funds to pay for its bill—and this is the administration's bill—causes me serious concern.

Having said that, I want to thank the chairmen and ranking members of both the subcommittee and full committee, for working with me during the process, to help construct a program that encourages private sector participation, in order to better serve farmers, and lower the overall Government cost per insurance policy.

Specifically, my amendment, which is incorporated in the bill before us, directs the Federal Crop Insurance Corporation to reduce the paperwork burden to private insurance providers and agents, and lower the cost of each policy held by farmers. Further, the corporation after reporting to Congress, must adopt new procedures to reduce the cost of each crop insurance policy by a targeted percentage.

Not only will these provisions allow the private sector to more efficiently deliver crop insurance, but the excessive administrative costs of the Federal Crop Insurance Corporation will be reduced.

With reference to the so-called dual delivery system included in H.R. 4217, many current USDA employees—those people now administering the commodity programs—have told me that they want no part of becoming insurance salespersons. And in checking with the department, I have found there is nothing budgeted to help train and cover the expenses for these local offices to adequately sell crop insurance.

The simple fact is that the USDA will not be able to pull off crop insurance sales, and the department knows this. USDA will need—and I think fully expects—the private sector to help deliver crop insurance.

What I found frustrating is that knowing this, the administration fought my efforts to include stronger language for private delivery throughout consideration of this bill in subcommittee and full committee.

Although this bill is not all I had wanted in the name of crop insurance reform, Mr. Chairman, it is a step in the right direction, and it should help our producers.

I support the bill, and I urge the House to pass it.

Mr. COMBEST. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Chairman and Members, this is the first time in my 14 years as a member of the House Committee on Agriculture that I have come to the floor and had a disagreement with the leadership of my committee, and I say that because I think it is important to understand what the problem is today. The problem, very frankly, is that this administration, to their credit, allocated $1.1 billion over the next 5 years to make crop insurance an available program, and the problem is that the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and related agencies spent the money elsewhere, and so we are in a dilemma here this morning of what are we going to do.

Mr. Chairman, we have a couple of choices. The first premise is that we are going to pass crop insurance in lieu of disaster insurance. Now there are 18 States, including Wisconsin, that have less than 10 percent of our eligible acreage in crop insurance, and yet we are not going to make that the basis of all commodity security in this country. That would be fine, if we had the public-private partnership that our colleague from North Dakota [Mr. POMEROY] said that crop insurance is, but the problem is it is not a public-private partnership anymore. That money, through no fault of the chairman of the Committee on Agriculture, the gentleman from Texas [Mr. DE LA GARZA], through no fault of the gentleman from Kansas [Mr. ROBERTS], through no fault of anybody on the House Committee on Agriculture, was spent elsewhere.

So, Mr. Chairman, now we have this dilemma in front of us, and it is very simple.

It all boils down to money—who is going to pay and how much. Now, I am not going to stand here and justify the Appropriations Committee's act of underfunding the current Federal Crop Insurance Program by $213 million in the upcoming fiscal year. Plain and simple, that action was wrong and it is the root cause of the fiscal problems we are addressing right now as we try to pass crop insurance reform legislation.

At the same time, that battle is over and we lost. So adopting the budgetary assumption that this lack of funding continues over the next 5 fiscal years, the current issue is where are we going to make up the difference? Rest assured, we have to cut the baseline somewhere. And, if we do not make those cuts in the crop insurance program itself, we will have to find the money elsewhere—research, extension, FmHA, WIC, commodity programs, or the like.

The chairman of our committee is quite correct when he talks about the $60 billion of cuts which the Agriculture Committee has made in recent years. Indeed, if every other committee was as frugal as we have been, the budget mess facing this Congress would have been solved in large part. I agree with him that it is fundamentally unfair to balance the Federal budget on the backs of the American farmer.

Actually, that is exactly what the Penny-Gunderson amendment seeks to prevent, Mr. Chairman. All we are saying is that fair is fair whether we are trying to balance the entire Federal budget, or just a single program, on the backs of farmers.

The bottom line of the Penny-Gunderson amendment is that, if we have a shortfall in crop insurance funds, we need to make up that difference within that program. Here's why. In my own congressional district, only 10 percent of eligible acres are enrolled in crop insurance. That's because either the Federal Crop Insurance Corporation doesn't have a policy for the crops they grow or the rate structure doesn't justify participation. Why should the rest of my producers have to take cuts in their commodity, loan, or conservation programs in order to fund higher policy subsidies for the small percentage of farmers which participate in the program or to fund higher reimbursement rates for the participant's agents?

This situation is not unique to the State of Wisconsin, Mr. Chairman. According to the most recent statistics available from the Federal Crop Insurance Corporation, Arizona, California, Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, Michigan, Nevada, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Tennessee, and Vermont all have 10 percent or less of insurable acres actually enrolled in Federal crop insurance. Why should those producers have to take cuts in their commodity, loan, or conservation programs to fund the participation of producers in other States?

The answer is simple—they shouldn't. All the Penny-Gunderson amendment does is find sufficient cuts within the Federal Crop Insurance Program itself to meet the budget parameters within which that program has to operate over the next 5 fiscal years. With four exceptions, it is identical to the chairman's amendment which will be offered as a substitute. Here are the differences: First, it reduces the agent reimbursement to 30 percent for new policies and 28 percent for renewals immediately, rather than waiting 2 years to make that reduction; second, it charges a $50 fee for all policies issued whether a farmer sticks with the basic policy or buys supplementary coverage; third, it reduces the catastrophic coverage provided by the basic policy from 50–60 to 50–56; and fourth, it requires a

filing fee for producers to make a disaster claim for crops for which no policy is offered.

These changes are hardly draconian. If we're reducing the agent reimbursement rate in the out years, why not immediately? The proposed 28–29–30 percent reimbursement rate for crop insurance far exceeds the 10–11–12 percent reimbursement rate on automobile insurance. Now, I recognize that there is a volume difference between the two; however, dropping the reimbursement rate 2 percent 2 years early is not going to drive anyone out of business, particularly if we can get some paperwork reduction to those agents.

Similarly, the reduction in catastrophic coverage from 50–60 to 50–56 will result in a maximum reduction of 2 percent in the maximum loss payment received by any farmer under the basic policy. Again, every little bit hurts, but it is a small price in terms of the big picture.

The ultimate question, Mr. Chairman, is if we are unwilling to make the cuts necessary in the program itself, are we better off with permanent disaster assistance authority in lieu of any crop insurance program? The simple facts are that, even with a Federal Crop Insurance Program, we have had to make billions of dollars of crop emergency assistance available in each of the last 8 years—sometimes as much as $3.5 billion. That's why CBO has consistently scored hundreds of millions of dollars in savings annually from eliminating the crop insurance program in favor of permanent disaster assistance authority.

So, Mr. Chairman, fundamental fairness requires the adoption of the Penny-Gunderson amendment so that other important agricultural and feeding programs do not suffer from the shortfall in funding for crop insurance. If we're unwilling to do that, then I suggest we consider dropping the whole crop insurance program in favor of permanent disaster authority. In the long run, producers and taxpayers would be better off.

Mr. COMBEST. Mr. Chairman, I yield 3 minutes to the gentleman from New Mexico [Mr. SKEEN].

Mr. SKEEN. Mr. Chairman, I noticed that the previous gentleman did not offer any no fault to the appropriators, so we are here under no fault conditions.

I want to say at the outset that we are dealing with an issue in these two committees that there are no ready answers to. We have already initiated a crop insurance program in these United States under the auspices of both committees, and it did not work. It broke, as the chairman of the Committee on Agriculture has said. We have got a broken system because we pushed no crop insurance, or crop insurance, to the point that it could not sustain itself. It did not work because we did not give it a chance to work. We tried to make it do all the things for all people in agriculture to get us out of the disaster payment mode nationwide.

Mr. Chairman, we on the Committee on Appropriations did the very best job with the work that we had to do with the elements we had to deal with and the systems we dealt with. We offer no apologies to anybody, but we do need some help to come up with a compromise that is going to make this thing work. In my view, Mr. Chairman, I think we have arrived at that position because I think the chairman of the House Committee on Agriculture, and the ranking member and those members who are supporting it have an amendment that will work because it gives it time with a finite set of conditions and funding for at least 3 years. I am not going to score the other alternatives because once again I think we have to look at function first, and we are assured of function, at least in this particular program; we are not in others because once again we rely on going back to the private sector and saying, "We'll just dump the funding load back on you for the 5-year term."

Mr. Chairman, I cannot agree to that, so we are here today talking a compromise. I think we have it at hand, one we are going to have to deal with. I say to my colleagues, "If you're going to be real about this thing, and ask the private sector to engage in that kind of insurance, and get us out of this disaster quagmire, we have got the system to do it and the mechanism to do it, and we ought to make the right choice, and I think the right choice is Chairman DE LA GARZA's and Mr. ROBERTS' amendment, and I support it."

Mr. DE LA GARZA. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Texas [Mr. SARPALIUS].

Mr. SARPALIUS. Mr. Chairman, I rise today in support of H.R. 4217 and in support of the amendment offered by the gentleman from Texas [Mr. DE LA GARZA]. and I oppose the Penny-Gunderson amendment.

One important part of this insurance program is that we will now have every farmer in this country who participates in a Federal program to sign up for this program which gives some protection to the Federal Government in the case of those farmers who lose their crops. It also will give protection to banks who loan money to those producers who loan money to buy the seed, or whatever it takes, to produce those crops. So, it is truly an insurance program that every producer in this country who participates in Federal farm programs will participate in, and we do create incentives to encourage farmers to buy up, to have additional coverage, which, by buying additional coverage, helps protect themselves, as well as the Government and as well as those banks and loan programs.

I encourage my colleagues to vote for H.R. 4217.

□ 1200

The CHAIRMAN. The gentleman from Texas [Mr. COMBEST] has 4½ minutes remaining, and the gentleman from Texas [Mr. DE LA GARZA] has 4 minutes remaining.

Mr. COMBEST. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. Mr. Chairman, we are here today because the Federal crop insurance program in America does not work.

I want to congratulate the chairman of the committee, the ranking member, and all the members of the committee who have worked hard to try to find a way to make the system work better for all farmers in America. Most of my farmers in Ohio do not sign up because it is not economically feasible. It makes no sense because the system is weighted to help somebody else.

The bill that we have before us helps to fix the current system, and the current system does need fixing.

One of the reasons we have this problem with crop insurance is that we undercut it every even-numbered year with some disaster payments that Congress wants to come along and provide and look like Santa Claus in all those even-numbered years, and so we undercut the ability of the program to work.

The bill that we have before us takes some of that disaster money that gets spent and puts it into a crop insurance program that will work for every farmer in America. It makes a great deal of sense, so let us pass it.

Mr. COMBEST. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. LUCAS].

Mr. LUCAS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, year in and year out the folks in this country who have chosen the noble profession of farming are faced with an uncertainty that very few occupations in our Nation must endure. Drought, hail, flood, tornado, hurricane, and other natural disasters threaten the livelihood of every agriculture professional who provides our great Nation with the food that our citizens eat, enjoy, and expect.

Most agree that the Federal budget cannot continue to support both an on-budget subsidized crop insurance program and off-budget emergency ad hoc disaster payments. The question of the day is, "How do we best deal with the unknowns that face our nation's farmers?" How can we effectively minimize their risk in an equitable and workable fashion?

I believe that H.R. 4217 as reported out of the Agriculture Committee and as hopefully altered by my chairman's amendment is the right answer to this question. This is the vehicle that will eliminate the need for future off-budget disaster supplemental appropriations bills. By getting significantly

more producers insured, we will have provided them the assurance that their risk management and disaster relief needs are met.

Historically 1 out of every 12 acres planted by farmers is not harvested because of adverse weather conditions or other natural disasters. We are at a proverbial fork in the road of agricultural risk management. We must decided today whether we want a workable crop insurance program that provides adequate coverage at a cost that is affordable to the farmer and all other taxpayers. Or do we want to continue and play ad hoc disaster roulette by passing legislation that will undermine any attempt to adequately expand our current crop insurance program and leave our response to natural disasters that damage crops largely in the hands of Mother Nature.

Mr. Chairman, I would like to encourage my fellow Members to vote in favor of the de la Garza amendment and for final passage of H.R. 4217. It is a fiscally responsible and workable measure that will protect American farmers from financial ruin and the Federal deficit from being increased by future ad hoc disaster bills.

Mr. DE LA GARZA. Mr. Chairman, I yield such time as he may consume to our distinguished colleague, the gentleman from Michigan [Mr. BARCIA].

Mr. BARCIA of Michigan. Mr. Chairman, I thank the chairman of the committee very much for his gracious cooperation in working to address the problems that Michigan farmers have faced and the problems that farmers across the country have faced, especially in light of the recent disastrous torrential rainfalls that have occurred throughout the Midwest and around the country.

Mr. Chairman, I compliment the committee and its chairman for having moved forward with important improvements in the crop insurance program. I am concerned, though, that this bill does not go far enough in providing insurance for all commodities.

Mr. Chairman, while insurance is available in Michigan for 17 commodities, it is not for 74 others. I believe that if we move toward a cost-of-production insurance program, we can expand the range of crops that are covered and eligible for crop insurance. The Senate bill contains a pilot cost-of-production insurance program very similar to the program I had proposed in H.R. 3623. Such a pilot program would work extremely well in Michigan.

Can the chairman of the committee assure me that this provision in the Senate bill will receive full consideration in the conference?

Mr. DE LA GARZA. Mr. Chairman, if the gentleman will yield, let me say that the gentleman has my assurances that this provision will be given every consideration by our committee.

Mr. COMBEST. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. Mr. Chairman, before I was elected to Congress I sold insurance, and I, in fact, am the only chartered casualty property underwriter in this body, so I have been out there on the streets and know what is real and know what is just congressional talk. So I want to speak in behalf of the bill and speak against the Penny amendment.

This bill will work. It is not perfect, but this body has never worried about perfection. It is better than what we have now. One of the key components of it is this concept of spreading the risk, getting more farmers to participate. One of the things you have to have in order to do that is a distribution system of the private sector. Insurance agents can sell this product. Right now they are not doing it because there is no money in crop insurance for the insurance agent, and they do not want to do it.

The only reason an insurance agent would do it is to pick up a guy's homeowner's insurance or the insurance on his tractor or his truck. They do not go out and make a living selling crop insurance. That is why there is not much market penetration right now.

The Penny amendment would reduce that even further and thus pull out one of the strong legs of this whole program.

Mr. Chairman, I urge my colleagues to vote for the bill and against the amendment.

The CHAIRMAN. The gentleman from Texas [Mr. COMBEST] has 1½ minutes remaining.

Mr. COMBEST. Mr. Chairman, I yield that minute and a half to the gentleman from Illinois [Mr. EWING].

Mr. EWING. Mr. Chairman, let me say that this is an important debate. I am probably one of the few Members that actually introduced legislation to revise our Federal crop insurance program, and that was a result of my first campaign for Congress, which was a special election in the middle of the drought in 1991. So I saw it firsthand. I saw the importance of a good Federal crop insurance program, and we did not have one.

The Clinton administration has given us an opportunity to have an excellent Federal crop insurance program. We need to seize on that. We need to pass this bill.

Members might ask, what is the problem? Well, of course the problem is the dispute between the appropriators and the authorizing committee, and they really did not cut all that much money, but enough was cut to cripple the program.

I believe that the chairman of the Committee on Agriculture has presented us with a reasonable, well thought out solution to that problem, and we ought to get behind it. We need to pass this bill and move on. It is good for American agriculture, it is good for the American taxpayers, it is wise public policy by the Clinton administration, and I urge a yes vote for the bill and support for Chairman DE LA GARZA's amendment.

The CHAIRMAN. The gentleman from Texas [Mr. DE LA GARZA] has 2½ minutes remaining in general debate.

Mr. DE LA GARZA. Mr. Chairman, I yield 1 minute to our distinguished colleague, the gentleman from Minnesota [Mr. MINGE].

Mr. MINGE. Mr. Chairman, I rise to address the body this morning with respect to the crop insurance reform proposal.

All of us have heard a number of arguments as to the importance of this legislation. The one thing that needs to be emphasized now is that we must encourage broad participation in Federal crop insurance throughout the Nation.

One of the difficulties that we have suffered from is adverse selection. the so-called moral hazard, where people purchase crop insurance when they find that crop insurance is going to benefit them and then their neighbors who are somewhat unhappy about the existence of benefits do not make the purchase. The result is that in certain sections of the country we have very low participation and at the same time very high losses.

The Federal crop insurance reform legislation which is before us today will end that type of practice. It will also make a number of reforms in the way Federal crop insurance is financed, and in the end, I think, it will make this program a model of Federal insurance that we can then use to try to make sure that our agricultural programs and disaster programs generally benefit this country.

□ 1210

Mr. DE LA GARZA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the scenario as we see it, it could change, but there will be an amendment offered by the gentleman from Minnesota [Mr. PENNY] and there will be a substitute offered.

Mr. Chairman, I yield the balance of my time to the distinguished gentleman from Georgia [Mr. BISHOP].

Mr. BISHOP. Mr. Chairman, I am pleased to rise in support of H.R. 4217, the Federal Crop Insurance Reform Act of 1994, as reported by the committee. Because thousands of acres of farmland in my district were flooded during the recent flood in Georgia, I am especially sensitive to the need for an adequate crop insurance program.

This legislation presents a historic opportunity to provide improved risk protection for our Nation's farmers, including my own farmers in Georgia. For several years, we have experienced

good participation in the Federal Crop Insurance Program by producers of high-value crops, such as peanuts and tobacco. Unfortunately, the same cannot be said for crops like corn and soybeans.

Under the bill adopted by the Committee on Agriculture, of which I am a member, thousands of additional farmers in Georgia and throughout the Nation will be strongly encouraged to take catastrophic crop insurance for a minimum and reasonable fee, per farmer, per county.

In return, a farmer will receive a catastrophic insurance policy. While this policy will provide only a minimum coverage of 50 percent of a farmer's yield, at 60 percent of the market price it will be consistent with what farmers have traditionally received from disaster bailouts—when they were lucky enough to receive Federal assistance.

More importantly, the Crop Insurance Reform Program is structured to strongly encourage farmers to buy additional federally subsidized crop insurance from private insurance agents. The farmer is encouraged to purchase a level of protection that he needs to stay in business in case of a crop failure. If disaster does strike, this approach is far more preferable to the traditional combination of insurance policies and disaster bailouts.

Normally, farmers do not receive additional assistance from the Federal Government unless the drought, flood, or other natural disaster is wide spread enough to warrant congressional passage of a special legislative disaster bill.

Unfortunately, there are different parts of my congressional district that are hit by a different disaster or crop failure every year. Many times there will be a drought that will cause crop failure in one part of a county and yet, there are other parts of the county that will produce bumper crops. Therefore, the only sound way to true risk management and disaster protection is a program that encourages every farmer to buy the level of protection, with Government assistance, that they need. H.R. 4217 meets that test.

At the same time, I support the committee bill, and I strongly urge my colleagues to vote against an amendment offered by Congressman PENNY and Congressman GUNDERSON to cut over $600 million from this program.

If this magnitude of cut is made in the committee bill, the program will no longer be attractive to many of the farmers in my district. Moreover, drastic cuts in reimbursement for the private delivery system will make it uneconomical to deliver crop insurance to many of the small family farmers in my district.

Therefore, I hope that my colleagues will not be tempted to vote for the Penny-Gunderson amendment in an effort to achieve savings that are not necessary to comply with the Budget Act.

As reported by the committee, and amended by the chairman, H.R. 4217 is in full compliance with budget rules and would in fact save taxpayers money.

Again, let us not jeopardize this long, and hard-fought effort to bring a true and sound risk assessment to agriculture, offering to our farmers in the United States—this great breadbasket to the world—the tools they need to successfully till the soil, feed our livestock, and nurture our children.

Ms. LAMBERT. Mr. Chairman, I rise today in strong support of H.R. 4217, the Federal Crop Insurance Reform Act. I believe that this legislation moves us toward a positive and responsible effort to provide stability to farm income while at the same time making wise use of taxpayer resources.

This bill would provide premium-free catastrophic risk protection for a minimal $50 processing fee with the option of buying more comprehensive coverage from a private insurer. Our current program has been dramatically inept at providing the risk management that America's producers need to remain competitive. Because the program has been so unattractive—providing too few benefits at too great of a cost—whenever disaster has struck, our producers have relied on the Government to provide ad hoc disaster assistance, and we have done so—year after year after year. The result has been a massive cost to the American taxpayer and an unreliable system of reimbursement to often-devastated farm families.

This legislation delivers a reformed program that provides basic protection with the flexibility to insure at higher levels, thereby giving the farmer, the taxpayer, and the Government a reliable, fiscally sound insurance program.

I would like to commend the administration for their diligence in pursuing this issue as well as subcommittee chairman JOHNSON for his hard work on a technically challenging bill. I also commend my colleague, Mr. PENNY, for his commitment to fiscal responsibility as well as Chairman DE LA GARZA for his leadership and hard work.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute now printed in the bill, modified by the amendments printed in part 1 of House Report 103-666, is considered as an original bill for the purpose of amendment and is considered as read.

The text of the committee amendment in the nature of a substitute, as modified, is as follows:

H.R. 4217

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE, TABLE OF CONTENTS, AND DEFINITIONS.

(a) SHORT TITLE.—This Act may be cited as the "Federal Crop Insurance Reform Act of 1994".

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

Sec. 1. Short title, table of contents, and definitions.
Sec. 2. Members of Board of Directors of Federal Crop Insurance Corporation.
Sec. 3. General powers of Corporation.
Sec. 4. Personnel.
Sec. 5. General authority to offer crop insurance.
Sec. 6. Catastrophic risk protection, buy-up levels, premiums, and yield determinations.
Sec. 7. Preparation of policies, claims, and reinsurance.
Sec. 8. Authorization of appropriations and crop insurance fund.
Sec. 9. Advisory Committee.
Sec. 10. Noninsured crop disaster assistance.
Sec. 11. Crop insurance requirements under price support programs.
Sec. 12. Elimination of gender references.
Sec. 13. Prevented planting.
Sec. 14. Effective date.

(c) DEFINITIONS.—Section 502 of the Federal Crop Insurance Act (7 U.S.C. 1502) is amended—

(1) by striking the section heading and "SEC. 502." and inserting the following:

"SEC. 502. PURPOSE AND DEFINITIONS.

"(a) PURPOSE.—"; and

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

"(b) DEFINITIONS.—For purposes of this title:

"(1) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

"(2) CORPORATION.—The term 'Corporation' means the Federal Crop Insurance Corporation established under section 503.

"(3) BOARD.—The term 'Board' means the Board of Directors of the Corporation established under section 505(a).

"(4) LOSS RATIO.—The term 'loss ratio' means the ratio of all sums paid by the Corporation as indemnities under all crop insurance policies to that of the premiums designated for anticipated losses and a reasonable reserve, not including the portion of the premiums designated for operating and administrative expenses.

"(5) TRANSITIONAL YIELD.—The term 'transitional yield' means the maximum average production per acre or equivalent measure that is assigned to acreage for a crop year by the Corporation in accordance with its regulations whenever the producer fails—

"(A) to certify that acceptable documentation of production and acreage for that crop year is in the producer's possession; or

"(B) to present such acceptable documentation upon the demand of the Corporation or an insurance company reinsured by the Corporation.".

(d) CONFORMING AMENDMENTS.—The Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) is amended—

(1) in section 503 (7 U.S.C. 1503), by striking "(herein called the Corporation)"; and

(2) in section 505(a) (7 U.S.C. 1505(a)), by striking "(hereinafter called the 'Board')".

SEC. 2. MEMBERS OF BOARD OF DIRECTORS OF FEDERAL CROP INSURANCE CORPORATION.

Section 505(a) of the Federal Crop Insurance Act (7 U.S.C. 1505(a)) is amended in the second sentence—

(1) by striking "or Assistant Secretary" the first place it appears; and

(2) by striking "the Under Secretary or Assistant Secretary of Agriculture responsible for the farm credit programs of the Department of Agriculture" and inserting "one additional Under Secretary of Agriculture (as designated by the Secretary of Agriculture)".

SEC. 3. GENERAL POWERS OF CORPORATION.

(a) CLAIMS SETTLEMENT.—Section 506 of the Federal Crop Insurance Act (7 U.S.C. 1506) is amended—

(1) by redesignating subsections (j), (k), (l), (m), and (n) as subsections (k), (l), (m), (n), and (o), respectively; and

(2) by inserting after subsection (i) the following new subsection:

"(j) CLAIMS SETTLEMENT.—The Corporation shall have the authority to make final and conclusive settlement and adjustment of any claims made by or against the Corporation or the accounts of its fiscal officers.".

(b) REGULATIONS; PREEMPTION.—Subsection (e) of such section is amended—

(1) by striking "governing" and inserting "to carry out this title and to govern"; and

(2) by adding at the end the following new sentence: "State and local laws or rules shall not apply to rules and regulations adopted by the Corporation to the extent that such rules and regulations so provide or to the extent that State and local laws or rules are inconsistent with such rules and regulations.".

(c) DEFINITION OF SUBSTANTIAL BENEFICIAL INTEREST.—Subsection (m) of such section (as redesignated by subsection (a)(1)) is amended in paragraph (4) by striking "5 percent" and inserting "10 percent".

(d) PENALTY FOR FALSE INFORMATION.—Subsection (n) of such section (as redesignated by subsection (a)(1)) is amended in paragraph (1) by striking subparagraph (B) and inserting the following new subparagraph:

"(B) disqualify the person—

"(i) from purchasing catastrophic risk protection under section 508(b) or participating in the noninsured assistance program under section 519 for a period not to exceed 2 years; and

"(ii) from receiving any other benefit under this title for a period not to exceed 10 years.".

(e) ACTUARIAL SOUNDNESS.—Subsection (o) of such section (as redesignated by subsection (a)(1)) is amended—

(1) in paragraph (1), by striking "beginning farmers from obtaining adequate Federal crop insurance, as determined by the Corporation" and inserting "beginning farmers, as determined by the Secretary, from obtaining Federal crop insurance";

(2) in paragraph (3), by striking "and" at the end of the paragraph;

(3) by redesignating paragraph (4) as paragraph (5); and

(4) by inserting after paragraph (3) the following new paragraph:

"(4) establishing a database that contains social security numbers or employee identification numbers of insurance agents and adjusters and using the numbers to identify agents and adjusters who are high risk for actuarial purposes, and for other purposes permitted by law; and".

(f) REGULATORY AND PAPERWORK REDUCTION.—Such section is further amended by adding at the end the following new subsection:

"(p) REGULATORY AND PAPERWORK REDUCTION.—

"(1) CATASTROPHIC RISK PROTECTION.—In developing and carrying out the policies and procedures for catastrophic risk protection under section 508(b), the Corporation shall minimize, to the maximum extent practicable, the paperwork required and the complexity and costs of procedures governing the application for, and the processing and servicing of, catastrophic risk protection.

"(2) OTHER PLANS.—To the extent that the policies and procedures developed under paragraph (1) may be applied to other plans of insurance offered under this title without jeopardizing the actuarial soundness or integrity of the crop insurance program under this title, the Corporation shall apply the policies and procedures to the other plans of insurance within a reasonable period of time (as determined by the Corporation) after the effective date of this paragraph.

"(3) SOLICITATION OF COST INFORMATION AND COST-REDUCTION PROPOSALS.—

"(A) COST INFORMATION.—The Corporation shall solicit from private insurance providers and agents information regarding—

"(i) their average cost per policy of complying with requirements, regulations, procedures, and processes under this title; and

"(ii) the data upon which such costs are determined.

"(B) COST-REDUCTION PROPOSALS.—The Corporation shall also solicit from private insurance providers and agents proposals for modifying or altering the requirements, regulations, procedures, and processes under this title to reduce their total average cost per policy.

"(C) REPORT.—By June 1, 1995, the Corporation shall submit a report to Congress containing the information received under subparagraph (A) and an evaluation of the cost-reduction proposals received under subparagraph (B).

"(4) COST REDUCTION PLAN.—

"(A) PLAN REQUIRED.—Subject to the condition that the Corporation maintain the integrity of the crop insurance program under this title, the Corporation shall include in the report required under paragraph (3) a plan to reduce the average cost per policy incurred by private insurance providers and agents to comply with requirements, regulations, procedures, and processes under this title. To the extent practicable, the Corporation shall set a target percentage by which such costs should be reduced.

"(B) IMPLEMENTATION OF PLAN.—Not later than 60 days after submitting the report required under paragraph (3), and in accordance with the plan contained in the report, the Corporation shall adopt such measures consistent with maintaining the integrity of the crop insurance program under this title as the Corporation determines are appropriate—

"(i) to improve Corporation liaison with policyholders and private insurance providers; and

"(ii) to reduce the average cost per policy to meet the target percentage set by the Corporation.".

(g) IMPROVED PROGRAM COMPLIANCE.—Such section is further amended by inserting after subsection (p) (as added by subsection (f)) the following new subsection:

"(q) PROGRAM COMPLIANCE.—

"(1) TIMELINESS.—The Corporation shall work actively with private insurance providers to address program compliance and integrity issues as such issues develop.

"(2) NOTIFICATION OF COMPLIANCE PROBLEMS.—The Corporation shall notify in writing any private insurance provider with whom the Corporation has an agreement under this title of any error, omission, or failure to follow Corporation regulations or procedures for which the private insurance provider may be responsible and which may result in a debt owed the Corporation. Such notice shall be given within 3 years of the end of the insurance period during which the error, omission, or failure is alleged to have occurred, except that such time limit shall not apply with respect to errors, omissions, or procedural violations that are willful or intentional. The failure to timely provide the notice required under this subsection shall relieve the private insurance provider from the debt owed the Corporation.".

SEC. 4. PERSONNEL.

Section 507 of the Federal Crop Insurance Act (7 U.S.C. 1507) is amended—

(1) in subsection (a), by striking ", and county crop insurance committeemen";

(2) in subsection (c), by striking ", in which case the agent or broker" in the first sentence and all that follows through the period at the end of the second sentence and inserting a period;

(3) in subsection (d), by striking ", except that" and all that follows through the period at the end of the subsection and inserting a period; and

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

"(g) SPECIALTY CROPS COORDINATOR.—The Corporation shall establish a senior-level position to be known as the Specialty Crops Coordinator. The Specialty Crops Coordinator shall have primary responsibility for addressing the needs of specialty crop producers and for providing information and advice in connection with the Corporation's activities to improve and expand the insurance program for specialty crops. In carrying out such responsibility, the Specialty Crops Coordinator shall act as the Corporation's liaison with representatives of specialty crop producers and provide the Corporation with the producers' knowledge, expertise, and familiarity with risk management and production issues pertaining to specialty crops. The Specialty Crops Coordinator shall also use information collected from Corporation field office directors in States in which specialty crops have a significant economic effect and from other sources, including the extension service and colleges and universities.".

SEC. 5. GENERAL AUTHORITY TO OFFER CROP INSURANCE.

(a) GENERAL AUTHORITY TO OFFER INSURANCE.—Subsection (a) of section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) is amended to read as follows:

"(a) AUTHORITY TO OFFER INSURANCE.—

"(1) GENERAL AUTHORITY AND LOSSES COVERED.—If sufficient actuarial data are available, as determined by the Board, the Corporation may insure (or provide reinsurance for insurers of) producers of agricultural commodities grown in the United States under any plan or plans of insurance determined by the Board to be adapted to the agricultural commodity involved. To qualify for coverage under these plans of insurance, the losses of the insured commodity shall be due to drought, flood, or other natural disaster, as determined by the Secretary.

"(2) PERIOD OF COVERAGE.—Except in the case of tobacco, insurance shall not extend beyond the period the insured commodity is in the field. For the purpose of the foregoing sentence, in the case of aquacultural species, the term 'field' means the environment in which the commodity is produced.

"(3) EXCLUSIONS.—Insurance provided under this section shall not cover losses—

"(A) due to the neglect or malfeasance of the producer;

"(B) due to the failure of the producer to reseed to the same crop in those areas and under such circumstances where it is customary to reseed; or

"(C) due to the failure of the producer to follow good farming practices, as determined by the Corporation.

"(4) EXPANSION TO OTHER AREAS OR SINGLE PRODUCERS.—

"(A) AREA EXPANSION.—The Corporation may offer plans of insurance or reinsurance for production of agricultural commodities in the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands in the same manner as provided in this section for production of agricultural commodities in the United States.

"(B) PRODUCER EXPANSION.—In areas in the United States or specified in subparagraph (A) where crop insurance is not available for a particular agricultural commodity, the Corporation may offer to enter into a written agreement with an individual producer operating in that area for insurance coverage under this title if the producer has actuarially sound data relating to the producer's production of that commodity and such data is acceptable to the Corporation.

"(5) DISSEMINATION OF CROP INSURANCE INFORMATION.—The Corporation shall make available to producers through local offices of the Department of Agriculture—

"(A) current and complete information on all aspects of Federal crop insurance; and

"(B) a listing of insurance agents and companies offering to sell crop insurance in their area.

"(6) ADDITION OF NEW AND SPECIALTY CROPS.—

"(A) DATA COLLECTION.—Not later than 6 months after the date of the enactment of this paragraph, the Secretary shall issue guidelines for publication in the Federal Register for data collection to assist the Corporation in formulating crop insurance policies for new and specialty crops.

"(B) ADDITION OF NEW CROPS.—Not later than 1 year after the date of the enactment of this paragraph, and annually thereafter, the Corporation shall report to Congress on the progress and expected timetable for expanding crop insurance coverage under this title to new and specialty crops.

"(C) ADDITION OF DIRECT SALE PERISHABLE CROPS.—Not later than 1 year after the date of the enactment of this paragraph, the Corporation shall report to Congress on the feasibility of offering a crop insurance program designed to meet the needs of specialized producers of vegetables and other perishable crops who market through direct marketing channels.".

(b) REPORT ON IMPROVING DISSEMINATION OF CROP INSURANCE INFORMATION.—Not later than 6 months after the date of the enactment of this Act, the Federal Crop Insurance Corporation shall submit a report to Congress containing a plan to implement a sound program for producer education regarding the crop insurance program and for the dissemination of crop insurance information to producers, as required by section 508(a)(5) of the Federal Crop Insurance Act. Subsequent reports on the progress of the implementation of the program shall be submitted to Congress in 1996 and 1997.

SEC. 6. CATASTROPHIC RISK PROTECTION, BUY-UP COVERAGE, PREMIUMS, AND YIELD DETERMINATIONS.

(a) IN GENERAL.—Section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) is amended—

(1) by striking subsections (c), (e), (f), (g), (h), (i), (l), (m), and (n);

(2) by redesignating subsections (b) and (d) as subsections (h) and (i), respectively; and

(3) by inserting after subsection (a) the following new subsections:

"(b) CATASTROPHIC RISK PROTECTION.—

"(1) CATASTROPHIC RISK PROTECTION REQUIRED.—The Corporation shall offer to producers of agricultural commodities grown in the United States a catastrophic risk protection plan to indemnify a producer for crop losses due to loss of yield or prevented planting resulting from drought, flood, or other natural disaster, as determined by the Secretary, if the producer is unable to plant other crops for harvest on that acreage for that crop year.

"(2) AMOUNT OF COVERAGE.—

"(A) IN GENERAL.—Subject to subparagraph (B), under catastrophic risk protection, the Corporation shall offer producers—

"(i) coverage equal to 50 percent loss in yield (determined on an area or individual yield basis as described in subsection (g)) indemnified at 60 percent of the expected market price of the commodity (as determined by the Corporation); or

"(ii) other coverage established by the Corporation that is comparable to the coverage described in clause (i).

"(B) REDUCTION IN ACTUAL PAYMENT.—The amount paid to a producer on a claim under catastrophic risk protection may reflect a reduction that is proportional to the out-of-pocket expenses that are not incurred by the producer as a result of not planting, growing, or harvesting the crop for which the claim is made, as determined by the Corporation.

"(3) YIELD AND LOSS BASIS.—Producers shall have the option of purchasing catastrophic risk protection based on either an individual yield and loss basis or on an area yield and loss basis, as described in subsection (g), when both options are offered by the Corporation.

"(4) SALE OF CATASTROPHIC RISK PROTECTION.—

"(A) APPLICATION.—Except as provided in subparagraph (B), producers shall submit an application at the local office of the Department of Agriculture or to a private insurance provider approved by the Corporation to participate in catastrophic risk protection. To the extent sales of catastrophic risk protection are made through local offices of the Department of Agriculture, the Secretary may require the local office to contract with private insurance providers to service the insurance contracts.

"(B) RESTRICTION OF SALES TO PRIVATE INSURANCE PROVIDERS.—If the Secretary determines that the number or capacity of private insurance providers in a county is sufficient to adequately provide catastrophic risk protection to producers in that county for a particular crop year, the Secretary may discontinue the sale for that crop year of catastrophic risk protection at local offices of the Department of Agriculture serving that county. A determination of the Secretary under this subparagraph to discontinue the sale of catastrophic risk protection at local offices of the Department of Agriculture, and the process by which the determination is made, shall not be subject to judicial review under the Administrative Procedure Act or any other provision of law.

"(C) CONSIDERATIONS.—In making a determination under subparagraph (B) with respect to discontinuing the sale of catastrophic risk protection at local offices of the Department of Agriculture, the Secretary shall consider equally the following factors:

"(i) Whether the use of Department personnel and offices to provide catastrophic risk protection is the most efficient and cost-effective use of Department resources.

"(ii) The availability and training of Department personnel to handle applications for catastrophic risk protection.

"(iii) The needs of, and fairness to, local producers.

"(D) COMPARISON OF PRIVATE AND PUBLIC DELIVERY SYSTEMS.—To evaluate the appropriateness of determinations under subparagraph (B), the Secretary shall require each local office of the Department of Agriculture at which producers apply for catastrophic risk protection to annually provide to the Secretary information regarding the number of catastrophic risk protection policies sold, the training and personnel costs incurred to provide and service the policies, the average cost per policy to provide and service the policies directly, and (if applicable) the cost of contracting with private insurance providers to service the policies. For comparison purposes, the Secretary may also request comparable information from private insurance providers selling catastrophic risk protection.

"(E) REPORT.—Not later than 18 months after the date of the enactment of the Federal Crop Insurance Reform Act of 1994 (and annually thereafter), the Secretary shall submit to Congress a report—

"(i) listing the counties at which producers were permitted to apply for catastrophic risk protection during the period covered by the report; and

"(ii) containing and evaluating the information collected under subparagraph (D) for that period.

"(5) ADMINISTRATIVE FEE.—

"(A) FEE REQUIRED.—Producers shall pay an administrative fee for catastrophic risk protection. The administrative fee for each producer shall be $50 per crop per county, but not to exceed $100 per producer per county. The administrative fee shall be paid by the producer at the time the producer applies for catastrophic risk protection.

"(B) WAIVER OF FEE.—The Corporation shall waive the administrative fee for limited resource farmers, as defined by the Corporation.

"(C) USE OF FEES.—There are authorized to be appropriated from fees required under subparagraph (A) such sums as may be necessary for operating and administrative expenses incurred for the delivery of catastrophic risk protection.

"(6) COVERAGE OF ALL CROPS.—To be eligible for benefits under any commodity price support, production adjustment, or conservation program administered by the Department of Agriculture, or for the farmer loan programs of the Farmers Home Administration or any successor of that agency, a producer must obtain at least catastrophic risk protection for each crop of economic significance produced on each farm in any county in which the producer has an interest, if insurance is available in the county for those crops. For purposes of this paragraph, the term 'crop of economic significance' means a crop that has contributed, or is expected to contribute, 10 percent or more of the total expected value of all crops grown by the producer.

"(7) COVERAGE UNDER ONE POLICY.—If a producer applies for catastrophic risk protection for a crop produced by the producer in a county, the producer shall be required to secure such protection under a single policy.

"(8) AUTHORITY TO LIMIT CATASTROPHIC RISK PROTECTION.—The Board may limit the availability of catastrophic risk protection in any county or area, or on any farm, on the basis of the insurance risk involved.

"(9) TRANSITIONAL COVERAGE FOR 1995 CROPS.—Effective only for the 1995 crops and for which the sales period for crop insurance expires before the date of the enactment of the Federal Crop Insurance Reform Act of 1994, the Corporation shall allow producers of such crops until at least the end of the 6-month period beginning on such date to obtain catastrophic risk protection for such crops. Upon the enactment of such Act, producers who made timely purchases of a crop insurance policy before the date of the enactment of such Act, under the provisions then in effect, shall be eligible for the same benefits to which a producer would be entitled under comparable buy-up coverage under subsection (c).

"(c) COVERAGE LEVELS GREATER THAN CATASTROPHIC RISK PROTECTION.—

"(1) BUY-UP COVERAGE GENERALLY.—The Corporation shall offer to producers of agricultural commodities grown in the United States plans of crop insurance providing levels of coverage greater than that available under catastrophic risk protection under subsection (b). Plans of insurance under this subsection shall be known as 'buy-up coverage'. Producers shall apply to private insurance providers approved by the Corporation for purchase of buy-up coverage if such coverage is available from private insurance providers. If buy-up coverage is unavailable privately, the Corporation may offer buy-up coverage plans of insurance directly to producers. If a producer applies for catastrophic risk protection at an office of the Department of Agriculture but then elects to purchase buy-up coverage under this subsection, the insurance file for that producer shall be transferred to the approved private insurance provider servicing the buy-up coverage policy.

"(2) ADMINISTRATIVE FEE.—

"(A) FEE REQUIRED.—If a producer elects to purchase buy-up coverage for a crop at a level less than 65 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or an equivalent coverage, the producer shall pay an administrative fee for such buy-up coverage. Subsection (b)(5)

shall apply in determining the amount and use of the administrative fee or in determining whether to waive the administrative fee.

"(B) EXCEPTION.—If a producer elects to purchase buy-up coverage for a crop equal to 65 percent or more of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or an equivalent coverage, the producer shall not be subject to the administrative fee required by this paragraph or subsection (b)(5). If the producer has already paid the administrative fee for a lower level of coverage for that crop, the administrative fee shall be refunded to the producer unless the refund would reduce to less than $100 the total amount of the administrative fee paid by the producer for more than 2 crops in the same county for which a lower level of coverage is obtained.

"(3) YIELD AND LOSS BASIS.—Producers shall have the option of purchasing buy-up coverage based on either an individual yield and loss basis or on an area yield and loss basis, as described in subsection (g), when both options are offered by the Corporation.

"(4) YIELD ELECTIONS.—Yield coverage shall be made available to the producer on the basis of any yield election that equals or is less than 85 percent of the individual yield or 95 percent of the area yield, as determined by the Corporation.

"(5) PRICE LEVELS.—

"(A) IN GENERAL.—The Corporation shall establish a price level for each commodity on which buy-up coverage is offered that—

"(i) shall not be less than the expected market price for the commodity, as determined by the Corporation; or

"(ii) at the discretion of the Corporation, may be based on the actual market price at the time of harvest, as determined by the Corporation.

"(B) SPECIAL RULE FOR MALTING BARLEY.—For malting barley covered by a contract between a producer and a processor, the Corporation may offer a plan of insurance that allows the producer to select the contract price as the price election if—

"(i) the contract is definite as to the quantity and the price;

"(ii) the producer submits a copy of the contract with the application for insurance prior to the sales closing date for the crop;

"(iii) coverage does not exceed the quantity contained in the contract;

"(iv) the contracted quantity does not exceed the production guarantee;

"(v) the contract is usual and customary in form and content for the area;

"(vi) the processor is completely independent from the producer; and

"(vii) the processor does not have an insurable interest in the crop.

"(6) PRICE ELECTIONS.—Subject to paragraph (10), insurance coverage shall be made available to the producer on the basis of any price election that equals or is less than that established by the Board.

"(7) LEVEL OF COVERAGE.—Not later than the beginning of the 1996 crop year, the level of coverage shall be quoted in terms of dollars per acre.

"(8) REDUCTION IN ACTUAL PAYMENT.—The amount paid to a producer on a claim under buy-up coverage may reflect a reduction that is proportional to the out-of-pocket expenses that are not incurred by the producer as a result of not planting, growing, or harvesting the crop for which the claim is made, as determined by the Corporation.

"(9) FIRE AND HAIL COVERAGE.—For levels of buy-up coverage equal to 65 percent or more of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or an equivalent coverage, the producer may elect to delete from the buy-up coverage any coverage against damage caused by fire and hail if the producer obtains an equivalent or greater dollar amount of coverage for damage caused by fire and hail from a private insurance provider. Upon written notice of such election to the company issuing the policy providing buy-up coverage and submission of evidence of substitute coverage on the commodity insured, the producer's premium shall be reduced by an amount determined by the Corporation to be actuarially appropriate, taking into account the actuarial value of the remaining coverage provided by the Corporation. In no event shall the producer be given credit for an amount of premium determined to be greater than the actuarial value of the protection against losses caused by fire and hail that is included in the buy-up coverage for the crop.

"(10) LIMITATIONS ON BUY-UP COVERAGE.—The Board may limit the availability of buy-up coverage under this subsection in any county or area, or on any farm, on the basis of the insurance risk involved. The Board shall not offer buy-up coverage equal to less than 50 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or an equivalent coverage.

"(d) PREMIUMS.—

"(1) PREMIUMS REQUIRED.—The Corporation shall fix adequate premiums for all its plans of insurance at such rates as the Board deems actuarially sufficient to attain an expected loss ratio of not greater than 1.1.

"(2) PREMIUM AMOUNTS.—The premium amounts for catastrophic risk protection under subsection (b) and buy-up coverage under subsection (c) shall be fixed as follows:

"(A) In the case of catastrophic risk protection, the amount of the premium shall be sufficient to cover anticipated losses and a reasonable reserve.

"(B) In the case of buy-up coverage below 65 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or an equivalent coverage, but greater than 50 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or an equivalent coverage, the amount of the premium shall—

"(i) be sufficient to cover anticipated losses and a reasonable reserve; and

"(ii) include an amount for operating and administrative expenses, as determined by the Corporation, that is less than the amount established for coverage at 65 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or an equivalent coverage.

"(C) In the case of buy-up coverage equal to or greater than 65 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or an equivalent coverage, the amount of the premium shall—

"(i) be sufficient to cover anticipated losses and a reasonable reserve; and

"(ii) include an amount for operating and administrative expenses, as determined by the Corporation, on an industry-wide basis as a percent of the amount of the premium used to define loss ratio under section 502.

"(3) PREMIUM REDUCTION.—If a private insurance provider determines that it may provide insurance more efficiently than the expense reimbursement amount established by the Corporation, the private insurance provider may reduce, subject to the approval of the Corporation, the premium charged the insured by an amount corresponding to such efficiency. The private insurance provider shall apply to the Corporation for authority to reduce the premium before making such a reduction, and the reduction shall be subject to the rules, limitations, and procedures established by the Corporation.

"(e) PAYMENT OF PORTION OF PREMIUM BY CORPORATION.—

"(1) IN GENERAL.—For the purpose of encouraging the broadest possible participation of producers in the catastrophic risk protection provided under subsection (b) and the buy-up coverage provided under subsection (c), the Corporation shall pay a part of the premium in the amounts provided in this subsection.

"(2) AMOUNT OF PAYMENT.—The amount of the premium to be paid by the Corporation shall be as follows:

"(A) In the case of catastrophic risk protection, the amount shall be equivalent to the premium established for catastrophic risk protection under subsection (d)(2)(A).

"(B) In the case of coverage below 65 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or an equivalent coverage, but greater than 50 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or an equivalent coverage, the amount shall be equivalent to the amount of premium established for catastrophic risk protection coverage and the amount of operating and administrative expenses established under subsection (d)(2)(B).

"(C) In the case of coverage equal to or greater than 65 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or an equivalent coverage, on an individual or area basis, the amount shall be equivalent to an amount equal to the premium established for 50 percent loss in yield indemnified at 75 percent of the expected market price and the amount of operating and administrative expenses established under subsection (d)(2)(C).

"(3) STATE SUBSIDY AUTHORIZED.—The Board may enter into agreements with any State or agency of a State under which the State or agency may pay to the approved insurance provider an additional premium subsidy to further reduce the portion of the premium paid by producers in the State.

"(f) ELIGIBILITY REQUIREMENTS.—

"(1) PERSONS ELIGIBLE.—Except as otherwise provided in this title, no producer may be denied insurance under this section if the producer meets the definition of person, as defined by the Secretary. In the case of plans of insurance under this title other than catastrophic risk protection, the definition of person shall include a producer who is over 18 years of age or older and has a bona fide insurable interest in a crop as an owner, owner-operator, landlord, tenant, or sharecropper.

"(2) SALES CLOSING DATE.—A producer who desires to obtain catastrophic risk protection under subsection (b) or buy-up coverage under subsection (c) for a crop shall submit an application by the sales closing date for the crop. The Corporation shall establish sales closing dates to maximize convenience to producers in obtaining benefits under commodity price support and production adjustment programs of the Department whenever feasible; except that, in establishing such dates, the Corporation shall ensure that the goal of actuarial soundness for the crop insurance program under this title is met.

"(3) RECORDS AND REPORTING.—To obtain catastrophic risk protection under subsection (b) or buy-up coverage under subsection (c), a producer shall—

"(A) provide, to the extent required by the Corporation, records acceptable to the Corporation of historical acreage and production of the crops for which the insurance is sought or accept a yield determined by the Corporation; and

"(B) report acreage planted and prevented from planting by the designated acreage reporting date for that crop and location as established by the Corporation.

"(4) LIMITATION ON MULTIPLE BENEFITS FOR SAME LOSS.—If a producer who is eligible to receive benefits under catastrophic risk protection

under subsection (b) or noninsured crop disaster assistance under section 519 is also eligible to receive assistance for the same loss under any other program administered by the Secretary, the producer shall be required to elect whether to receive benefits under this title or under such other program, but not both. A producer who purchases buy-up coverage under subsection (c) may also receive assistance for the same loss under other programs administered by the Secretary, except that the amount received for the loss under the buy-up coverage together with the amount received under such other programs may not exceed the amount of the producer's actual loss.

"(g) YIELD COVERAGE DETERMINATIONS.—

"(1) IN GENERAL.—The Corporation shall implement crop insurance underwriting rules that ensure that yield coverage, as specified in this subsection, is provided to eligible producers obtaining catastrophic risk protection under subsection (b) or buy-up coverage under subsection (c).

"(2) INDIVIDUAL YIELD BASIS.—

"(A) ACTUAL PRODUCTION HISTORY.—The Corporation shall determine yield coverage using the producer's actual production history over a period of not less than the 4 previous consecutive crop years and not more than 10 consecutive crop years. Subject to subparagraph (B), the yield for insurance purposes for the year for which insurance is sought shall be equal to the average of the producer's actual production history during the period considered.

"(B) ASSIGNMENT OF YIELD.—Except as provided in subparagraphs (C) and (D), if a producer does not submit adequate documentation of production history to determine crop yield under subparagraph (A), the Corporation shall assign to the producer a yield equal to not less than 65 percent of the transitional yield of the producer (adjusted to reflect actual production reflected in the records acceptable to the Corporation for continuous years), as specified in regulations issued by the Corporation based on production history requirements.

"(C) PILOT PROGRAM OF ASSIGNED YIELDS FOR NEW PRODUCERS.—

"(i) PROGRAM REQUIRED.—For each of the 1995 and 1996 crop years, the Corporation shall carry out a pilot program to assign to eligible new producers higher assigned yields than would otherwise be assigned to such producers under subparagraph (B). The Corporation shall include in the pilot program 30 counties that are determined by the Corporation to be adequate to provide a comprehensive evaluation of the feasibility, effectiveness, and demand among new producers for increased assigned yields.

"(ii) INCREASED ASSIGNED YIELDS.—In the case of an eligible new producer participating in the pilot program, the Corporation shall assign to the new producer a yield equal to not less than 110 percent of the transitional yield otherwise established by the Corporation.

"(iii) ELIGIBLE NEW PRODUCER.—The Secretary shall establish a definition of new producer for purposes of determining eligibility to participate in the pilot program.

"(D) ALTERNATIVE ASSIGNED YIELDS FOR PRODUCERS OF FEED OR FORAGE.—

"(i) FEED OR FORAGE YIELDS.—For the first crop year for which an eligible producer described in clause (ii) obtains catastrophic risk protection under subsection (b) or buy-up coverage under subsection (c) for a feed or forage crop, the Corporation shall assign to the producer a yield equal to not less than 80 percent of the transitional yield established by the Corporation (adjusted to reflect the actual production history of the producer) if the producer does not provide satisfactory evidence of the yield under subparagraph (A). For not more than three additional years, the Corporation shall provide the producer with a yield based on the greater of—

"(I) the producer's actual production history for the preceding year (or years if available); and

"(II) the assigned yield determined under this clause.

"(ii) ELIGIBLE PRODUCERS.—An eligible producer referred to in clause (i) is a producer that, as determined by the Secretary—

"(I) grows the insured feed or forage crop primarily for on-farm use in a livestock, dairy, or poultry operation; and

"(II) derives over 50 percent of the producer's gross farm income from the livestock, dairy, or poultry operation.

"(iii) TERMINATION OF AUTHORITY.—The authority provided by this subparagraph shall apply only during the 1995 through 1998 crop years.

"(3) AREA YIELD BASIS.—The Corporation may offer a crop insurance plan based on an area yield that allows an insured producer to qualify for an indemnity if a loss occurs in an area, as specified by the Corporation, in which the farm of the producer is located. Under an area yield plan, an insured producer shall be allowed to select the level of area production at which an indemnity will be paid consistent with the terms and conditions established by the Corporation.

"(4) COMMODITY-BY-COMMODITY BASIS.—A producer may choose between either individual yield or area yield coverage, where available, on a commodity-by-commodity basis.".

(b) CONFORMING AMENDMENTS.—

(1) REPEAL OF EXISTING CROP INSURANCE YIELD COVERAGE.—Section 508A of the Federal Crop Insurance Act (7 U.S.C. 1508A) is repealed.

(2) PREEMPTION.—Section 511 of such Act (7 U.S.C. 1511) is amended by adding the following sentence: "The Corporation's contracts of insurance and the contracts of insurance reinsured by the Corporation shall be exempt from taxation imposed on any State, municipality, or local taxing authority.".

(3) PERSONS UNDER 21 YEARS OF AGE.—Section 520 of such Act (7 U.S.C. 1520) is repealed.

SEC. 7. PREPARATION OF POLICIES, CLAIMS, AND REINSURANCE.

(a) SUBMISSION OF POLICIES.—Subsection (h) of section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508), as redesignated by section 6(a)(2), is amended—

(1) in paragraph (1), by striking "subsection (a)" and inserting "subsection (c)"; and

(2) by striking paragraphs (2), (3), and (4) and inserting the following new paragraphs:

"(2) SUBMISSION OF POLICIES.—A policy or other material submitted to the Board under this subsection may be prepared without regard to the limitations contained in this title, including the requirements concerning the levels of coverage and rates and the requirement that a price level for each commodity insured must equal the expected market price for the commodity as established by the Board. In the case of such a policy, the payment by the Corporation of a portion of the premium of the policy may not exceed the amount that would otherwise be authorized under subsection (e).

"(3) REVIEW AND APPROVAL BY THE BOARD.—A policy or other material submitted to the Board under this subsection shall be reviewed by the Board and, if the Board finds that the interests of producers are adequately protected and that any premiums charged to such producers are actuarially appropriate, shall be approved by the Board for reinsurance and for sale to producers as an additional choice at actuarially appropriate rates and under appropriate terms and conditions. The Corporation may enter into more than one reinsurance agreement with the private insurance provider simultaneously to facilitate the offering of such new policies.

"(4) GUIDELINES FOR SUBMISSION AND REVIEW.—The Corporation shall issue regulations to establish guidelines for the submission and Board review of policies or other material submitted to the Board under this subsection. At a minimum, the guidelines shall ensure the following:

"(A) Proposals submitted to the Board under this subsection shall be considered as confidential commercial or financial information for purposes of section 552(b)(4) of title 5, United States Code, until approved by the Board. Proposals disapproved by the Board shall remain confidential commercial or financial information.

"(B) The Board shall provide an applicant with the opportunity to present the proposal to the Board in person if the applicant so desires.

"(C) The Board shall provide an applicant with notification of intent to disapprove a proposal not later than 30 days prior to taking such action. An applicant that receives such notification may modify such application, and such modification shall be considered an original application for purposes of this paragraph.

"(D) Specific guidelines shall deal with the timing of submission of proposals under this subsection and timely consideration by the Board so that any approved proposal may be made available to all persons reinsured by the Corporation in a manner permitting them to participate, if they so desire, in offering such a proposal in the first crop year in which it is approved by the Board for reinsurance, premium subsidy, or other support offered by this title.

"(5) REQUIRED PUBLICATION.—Any policies, provisions of policies, and rates approved under this subsection shall be published as a notice in the Federal Register and made available to all persons contracting with or reinsured by the Corporation under the same terms and conditions as between the Corporation and the person originally submitting the policy or other material.".

(b) CLAIMS FOR LOSSES AND REINSURANCE.—Section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) is further amended—

(1) by redesignating subsections (j) and (k) as subsections (l) and (m), respectively; and

(2) inserting after subsection (i), as redesignated by section 6(a)(2), the following new subsections:

"(j) CLAIMS FOR LOSSES.—

"(1) IN GENERAL.—Under rules prescribed by the Corporation, the Corporation may provide for adjustment and payment of claims for losses. The rules prescribed by the Corporation shall establish standards to ensure that all claims for losses are adjusted, to the extent practicable, in a uniform and timely manner.

"(2) DENIAL OF CLAIMS.—

"(A) IN GENERAL.—Subject to subparagraph (B), if a claim for indemnity is denied by the Corporation or by the private insurance provider, an action on the claim may be brought against the Corporation or Secretary or the insurance provider only in the United States district court for the district in which the insured farm is located.

"(B) STATUTE OF LIMITATIONS.—A suit on the claim may be brought not later than 1 year after the date on which written notice of denial of the claim is provided to the claimant.

"(3) INDEMNIFICATION.—The Corporation shall provide private insurance providers with indemnification, including costs and reasonable attorney fees incurred by the private insurance provider, due to errors or omissions on the part of the Corporation.

"(k) REINSURANCE.—Notwithstanding any other provision of this title, the Corporation shall, to the maximum extent practicable, provide reinsurance to insurers approved by the Corporation that insure producers of any agricultural commodity under a plan or plans acceptable to the Corporation. Such reinsurance

shall be provided upon such terms and conditions as the Board may determine to be consistent with subsections (b) and (c) and sound reinsurance principles. The Corporation's reinsurance agreements with the reinsured companies shall require the reinsured companies to bear a sufficient share of any potential loss under such agreement so as to ensure that the reinsured company will sell and service policies of insurance in a sound and prudent manner, taking into consideration the financial condition of the reinsured companies and the availability of private reinsurance.".

(c) CROSS REFERENCES.—

(1) CLAIMS FOR LOSSES.—Section 506(d) of the Federal Crop Insurance Act (7 U.S.C. 1506(d)) is amended in the first sentence by striking "section 508(f)" and inserting "section 508(j)".

(2) SUBMISSION OF MATERIALS TO BOARD.—Section 507(c) of such Act (7 U.S.C. 1507(c)) is amended in the last sentence by striking "section 508(b)" and inserting "section 508(h)".

(3) DEFINITION OF AGRICULTURAL COMMODITY.—Section 518 of such Act (7 U.S.C. 1518) is amended by striking "or (k)" and inserting "or (m)".

SEC. 8. AUTHORIZATION OF APPROPRIATIONS AND CROP INSURANCE FUND.

Section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516) is amended to read as follows:

"SEC. 516. FUNDING.

"(a) AUTHORIZATION OF APPROPRIATIONS FOR CORPORATION SALARIES AND AGENT COMMISSIONS.—There are hereby authorized to be appropriated such sums as are necessary to cover the salaries and administrative expenses of the Corporation and the administrative and operating expenses of the Corporation for the sales commissions of agents.

"(b) CROP INSURANCE FUND.—

"(1) ESTABLISHMENT.—There is hereby established an insurance fund for deposit of premiums collected under section 508(d), income from reinsurance operations, and appropriations made available under paragraph (2).

"(2) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of the insurance fund.

"(c) PURPOSES OF INSURANCE FUND.—In such aggregate amount as is provided in advance in appropriations Acts, the Corporation may use amounts in the insurance fund to pay the following:

"(1) Beginning with the 1996 crop year, the administrative and operating expenses of approved insurance providers, other than expenses for which funds are authorized to be appropriated under subsection (a).

"(2) All other expenses of the Corporation (other than expenses for which funds are authorized to be appropriated under subsection (a)), including all premium subsidies and indemnities.

"(3) For the 1995 crop year, all administrative and expense reimbursements due under a reinsurance agreement with an approved private insurance provider.

"(4) Expenses incurred by the Corporation to carry out research and development.

"(5) For the 1996 crop year, the administrative and operating expenses of the Corporation for the sales commissions of agents, but not to exceed an amount equal to 10.5 percent of the total amount of premiums paid by producers for insurance policies for the 1996 crop year.".

SEC. 9. ADVISORY COMMITTEE.

The Federal Crop Insurance Act is amended by inserting after section 514 (7 U.S.C. 1514) the following new section:

"SEC. 515. ADVISORY COMMITTEE FOR FEDERAL CROP INSURANCE.

"(a) ESTABLISHMENT AND TERMINATION.—The Secretary may establish within the Department of Agriculture an advisory committee to be known as the advisory committee for Federal Crop Insurance. If established, the Advisory Committee shall remain in existence until September 30, 1998.

"(b) PRIMARY RESPONSIBILITY.—The primary responsibility of the Advisory Committee shall be to advise the Secretary on the implementation of this title and on other issues related to crop insurance, as determined by the Manager.

"(c) MEMBERSHIP.—The Advisory Committee shall be composed of the Manager of the Corporation, the Secretary (or a designee of the Secretary), and not less than 12 members representing organizations and agencies involved in the provision of crop insurance under this title. Not less than 3 of the members of the Advisory Committee shall be representatives of the specialty crops industry. The organizations or agencies represented by members on the Advisory Committee may include insurance companies, insurance agents, farm producer organizations, experts on agronomic practices, and banking and lending institutions.

"(d) ADMINISTRATIVE PROVISIONS.—

"(1) TERMS.—Members of the Advisory Committee shall be appointed by the Secretary for a term of up to 2 years from nominations made by the organizations and agencies specified in subsection (c). The terms of the members shall be staggered.

"(2) CHAIRPERSON.—The Advisory Committee shall be chaired by the Manager of the Corporation.

"(3) MEETINGS.—The Advisory Committee shall meet at least annually. The meetings of the Advisory Committee shall be publicly announced in advance and shall be open to the public. Appropriate records of the activities of the Advisory Committee shall be kept and made available to the public on request.

"(e) REPORTS.—Not later than June 30 of each year, the Advisory Committee shall submit to the Secretary a report specifying its conclusions and recommendations regarding—

"(1) the progress toward implementation of the provisions of this title;

"(2) the actuarial soundness of the Federal crop insurance program;

"(3) the rate of producer participation in both catastrophic risk protection under section 508(b) and buy-up coverage under section 508(c); and

"(4) the progress toward improved crop insurance coverage for new and specialty crops.".

SEC. 10. NONINSURED CROP DISASTER ASSISTANCE.

(a) IN GENERAL.—Section 519 of the Federal Crop Insurance Act (7 U.S.C. 1519) is amended to read as follows:

"SEC. 519. NONINSURED CROP DISASTER ASSISTANCE PROGRAM.

"(a) ESTABLISHMENT OF PROGRAM.—

"(1) ESTABLISHMENT.—In the case of an eligible crop described in paragraph (2), the Corporation shall establish a noninsured crop disaster assistance program to provide coverage equivalent to the catastrophic risk protection otherwise available under section 508(b).

"(2) ELIGIBLE CROPS.—

"(A) IN GENERAL.—For purposes of this section, the term 'eligible crop' means each commercial crop or other agricultural commodity (except livestock)—

"(i) for which catastrophic risk protection under section 508(b) is not available; and

"(ii) which is produced for food, fiber, or as an industrial crop (as defined by the Corporation).

"(B) CROPS SPECIFICALLY INCLUDED.—The term 'eligible crop' shall include floricultural, ornamental nursery, and Christmas tree crops and turfgrass sod.

"(3) CAUSE OF LOSS.—To qualify for assistance under this section, the losses of the noninsured commodity shall be due to drought, flood, or other natural disaster, as determined by the Secretary.

"(b) APPLICATION FOR NONINSURED CROP DISASTER ASSISTANCE.—

"(1) TIMELY APPLICATION.—To be eligible for assistance under this section, producers shall submit an application for noninsured crop disaster assistance at a local office of the Department of Agriculture. The application shall be in such form, contain such information, and be submitted at such time as the Corporation may require.

"(2) RECORDS AND REPORTS.—To obtain noninsured crop disaster assistance, a producer shall—

"(A) provide records acceptable to the Corporation of historical acreage and production of the eligible crops for which assistance is sought or accept a yield determined by the Corporation; and

"(B) report acreage planted and prevented from planting by the designated acreage reporting date for that crop and location as established by the Corporation.

"(3) EXCLUSIONS.—Noninsured crop disaster assistance under this section shall not cover losses due to—

"(A) the neglect or malfeasance of the producer;

"(B) the failure of the producer to reseed to the same crop in those areas and under such circumstances where it is customary to reseed; or

"(C) the failure of the producer to follow good farming practices, as determined by the Corporation.

"(4) REVENUE LIMITATION.—A person who has qualifying gross revenues in excess of $2,000,000 annually, as determined by the Secretary, shall not be eligible to receive any noninsured crop disaster assistance payments. For purposes of this section, the term 'qualifying gross revenues' means—

"(A) if a majority of the person's gross revenue is received from farming, ranching, and forestry operations, the gross revenue from the person's farming, ranching, and forestry operations; and

"(B) if less than a majority of the person's gross revenue is received from farming, ranching, and forestry operations, the person's gross revenue from all sources.

"(c) LOSS REQUIREMENTS.—

"(1) REQUIRED AREA LOSS.—A producer of an eligible crop shall not receive noninsured crop disaster assistance unless the average yield for that crop, or an equivalent measure in the event yield data are not available, in an area falls below 65 percent of the expected area yield, as established by the Corporation.

"(2) PREVENTED PLANTING.—Subject to paragraph (1), the Corporation shall make a prevented planting noninsured crop disaster assistance payment if the producer is prevented from planting more than 35 percent of the acreage intended for the eligible crop because of drought, flood, or other natural disaster, as determined by the Secretary.

"(3) REDUCED YIELDS.—Subject to paragraph (1), the Corporation shall make a reduced yield noninsured crop disaster assistance payment if the total quantity of the eligible crop that a producer is able to harvest on any farm is, because of drought, flood, or other natural disaster as determined by the Secretary, less than 50 percent of the expected individual yield for the crop, as determined by the Corporation, factored for the producer's interest for the crop.

"(d) PAYMENTS.—

"(1) REDUCED YIELDS.—If the producer is eligible for reduced yield noninsured crop disaster assistance, payments shall be made for farm losses in excess of 50 percent of the established farm yield for the eligible crop indemnified at 60

percent of the average market price for that crop, or a comparable coverage as determined by the Corporation. Any eligible crop that is produced with significant and variable, post-planting expenses, the payment shall be reduced to reflect reduced production costs and harvesting costs if the crop is not harvested.

"(2) PREVENTED PLANTING.—If the producer is eligible for a prevented planting payment under this section, the amount paid to the producer on a claim under this section may reflect a reduction that is proportional to the out-of-pocket expenses that are not incurred by the producer as a result of not planting, growing, or harvesting the crop for which the claim is made, as determined by the Corporation.

"(e) YIELD DETERMINATIONS.—

"(1) ESTABLISHMENT.—The Corporation shall establish farm yields for purposes of providing noninsured crop disaster assistance under this section.

"(2) ACTUAL PRODUCTION HISTORY.—The Corporation shall determine yield coverage using the producer's actual production history over a period of not less than the 4 previous consecutive crop years and not more than 10 consecutive crop years. Subject to paragraph (3), the yield for the year in which noninsured crop disaster assistance is sought shall be equal to the average of the producer's actual production history during the period considered.

"(3) ASSIGNMENT OF YIELD.—If a producer does not submit adequate documentation of production history to determine a crop yield under paragraph (2), the Corporation shall assign to the producer a yield equal to not less than 65 percent of the transitional yield of the producer (adjusted to reflect actual production reflected in the records acceptable to the Corporation for continuous years), as specified in regulations issued by the Corporation based on production history requirements.

"(f) PAYMENT OF LOSSES.—Payments for noninsured crop disaster assistance losses under this section shall be made from the insurance fund established under section 516. Such losses shall not be included in calculating the premiums charged to producers for insurance under section 508.

"(g) PAYMENT LIMITATIONS.—The total amount of payments that a person shall be entitled to receive annually under this section may not exceed $100,000. For purposes of applying this limitation, the Secretary shall issue regulations defining the term 'person' that shall conform, to the extent practicable, to the regulations defining 'person' issued under section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308).".

(b) CONFORMING AMENDMENTS.—

(1) EXISTING EMERGENCY CROP LOSS ASSISTANCE PROGRAM.—Effective July 1, 1995, chapter 3 of subtitle B of title XXII of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1421 note) is amended by striking subchapter A.

(2) EMERGENCY APPROPRIATIONS.—Effective July 1, 1995, the Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(A) in section 251(b)(2)(D)(i) (2 U.S.C. 901(b)(2)(D)(i)), by adding at the end the following new sentence: "The preceding sentence shall not apply to appropriations to cover agricultural crop disaster assistance."; and

(B) in section 252(e) (2 U.S.C. 902(e)), by adding at the end the following new sentence: "The preceding sentence shall not apply to direct spending provisions to cover agricultural crop disaster assistance.".

SEC. 11. CROP INSURANCE REQUIREMENTS UNDER PRICE SUPPORT PROGRAMS.

(a) RICE.—Section 101B(c) of the Agricultural Act of 1949 (7 U.S.C. 1441–2(c)) is amended—

(1) by striking paragraph (1)(F); and

(2) by striking paragraph (2) and inserting in lieu thereof the following:

"(2) CROP INSURANCE REQUIREMENT.—As a condition of receiving any benefit (including payments) under this section, a producer must obtain at least catastrophic risk protection insurance coverage under section 508(b) of the Federal Crop Insurance Act for the crop and crop year in which the benefit is sought, if such coverage is offered by the Federal Crop Insurance Corporation.".

(b) EXTRA LONG STAPLE COTTON.—Section 103(h) of the Agricultural Act of 1949 (7 U.S.C. 1444(h)) is amended—

(1) by redesignating paragraph (16) as paragraph (17) and moving the margin 2 ems to the left; and

(2) by inserting after paragraph (15) the following new paragraph:

"(16) CROP INSURANCE REQUIREMENT.—As a condition of receiving any benefit (including payments) under this section, a producer must obtain at least catastrophic risk protection insurance coverage under section 508(b) of the Federal Crop Insurance Act for the crop and crop year in which the benefit is sought, if such coverage is offered by the Federal Crop Insurance Corporation.".

(c) UPLAND COTTON.—Section 103B(c) of the Agricultural Act of 1949 (7 U.S.C. 1444–2(c)) is amended—

(1) by striking paragraph (1)(F); and

(2) by striking paragraph (2) and inserting in lieu thereof the following:

"(2) CROP INSURANCE REQUIREMENT.—As a condition of receiving any benefit (including payments) under this section, a producer must obtain at least catastrophic risk protection insurance coverage under section 508(b) of the Federal Crop Insurance Act for the crop and crop year in which the benefit is sought, if such coverage is offered by the Federal Crop Insurance Corporation.".

(d) FEED GRAINS.—Section 105B(c) of the Agricultural Act of 1949 (7 U.S.C. 1444f(c)) is amended—

(1) by striking paragraph (1)(G); and

(2) by striking paragraph (2) and inserting in lieu thereof the following:

"(2) CROP INSURANCE REQUIREMENT.—As a condition of receiving any benefit (including payments) under this section, a producer must obtain at least catastrophic risk protection insurance coverage under section 508(b) of the Federal Crop Insurance Act for the crop and crop year in which the benefit is sought, if such coverage is offered by the Federal Crop Insurance Corporation.".

(e) TOBACCO.—Section 106 of the Agricultural Act of 1949 (7 U.S.C. 1445) is amended by striking subsection (e) and inserting in lieu thereof the following:

"(e) CROP INSURANCE REQUIREMENT.—As a condition of receiving any benefit (including payments) under this section, a producer must obtain at least catastrophic risk protection insurance coverage under section 508(b) of the Federal Crop Insurance Act for the crop and crop year in which the benefit is sought, if such coverage is offered by the Federal Crop Insurance Corporation.".

(f) WHEAT.—Section 107B(c) of the Agricultural Act of 1949 (7 U.S.C. 1444b–3a(c)) is amended—

(1) by striking paragraph (1)(G); and

(2) by striking paragraph (2) and inserting in lieu thereof the following:

"(2) CROP INSURANCE REQUIREMENT.—As a condition of receiving any benefit (including payments) under this section, a producer must obtain at least catastrophic risk protection insurance coverage under section 508(b) of the Federal Crop Insurance Act for the crop and crop year in which the benefit is sought, if such coverage is offered by the Federal Crop Insurance Corporation.".

(g) PEANUTS.—Section 108B of the Agricultural Act of 1949 (7 U.S.C. 1445c–3) is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection:

"(h) CROP INSURANCE REQUIREMENT.—As a condition of receiving any benefit (including payments) under this section, a producer must obtain at least catastrophic risk protection insurance coverage under section 508(b) of the Federal Crop Insurance Act for the crop and crop year in which the benefit is sought, if such coverage is offered by the Federal Crop Insurance Corporation.".

(h) OILSEEDS.—Section 205 of the Agricultural Act of 1949 (7 U.S.C. 1446f) is amended—

(1) by redesignating subsection (n) as subsection (o); and

(2) by inserting after subsection (m) the following new subsection:

"(n) CROP INSURANCE REQUIREMENT.—As a condition of receiving any benefit (including payments) under this section, a producer must obtain at least catastrophic risk protection insurance coverage under section 508(b) of the Federal Crop Insurance Act for the crop and crop year in which the benefit is sought, if such coverage is offered by the Federal Crop Insurance Corporation.".

(i) SUGAR.—Section 206 of the Agricultural Act of 1949 (7 U.S.C. 1446g) is amended—

(1) by redesignating subsection (j) as subsection (k); and

(2) by inserting after subsection (i) the following new subsection:

"(j) CROP INSURANCE REQUIREMENT.—As a condition of receiving any benefit (including payments) under this section, a producer must obtain at least catastrophic risk protection insurance coverage under section 508(b) of the Federal Crop Insurance Act for the crop and crop year in which the benefit is sought, if such coverage is offered by the Federal Crop Insurance Corporation.".

(j) HONEY.—Section 207 of the Agricultural Act of 1949 (7 U.S.C. 1446h) is amended—

(1) by redesignating subsection (j) as subsection (k); and

(2) by inserting after subsection (i) the following new subsection:

"(j) CROP INSURANCE REQUIREMENT.—As a condition of receiving any benefit (including payments) under this section, a producer must obtain at least catastrophic risk protection insurance coverage under section 508(b) of the Federal Crop Insurance Act for the crop and crop year in which the benefit is sought, if such coverage is offered by the Federal Crop Insurance Corporation.".

(k) DISASTER PAYMENTS.—Section 208 of the Agricultural Act of 1949 (7 U.S.C. 1446i) is repealed.

SEC. 12. ELIMINATION OF GENDER REFERENCES.

(a) MANAGEMENT OF CORPORATION.—Section 505 of the Federal Crop Insurance Act (7 U.S.C. 1505) is amended—

(1) in subsection (a), by striking the third sentence and inserting "The Board shall be appointed by, and hold office at the pleasure of, the Secretary. The Secretary shall not be a member of the Board."; and

(2) in subsection (d)—

(A) by striking "upon him"; and

(B) by striking "He shall be appointed by," and inserting "The manager shall be appointed by,".

(b) PERSONNEL.—Section 507 of such Act (7 U.S.C. 1507) is amended—

(1) in subsection (a), by striking "as he may determine: Provided, That" and inserting "as the Secretary may determine appropriate. However,"; and

(2) in subsection (d), by striking "as he may request" and inserting "that the Secretary requests".

(c) INDEMNITIES EXEMPT FROM LEVY.—Section 509 of such Act (7 U.S.C. 1509) is amended by striking "or his estate" and inserting "or the estate of the insured".

SEC. 13. PREVENTED PLANTING.

(a) IN GENERAL.—Effective for the 1994 crop year, a producer described in subsection (b) shall receive compensation under the prevented planting coverage policy provision described in subsection (b)(1) by—

(1) obtaining from the Secretary of Agriculture the applicable amount that is payable under the conservation use program described in subsection (b)(4); and

(2) obtaining from the Federal Crop Insurance Corporation the amount that is equal to the difference between—

(A) the amount that is payable under the conservation use program; and

(B) the amount that is payable under the prevented planting coverage policy.

(b) ELIGIBLE PRODUCERS.—Subsection (a) shall apply to a producer who—

(1) purchased a prevented planting policy for the 1994 crop year from the Federal Crop Insurance Corporation prior to the spring sales closing date for the 1994 crop year;

(2) is unable to plant a crop due to major, widespread flooding in the Midwest, or excessive ground moisture, that occurred prior to the spring sales closing date for the 1994 crop year;

(3) had a reasonable expectation of planting a crop on the prevented planting acreage for the 1994 crop year; and

(4) participates in a conservation use program established for the 1994 crop of wheat, feed grains, upland cotton, or rice established under section 107B(c)(1)(E), 105B(c)(1)(E), 103B(c)(1)(D), or 101B(c)(1)(D), respectively, of the Agricultural Act of 1949 (7 U.S.C. 1445b–3a(c)(1)(E), 1444f(c)(1)(E), 1444–2(c)(1)(D), or 1441–2(c)(1)(D)).

(c) OILSEED PREVENTED PLANTING PAYMENTS.—

(1) IN GENERAL.—Effective for the 1994 crop year, a producer of a crop of oilseeds (as defined in section 205(a) of the Agricultural Act of 1949 (7 U.S.C. 1446f(a))) shall receive a prevented planting payment for the crop if the requirements of paragraphs (1), (2), and (3) of subsection (b) are satisfied.

(2) SOURCE OF PAYMENT.—The total amount of payments required under this subsection shall be made by the Federal Crop Insurance Corporation.

(d) PAYMENT.—A payment under this section may not be made before October 1, 1994.

SEC. 14. EFFECTIVE DATE.

Except as provided in section 10(b) and section 13, this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act and shall apply to the provision of crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) beginning with the 1995 crop year. With respect to the 1994 crop year, the Federal Crop Insurance Act (as in effect on the day before the date of the enactment of this Act) shall continue to apply.

The CHAIRMAN. Before consideration of any other amendment, it shall be in order to consider the amendments printed in part 2 of the report. Each amendment may be offered only by a Member designated in the report, shall be considered as read, shall be debatable under the terms specified in the report, and shall not be subject to a demand for division of the question.

It is now in order to consider amendment No. 1 printed in part 2 of House Report 103–666. For what purpose does the gentleman from Minnesota rise?

PARLIAMENTARY INQUIRY

Mr. PENNY. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. PENNY. Mr. Chairman, I have a technical, or I should not call it technical, a modifying amendment to our amendment. In what fashion could that be considered so as not to complicate the debate time on the subsequent amendments?

The CHAIRMAN. The gentleman should offer his amendment first and then ask for the modification.

AMENDMENT OFFERED BY MR. PENNY

Mr. PENNY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. PENNY: Page 46, line 4, insert after "operations," the following: "all other amounts collected by or on behalf of the Corporation,"

Page 46, strike lines 10 through 12 and insert the following:

"(c) EXPENDITURES FROM INSURANCE FUND.—In such aggregate amount as provided in advance in appropriation Acts, the Corporation may use amounts in the insurance fund to pay the following:

Page 11, strike lines 8 through 11 and insert the following new paragraph:

(2) in subsection (c), by striking ", in which case the agent or broker" in the first sentence and all that follows through the period at the end of the second sentence and inserting the following: ", except that the reimbursement rate established by the Board for such agents and brokers may not exceed 30 percent of the premium for each new sale and may not exceed 28 percent of the premium for the renewal of an insurance policy for a successive term.";

Page 17, line 12, strike "indemnified at 60 percent" and insert "indemnified at 56 percent".

Page 18, strike line 7 and all that follows through line 7 on page 21, and insert the following new paragraph:

"(4) APPLICATION.—To participate in catastrophic risk protection, producers shall submit an application at the local office of the Department of Agriculture or to a private insurance provider approved by the Corporation.

Page 21, line 13, strike "$100 per producer per county." and insert "$200 per producer per county up to a maximum of $600 per producer for all counties in which a producer has insured crops.".

Page 21, strike lines 20 through 25 and insert the following new subparagraph:

"(C) DEPOSIT OF FEES.—Administrative fees collected by an office of the Department of Agriculture or by a private insurance provider shall be deposited in the crop insurance fund established under section 516(b), to be available to the Corporation in such amounts as provided in advance in appropriation Acts.

Page 24, strike line 11 and all that follows through line 11 on page 25 and insert the following new paragraph:

"(2) ADMINISTRATIVE FEE REQUIRED.—If a producer elects to purchase buy-up coverage for a crop, the producer shall pay an administrative fee for such buy-up coverage. Subsection (b)(5) shall apply in determining the amount and use of the administrative fee or in determining whether to waive the administrative fee. If the producer has already paid the administrative fee for catastrophic risk protection for the same crop, the producer shall not be required to pay an additional administrative fee for buy-up coverage for that crop.

Page 31, after line 4, add the following new paragraph:

"(4) INDIVIDUAL AND AREA CROP INSURANCE COVERAGE.—The Corporation shall allow approved insurance providers to offer to producers a plan of insurance that combines both individual yield coverage and area yield coverage at a premium rate determined by the provider, subject to the following conditions:

"(A) The individual yield coverage shall be equal to or greater than catastrophic risk protection, as described in subsection (b).

"(B) The combined policy shall include area yield coverage that is offered by the Corporation or similar area coverage, as determined by the Corporation.

"(C) The Corporation shall provide reinsurance on the area yield portion of the combined policy at the request of the provider, except that the provider shall agree to pay to the producer any portion of the area yield and loss indemnity payment received from the Corporation or a commercial reinsurer that exceeds the individual indemnity payment made by the provider to the producer.

"(D) The Corporation shall pay a part of the premium equivalent to—

"(i) the amount authorized under subsection (e)(2) (except provisions regarding operating and administrative expenses); and

"(ii) the amount of operating and administrative expenses authorized by the Corporation for the area yield coverage portion of the combined policy.

"(E) The provider shall provide all underwriting services for the combined policy, including the determination of individual yield coverage premium rates, the terms and conditions of the policy, and the acceptance and classification of applicants into risk categories, subject to subparagraph (F).

"(F) The Corporation shall approve the combined policy unless the Corporation determines that the policy is not actuarially sound or that the interests of producers are not adequately protected."

Page 33, line 22, add after the period the following: "Beginning with the 1995 crop year, the Corporation shall establish for each insurable crop a sales closing date that is 30 days earlier than the corresponding sales closing date that was established for the 1994 crop year.".

Page 53, after line 17, insert the following new paragraph:

"(4) EFFECT OF CONTRACT PAYMENTS.—A producer who receives a guaranteed payment for production, as opposed to delivery, of a crop pursuant to a contract shall have the production of the producer adjusted upward by an amount equal to the difference between—

"(A) the amount of the production corresponding to the contract payment received; and

"(B) the amount of the production actually delivered by the producer under the contract.

Page 55, after line 12, insert the following new paragraphs:

"(4) PROHIBITION ON ASSIGNED YIELDS IN CERTAIN COUNTIES.—If the acreage of a crop in a county has increased by more than 100

percent since the 1987 crop year, a producer who produces that crop on a farm located in that county may not obtain an assigned yield under paragraph (3). Instead, the producer must provide detailed documentation of production costs, acres planted, and yield (as required by the Corporation) to become eligible for a noninsured assistance payment.

"(5) LIMITATION ON RECEIPT OF SUBSEQUENT ASSIGNED YIELD.—A producer who receives an assigned yield for the current year of a natural disaster because required production records were not submitted to the local office of the Department shall not be eligible for an assigned yield for the year of the next natural disaster unless the required production records of the previous 1 or more years (as applicable) are provided to the local office.

"(6) YIELD VARIATIONS DUE TO DIFFERENT FARMING PRACTICES.—The Corporation shall ensure that noninsured crop disaster assistance accurately reflects significant yield variations due to different farming practices, such as between irrigated and nonirrigated acreage.

Page 55, line 18, add after the period the following: "A producer who makes a claim for payment under this section shall be responsible for an administrative fee of $50, which shall be deducted from the payment made to the producer."

Page 63, strike line 6 and all that follows through line 5 on page 65.

MODIFICATION TO AMENDMENT OFFERED BY MR. PENNY

Mr. PENNY. Mr. Chairman, I offer a modification to the amendment just offered, and I ask unanimous consent for its acceptance.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment offered by Mr. PENNY: The amendment is modified by adding at the end the following:

Page 6, line 13, insert the following new paragraph (and redesignate subsequent paragraphs accordingly):

(1) in the matter preceding the paragraphs, by inserting after "1.1," the following: "and on and after October 1, 1998, an overall projected loss ratio of not greater than 1.0,";

Page 29, line 3, insert after "1.1" the following: ", on and after October 1, 1995, and not greater than 1.0, on and after October 1, 1998".

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

[NOTE: The foregoing modification only adds language at the end of the original amendment, as printed hereinbefore, and the complete amendment, as modified, is, therefore, not reprinted at this point.]

The CHAIRMAN. Pursuant to the rule, the gentleman from Minnesota [Mr. PENNY], will be recognized for 15 minutes, and a Member in opposition will be recognized for 15 minutes.

AMENDMENT OFFERED BY MR. DE LA GARZA AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. PENNY, AS MODIFIED

Mr. DE LA GARZA. Mr. Chairman, I offer an amendment as a substitute for the amendment, as modified.

The CHAIRMAN. The Clerk will designate the substitute amendment.

The text of the amendment offered as a substitute for the amendment, as modified, is as follows:

Amendment offered by Mr. DE LA GARZA as a substitute for the amendment offered by Mr. PENNY as modified: Page 31, after line 4, add the following new paragraph:

"(4) INDIVIDUAL AND AREA CROP INSURANCE COVERAGE.—The Corporation shall allow approved insurance providers to offer to producers a plan of insurance that combines both individual yield coverage and area yield coverage at a premium rate determined by the provider, subject to the following conditions:

"(A) The individual yield coverage shall be equal to or greater than catastrophic risk protection, as described in subsection (b).

"(B) The combined policy shall include area yield coverage that is offered by Corporation or similar area coverage, as determined by the Corporation.

"(C) The Corporation shall provide reinsurance on the area yield portion of the combined policy at the request of the provider, except that the provider shall agree to pay to the producer any portion of the area yield and loss indemnity payment received from the Corporation or a commercial reinsurer that exceeds the individual indemnity payment made by the provider to the producer.

"(D) The Corporation shall pay a part of the premium equivalent to—

"(i) the amount authorized under subsection (e)(2) (except provisions regarding operating and administrative expenses); and

"(ii) the amount of operating and administrative expenses authorized by the Corporation for the area yield coverage portion of the combined policy.

"(E) The provider shall provide all underwriting services for the combined policy, including the determination of individual yield coverage premium rates, the terms and conditions of the policy, and the acceptance and classification of applicants into risk categories, subject to subparagraph (F).

"(F) The Corporation shall approve the combined policy unless the Corporation determines that the policy is not actuarially sound or that the interests of producers are not adequately protected.".

Page 33, line 22, add after the period the following: "Beginning with the 1995 crop year, the Corporation shall establish for each insurable crop a sales closing date that is 30 days earlier than the corresponding sales closing date that was established for the 1994 crop year.".

Page 55, after line 12, insert the following new paragraphs:

"(4) PROHIBITION ON ASSIGNED YIELDS IN CERTAIN COUNTIES.—If the acreage of a crop in a county has increased by more than 100 percent since the 1987 crop year, a producer who produces that crop on a farm located in that county may not obtain an assigned yield under paragraph (3). Instead, the producer must provide detailed documentation of production costs, acres planted, and yield (as required by the Corporation) to become eligible for a noninsured assistance payment.

"(5) LIMITATION ON RECEIPT OF SUBSEQUENT ASSIGNED YIELD.—A producer who receives an assigned yield for the current year of a natural disaster because required production records were not submitted to the local office of the Department shall not be eligible for an assigned yield for the year of the next natural disaster unless the required production records of the previous 1 or more years (as applicable) are provided to the local office.

"(6) YIELD VARIATIONS DUE TO DIFFERENT FARMING PRACTICES.—The Corporation shall ensure that noninsured crop disaster assistance accurately reflects significant yield variations due to different farming practices, such as between irrigated and nonirrigated acreage.

Page 63, strike line 6 and all that follows through line 5 on page 65.

Page 50, strike lines 9 through 11 and insert the following new clause:

"(ii) which is produced for food or fiber.

Page 18, strike line 7 and all that follows through line 7 on page 21, and insert the following new paragraph:

"(4) APPLICATION.—To participate in catastrophic risk protection, producers shall submit an application at the local office of the Department of Agriculture or to a private insurance provider approved by the Corporation.

Page 11, strike lines 8 through 11 and insert the following new paragraph:

(2) in subsection (c), by striking ", in which case the agent or broker" in the first sentence and all that follows through the period at the end of the second sentence and inserting the following: ", except that the rate established by the Board of reimburse approved insurance providers and agents for their administrative and operating costs shall not exceed, for the 1997 crop year, 29 percent of the premium used to define loss ratio under section 502, and for the 1998 and 1999 crops, such reimbursement rate shall not exceed 28 percent of the premium used to define loss ratio under section 502. Consistent with the provisions of section 506(p), the Board shall provide regulatory relief to such approved insurance providers and agents in an amount proportional to the reduction in the reimbursement rate established by the Board for the 1997, 1998, and 1999 crop years. No action shall be taken which would jeopardize program integrity, enhance opportunities for fraud or abuse, hinder program expansion or diminish quality of service to customers.".

Page 21, line 13, strike "$100 per producer per county." and insert "$200 per producer per county up to a maximum of $600 per producer for all counties in which a producer has insured crops.".

Page 25, strike lines 8 through 11 and insert the following: "would reduce to less than $200 the total amount of the administrative fees paid by the producer for 2 or more crops in the same county for which a lower level of coverage is obtained.".

On page 65, strike line 6 and insert the following:

SEC. 14. GAO CROP INSURANCE PROVIDER STUDY.

The General Accounting Office shall, within 2 years of enactment, investigate the contractual relationship between the Federal Crop Insurance Corporation and approved insurance providers to determine the quality, costs and efficiency of the provision of multiperil crop insurance to producers of agricultural commodities covered in this Act. The study shall be completed in two parts. The first, to be completed within one year of enactment, shall examine the currently available data to make the determinations required by this section. The second part shall examine the changes that occur because of expansion of the program as participation increases.

This study shall include, but not be limited to, an investigation of providers' actual cost of delivery of multiperil crop insurance for which providers receive reimbursement from the Corporation, cost differences for different provider firm sizes, and changes in cost resulting from expansion of the program. The study shall also compare delivery costs of multiperil crop insurance to other

insurance coverage that the provider may sell and identify any corss-subsidization from federally reimbursed delivery to delivery costs of other insurance coverage.

The study shall assess, to the extent practicable, alternative methods of reimbursing delivery costs to providers. In addition, the study shall identify unnecessary expenditure, if any, required by the Corporation for compliance and program integrity.

In addition, the study shall include, but not be limited to, the provisions of the standard reinsurance agreement between the Corporation and approved providers including the risk transferred to Corporation under the terms of the agreement, the return on providers' capital, a determination of the return on capital relative to differences in provider firm size, and a determination of the return on providers' capital in multiperil crop insurance relative to other insurance coverage.

The study shall assess, to the extent practicable, the potential for provider firm concentration in the multiperil crop insurance industry and any economic distortions that might occur from such concentration.

In conducting this study, the General Accounting Office shall maintain the privacy of provider proprietary information.

The General Accounting Office shall have full powers to subpoena any required information from any provider firm.

SEC. 15. EFFECTIVE DATE.

The CHAIRMAN. Pursuant to the rule, the gentleman from Texas [Mr. DE LA GARZA] will be recognized for 15 minutes, and a Member in opposition will be recognized for 15 minutes. Is the gentleman from Minnesota in opposition to the de la Garza substitute?

Mr. PENNY. Mr. Chairman, I am in opposition to the de la Garza substitute.

The CHAIRMAN. The Chair will treat the time as fungible. The gentleman from Texas [Mr. DE LA GARZA], will be recognized for 30 minutes, and the gentleman from Minnesota [Mr. PENNY] will be recognized for 30 minutes.

Mr. DE LA GARZA. Mr. Chairman, I yield 15 minutes of the time allocated to me to the distinguished gentleman from Texas [Mr. COMBEST], and ask unanimous consent that the gentleman be allowed to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. PENNY. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. PENNY. Mr. Chairman, if there were an amendment to the substitute, would that have to be presented at this point, or could that be presented later in the debate?

The CHAIRMAN. It can be presented at any time that the substitute is pending.

Mr. PENNY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first I want to stipulate there are many positive features in this legislation. It would require as a prerequisite for participation in farm programs that all farmers buy crop insurance coverage. It would eliminate the need for annual disaster bills and in fact places any future disaster legislation on budget, which is to say there would be points of order against the consideration of these emergency spending measures.

The goal obviously is to increase participation in the crop insurance program and make it a successful program. It is estimated that the provisions of this bill might in fact double the rates of participation in our crop insurance program. These are salutary objectives and deserve the support of this body.

It certainly moves us in the right direction. The basic thrust of this bill is abolsutely on target and long overdue.

Mr. Chairman, it is unpleasant to be in a position of disagreement with so many of my committee colleagues. It is seldom that I appear on the floor to oppose the legislation of our committee, because I think generally we have been a responsible committee, contributing, as the chairman has indicated, over $60 billion toward deficit reduction in this past decade.

I like my colleagues on this committee and it is not easy to strain that relationship by opposing the chairman and other leaders on this particular issue.

What I do not like is our Congressional budget procedures under which we operate in a nonsensical fashion. These procedures allow us to technically approve legislation requiring appropriations of funds when in fact we know full well that those funds will not be available. The dollars that we are calling to be spent on subsidies for this program are not available in the appropriations process. Those dollars are gone, and yet our budget rules allow us to pretend that somehow they are there.

The fundamental issue at stake on the amendments under debate at this moment is accountability. The issue is accountability. We can pay now by cuts within the crop insurance program, or we will certainly pay later as the Committee on Appropriations pits crop insurance against other priority items.

Again, the goals are all in agreement. We need crop insurance reform, we need to eliminate these emergency disaster bills. The Clinton administration has allowed within the budget $1 billion for us to implement crop reform. That is a generous amount. Nonetheless, as reported, the Committee on Agriculture bill presents a $600 million problem. These uncovered costs would be passed along to the Committee on Appropriations and, quite frankly, again, in an era of ever tighter budgets, the Committee on Appropriations will be hard pressed to find the money for this program without cutting other vital programs.

The Penny-Gunderson amendment simply calls for a slight reduction in the subsidy to insurance agents and a slight reduction in the disaster payments made to farmers. It is as simply as that. Capitol Hill allows us to proceed with a nonsensical debate in which we can say that it is not our committee that is responsible for these cuts, it is some other committee's problem, and that it is not this year we ought to make these cuts, but we should make them 2 and 3 years down the road.

The central issue here today is accountability. We can either pay now up front, or we will certainly pay later.

□ 1220

The responsible thing for us to do is to pay now. We can do that by supporting the Penny-Gunderson amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume.

I rise in opposition to the amendment and, again, reiterate the fact, we are not intending to shift the burden on any other committee. We have never done this. We do not intend to begin now. This is just a matter that we have a different way to get to the point that all of us want to get to.

But the fact of life is that we need a viable, workable crop insurance program, because now, out there, the reality is that when a farmer goes to the bank, they ask him two questions: "Are you in a Federal program or do you have crop insurance?" If not, they will not speak to him. That is the need for the reform of the crop insurance, to make it viable and workable.

And the misrepresentation that somehow we are trying to evade our responsibility, we are not. We never have. That is not in the history of this committee in the past 12 years. We never have shifted the responsibility.

Now, if my distinguished colleague and friend from Minnesota has a problem with the budget process, we cannot do that for him. Goodness knows, he has had enough opportunities on the floor, combined with other Members. We cannot reform the budget process. We go by the rules as they are. We satisfy the rules as they are. That is what we have done and intend to do.

Again, I really hate going back to my original frustration that we are pictured as ogres trying to evade the budget, trying to impose the burden on another committee, trying to cut the WIC, trying to let hungry children go hungry. Just look around, just look at the record of this committee. We have never done that, and we are not going to start now.

I hope the Members vote against the Penny amendment, against his amendment, whichever face it takes, and support the committee version.

Mr. Chairman, I yield 1 minute to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Chairman, I thank the gentleman for yielding time to me. I wish to commend the gentleman and the gentleman from South Dakota [Mr. JOHNSON], the gentleman from Texas [Mr. COMBEST], and the rest of the Committee on Agriculture for this legislation.

I, for one, recognize that in this bill we are doing away with disaster relief for my producers and all over the United States. And we are doing it with the assumption that in this bill our producers will not only participate in the catastrophic coverage but the buy-up coverage.

With that understanding, I look at the amendments that we have from the gentleman from Minnesota and the gentleman from Texas. Under the amendment of the gentleman from Minnesota, which I strongly oppose, my participation rate of my farmers is not going to go up; it is probably going to go down, which means that they will not have any disaster relief. They will not have any crop insurance. And when they do have a drought or a flood or the rains come and do not end and they cannot plant, they get nothing. And what it means is, we do not have a program at all for our farmers under the Penny amendment.

Therefore, I request the Members of the House to do like the USDA, the Department of Agriculture, which opposes the Penny amendment, strongly supports the amendment of the gentleman from Texas, my chairman, the gentleman from Texas [Mr. DE LA GARZA].

Mr. PENNY. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Chairman, I rise in support of the Penny-Gunderson amendment, obviously, and in opposition to the chairman's amendment.

The reason I do that is because, folks, we are at a point where we have to decide. The reality is that both of these amendments pay for crop insurance in the first 3 years. The reality also is that in years 4 and 5, there is about a $250 million gap.

The chairman is right, under pay-go we meet the first 3-year requirement. But the question we face is exactly the question the chairman brought up. Are we going to take money out of WIC? Are we going to take money out of CRP? Are we going to take money out of conservation? Are we going to take money out of commodities support programs?

I do not want to send a signal to America and to America's farmers that disaster assistance is gone, crop insurance is here, without making that tough decision.

Now, if we are going to have crop insurance and if the money is not available from someplace else, and Lord knows, it is not, then we ought to face the music today. We ought to say, if 28-percent reimbursement means that we are not going to have any agent sell insurance, then let us face that music today. Let us not put this off for 3 years and say, "now we have got a problem because the agents will not continue to carry and issue the policies."

If there is a problem in terms of the filing fees, than let us deal with that issue today. If there is a problem, as the gentleman from Missouri [Mr. VOLKMER] said, in what is going to be the catastrophic coverage, then let us deal with this up front, because there will not be any money tree that grows out of nowhere between now and 3 years from now that is going to make that decision any easier to make.

We ought to face the music. We ought to face the facts and say, if crop insurance is going to work, it will have to work on its own, because the hard, cold reality is, there isn't any other money that is going to come along and bail this program out.

I do not enjoy saying that, Lord knows. But if it is reality, then let us deal with it openly and honestly today.

I ask my colleagues, support the Penny-Gunderson amendment. It is the only way we are going to say to this program, from day one and through the 5 years it is going to be in existence, that it is a program that is going to be paid for. Either it is going to work or we will have to deal with reality that it does not work and come up with a different solution.

Mr. COMBEST. Mr. Chairman, I yield such time as he may consume to the gentleman from Kansas [Mr. ROBERTS], a member of the committee.

Mr. ROBERTS. Mr. Chairman, I thank the gentleman for yielding time to me.

The gentleman from Minnesota says pay now and pay later, either pay now or pay later. It is time to assess some responsibility.

We have already paid. We have already paid. This administration, after 16 years of trying to reform crop insurance, provided $1.1 billion to do the job. Now, some of that money has been taken and is now spent on other programs. The chairman of the full committee has indicated exactly what other programs. We are not into a fight with that.

If we are going to fund that, fund that. But we already took the crop insurance money, and it went for somebody else. That is the responsibility.

Now, how do we pay for the difference? Do we take it out of the crop insurance program? Do we take it out of farmers and ranchers? Or do we go back to the 16-year record of the appropriations subcommittee and at least pay for the delivery of the service? That is what has been done. Now we are in a new world order.

Now we have on the subcommittee on appropriations a different scheme. We are going to take it out of farm programs on down the road.

What happens if we take it out of crop insurance? What happens?

□ 1230

Mr. Chairman, I will tell the Members what will happen. I am quoting from Secretary Espy. The Penny-Gunderson amendment would make farmers pay for less insurance. The amendment proposes to increase the fee a farmer would pay for the basic catastrophic coverage, while at the same time decreasing the extent to which the policy would protect a farmer in times of disaster.

I will not go into the rest of it. However, the bottom line, in short, Secretary Espy says, "When the effect of these provisions is combined, it could undermine the ability of the crop insurance reform program to serve as an adequate substitute for disaster assistance." Secretary Espy says this will not work. It will cost us more money down the road.

What happens, Mr. Chairman? The farmer pays more for less insurance, and he will not sign up. We hear a lot of talk in this well and in this Congress about something called unfunded mandates. The secret to this is, every farmer that wants to participate in the farm program, and every Southern producer of nonprogram crops, once they sign on to this, this is a mandate and we are not funding it. It is an unfunded mandate.

I have an amendment already prepared that, if we are not going to fund this, I may introduce the amendment and say, "Let us not mandate it on our farmers." In some respects, this is an unfunded mandate.

Let us talk about something called blackmail, or milkmail, or wheatmail, or cottonmail. The reason the gentleman from Wisconsin [Mr. GUNDERSON] wants the Penny-Gunderson amendment is that he does not want the Committee on Appropriations to take the money out of the dairy program next time when we consider the farm bill. The reason others and many farm commodity groups are hiding in the bushes on this is that they live in mortal fear of what the Committee on Appropriations is going to do down the road.

The farmer walks by and he says, "Come by the Committee on Appropriations park. We will give you crop insurance reform." and we mug him, and we say, "You have to pay more for less." He says, "I do not think that is a pretty good deal." We say, "You had better sign up, or you will not get the farm program. When you walk through the park again, we are going to mug you again, because if you do not pay for it on crop insurance, you are going to pay for it down the road in regard to farm programs."

Mr. Chairman, this is not going to work. This is not going to work. I would ask the Members to please support the amendment of the chairman of the Committee on Agriculture. We can fix crop insurance. We can get out of the disaster business. We can treat the farmer and rancher fairly, and yes—yes, on down the road we can work with our good friends and our colleagues on the Committee on Appropriations on a new definition of "fair share."

Mr. PENNY. Mr. Chairman, I would inquire as to how much time we have remaining.

The CHAIRMAN. The gentleman from Minnesota, Mr. PENNY, has 23 minutes remaining, and each of the gentleman from Texas, Mr. COMBEST and Mr. DE LA GARZA, has 11 minutes remaining.

Mr. PENNY. Mr. Chairman, I yield myself 2 minutes, in order to clarify.

Mr. Chairman, I have the highest regard for the gentleman from Kansas [Mr. ROBERTS] and the arguments he has made about the viability of this program are well-taken. We do not want a crop insurance program that will discourage enrollment. We need the highest level of participation in order to make crop insurance a substitute for annual emergency disaster bills.

It is estimated, Mr. Chairman, that the provisions of this legislation would double the participation rates in our crop insurance program. It has been suggested, however, by the gentleman from Kansas [Mr. ROBERTS] and others that if we adopt the Penny-Gunderson amendment, we will devastate the program and discourage enrollment in the program.

Mr. Chairman, I find that remarkable. We have to look at some basic facts here. Right now insurance agents are reimbursed at 31 percent of the price of the premium. That is a very generous reimbursement rate. We only marginally reduce that with the Penny-Gunderson amendment. They would still be reimbursed at 30 percent of new policies and 28 percent of premium on renewal policies.

Mr. Chairman, when we compare that to property and casualty, most insurance agents across America receive a 10 percent or 12 percent commission on premium, so this is a tremendously generous insurance subsidy. It will not discourage insurance agents from selling these policies if we adopt the Penny-Gunderson amendment.

Furthermore, Mr. Chairman, we only marginally reduce the benefits to farmers by slightly reducing the percentage of price that would be paid on disastrous losses, and by charging each farmer a nonrefundable $50 for that disaster coverage.

Mr. Chairman, my farmers in southern Minnesota do not want something for nothing. A $50 fee is not a burdensome fee for them to pay for very generous disaster coverage. I just wanted to take this time to refute the arguments of the gentleman from Kansas [Mr. ROBERTS], because I believe the program will be a success with the Penny-Gunderson amendment.

Mr. DE LA GARZA. Mr. Chairman, I yield 1 minute to the gentleman from South Dakota [Mr. JOHNSON], the distinguished chairman of the Subcommittee on General Farm Commodities of the Committee on Agriculture.

Mr. JOHNSON of South Dakota. Mr. Chairman, I simply want to respond briefly to the remarks of the gentleman from Minnesota about how reimbursement to insurance agents is somehow extravagant. I would have to say that, with all due regard and respect for the gentleman from Minnesota, I do not believe that he is particularly expert in the insurance industry.

However, Mr. Chairman, I would say that the leadership of the Federal Crop Insurance Corporation, which is expert, the leadership of the U.S. Department of Agriculture, the Office of Management and Budget, and the White House have all said in writing that if the Penny amendment is adopted, it will in fact unravel the crop insurance scheme, and this thing will simply not work.

Those who are professional, who are expert in that area, have opinions which differ very sharply from those of the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Chairman, will the gentleman yield on that point?

Mr. JOHNSON of South Dakota. I yield to the gentleman form Minnesota.

Mr. PENNY. Mr. Chairman, does the gentleman acknowledge in the substitute amendment offered by the gentleman from Texas [Mr. DE LA GARZA]. the chairman of the full committee, that the reduced payments to insurance agents is part of that amendment and would go into effect in the out years?

Mr. JOHNSON of South Dakota. It goes in the out years after the level of crop insurance purchased has vastly expanded.

Mr. COMBEST. Mr. Chairman, I yield 1 minute to the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. Mr. Chairman, on this subject, let us get to the real world. One of the reasons we finally got this out of committee was that the crop insurance agents were writing farmers and saying. "We are not going to renew your insurance." What we have here is a proposal to reduce the Government subsidy, if you will, or payment on the reimbursement part to pay for the delivery of the service.

Mr. Chairman, I will tell the Members what the insurance folks are now telling us. They are saying that if the Federal Crop Insurance Corporation cannot reduce the paperwork, they are getting out of the business. That is the real world. We just heard the gentleman from Georgia [Mr. KINGSTON]. He was in the business. People do not sell crop insurance to make a profit. People sell crop insurance because it is obligatory. It is the thing to do to sell other insurance.

What is going to happen when the amendment offered by the gentleman from Minnesota [Mr. PENNY], which sounds very good in this budget world here, is that the crop insurers are not going to sell the product unless we get regulatory reform. Mr. Ken Ackerman has cardiac arrest, and he is in charge of FCIC, every time he tries to do that. That is an impossible goal. It will unravel crop insurance reform.

AMENDMENT OFFERED BY MR. DURBIN TO THE AMENDMENT OFFERED BY MR. DE LA GARZA AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. PENNY, AS MODIFIED

Mr. DURBIN. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Texas [Mr. DE LA GARZA] as a substitute for the amendment, as modified.

The Clerk read as follows:

Amendment offered by Mr. DURBIN to the amendment offered by Mr. DE LA GARZA as a substitute for the amendment, offered by Mr. PENNY, as modified: amend the de la Garza substitute amendment by striking section 15.

Mr. DURBIN. Mr. Chairman, if we understand insurance to mean people at risk paying sufficient premiums for insurance to cover their losses, Federal crop insurance is not even close. Our crop insurance program is not an insurance program. In fact, it is a program that is heavily subsidized by the taxpayers of this country.

Having said that, Mr. Chairman, it is still a very important and valuable program which should be maintained and modernized. I salute the Committee on Agriculture. They have taken on this challenge and have made meaningful changes in the crop insurance program to reduce the disaster payments paid each year, to bring each farmer into the program buying insurance, and thereby reduce, in the long haul, the obligations of America's taxpayers. In that regard, they have done a good job.

Unfortunately, Mr. Chairman, they are two-steps away from having done a great job. That is a 5-year change. For the first 3 years, the proposal by the Committee on Agriculture in fact will pay for the reform. It is a pay-as-you-go plan. They say to farmers, "As you make this change, you pay for it in 3 years." I salute them for that. I think that is admirable.

Where I take exception, Mr. Chairman, and why I join the gentleman from Minnesota [Mr. PENNY] in his effort, is because at the end of 3 years they drop the ball. At the end of 3 years they end up constructing a program, a reform program, which will

cost taxpayers almost $300 million, $300 million over the massive subsidies which we will continue to put in this crop insurance program.

What happens to the $300 million? It is my responsibility as chairman of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and related agencies of the Committee on Appropriations to come up with that money.

□ 1240

That is why I am here today. I think we should truly have a pay-as-you-go crop insurance reform, and so does the gentleman from Minnesota [Mr. PENNY]. He has made proposals to achieve that. If he fails in his effort, then in those 2 years I will have to cut another $300 million in spending on programs funded by the U.S. Department of Agriculture, programs like conservation, soil and water conservation, programs like wetlands reserve, programs like agricultural research and yes, programs like the supplemental feeding program for women, infants and children, a program which today serves 40 percent of the mothers and infants in America to make sure that they get prenatal counseling and good nutritious food so kids grow up healthy. I will have to cut money from those programs, 300 million dollars' worth to make up for the shortfall in the proposal by the House Agriculture Committee.

I do not think that is fair. In fact, let me tell Members how frustrating it is. Many Members today are standing up and saying forget the $300 million. We will worry about it later. If you have to make cuts, we'll do it on another day. Come on. It is down the line. That is a future Congress. Many of these same Members just weeks ago refused to vote for my appropriations bill on agriculture saying "It cuts too much from agriculture programs." Yet today we create a situation where in the future years I will have to cut more, and they will come up with the same lame excuses why they cannot go along with the cuts. That is what this is all about.

I am in favor of crop insurance. I am in favor of crop insurance reform. But it is only fair for the farmers and producers who are part of this program to shoulder the burden and carry it forward in reform. Do not push this burden off to future appropriation bills. Do not push it off on the WIC Program. Do not push it off on agriculture research. Make this program stand on its own two feet. A GAO study is not going to do it. The Penny amendment will do it.

I have listened to this debate this afternoon. I am amazed at the Members who have stood up and said they oppose the Penny amendment. They ought to look, as they can in virtually every agriculture district, and see what we as taxpayers lose on every policy of crop insurance that is written. A farmer pays a certain premium, the Federal Government steps in and pays 30 percent of every dollar he owes to start with, and then covers his loses. Like I said, it is not real insurance, so that when the losses come due, the premiums are never enough to pay. So we continue to lose, year after year after year, hundreds of millions of dollars on this program.

What the chairman of the Committee on Agriculture is doing today is a step in the right direction. It is a good change, but two steps away from being a great change.

I urge all of my colleagues from agriculture districts and across the United States to support the Penny amendment. It is the responsible way to deal with crop insurance reform.

Mr. DE LA GARZA. Mr. Chairman, I move to strike the requisite number of words and I rise to speak against the amendment.

Mr. Chairman, I appreciate the concern of my distinguished colleague from the Appropriations Committee. I share his concern. We are aiming in the same direction. But we have to deal with facts, and those who know the facts say that if the Penny amendment is agreed to it will have the possibility of dismantling the program. Secretary Espy says that.

This amendment would frustrate the fundamental goals of crop insurance reform, and will make it more likely that Congress will once again be asked to provide ad hoc disaster assistance. This is what we are trying to protect the appropriations subcommittee from, that we do not have those ad hoc disaster payments that now will come on budget. We do not want him to be making those decisions. We are arguing over something we should not be arguing about.

I am honestly telling Members we do not have all of the facts. We are hoping that in 3 years the GAO will have sufficient information to allow us to proceed in an orderly manner and see where and how the program has worked.

OMB has agreed with us. They say that Congress will again be asked to provide ad hoc disaster assistance if we adopt the Penny amendment and dismantle what we are trying to correct in the crop insurance.

So it is not pay now or pay later. We know, we admit that is what we are aiming for. But we need more facts.

Mr. GLICKMAN. Mr. Chairman, will the gentleman yield?

Mr. DE LA GARZA. I yield to my distinguished colleague, the gentleman from Kansas.

Mr. GLICKMAN. I thank my colleague for yielding.

First of all, I think the gentleman from Minnesota [Mr. PENNY] deserves a lot of credit for bringing the issue up in terms of how to pay for crop insurance. I think that the de la Garza amendment is an appropriate response, but it would not have happened without the gentleman from Minnesota [Mr. PENNY] bringing this issue up in the first place.

Why are we doing this? We are doing this reconstruction of crop insurance so that we can eliminate these ad hoc annual disaster payments that people do not like and cost too much money. So we have to have a crop insurance program that works and people will want to participate in, because if we do not, everybody will be out of it, and they will all come back up here wanting disaster assistance every single year, which costs a lot of money.

So my concern is that the Penny amendment and all of its kind of nuances will so discourage participation in the crop insurance program that what will happen is we will end up with nothing in it, we will then push people back into the disaster program, annual yearly disaster program.

The de la Garza amendment provides for the first 3 years of reduction in crop insurance spending, and the last 2 years comes out of the appropriated account. So spending is reduced all 5 years. It is just done in a different way.

The second thing is this: The issues we are talking about here directly relates to what we are going to do in next year's farm bill, the reauthorization of all farm programs. A well constructed crop insurance program will reduce farm bill spending. So next year when we come back here we will look at deficiency payments, and target prices, and other spending and we will have to have a crop insurance program that works well in order to get that spending down. A poorly constructed crop insurance program will have us coming back next year as part of the farm bill with increased spending in order to deal with the disaster payments or other problems of farmers.

Which is the best approach? My judgment is the best approach to give farmers some stability that the crop insurance program will work, in my judgment the de la Garza amendment is better than the Penny amendment and will make sure that people come into the program. Then next year when we rewrite the 1990 farm bill we will look at some of the other issues that relate to crop insurance, risk management, and the deficiency payment problems.

So while I compliment the gentleman from Minnesota [TIM PENNY] for what he has done here, as usual he has brought intellectually the debate to a high level where we talk seriously about a reduced Federal spending generally and in agriculture, I honestly believe the best interests of farmers and ranchers in this country, and best interests of agriculture are best served by the adoption of the de la Garza amendment.

PARLIAMENTARY INQUIRY

Mr. COMBEST. Mr. Chairman, are we operating under the 5-minute rule on the Durbin amendment?

The CHAIRMAN. The gentleman is correct.

Mr. DURBIN. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The gentleman from Minnesota [Mr. PENNY] has 21 minutes remaining, the gentleman from Texas [Mr. DE LA GARZA] has 10 minutes remaining, and the gentleman from Texas [Mr. COMBEST] has 10 minutes remaining.

Mr. COMBEST. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Chairman, I thank the gentleman for yielding the time.

Mr. Chairman, I would like to point out one disadvantage that I see in the Penny amendment. I object philosophically to a program that mandates that every farmer that participates in farm programs in this country be required to buy into catastrophic insurance.

The Penny amendment will increase the cost to these farmers and decrease insurance benefits in the event of a disaster. Having mandated insurance programs that require more paper work, increased regulations, and result in increased numbers of bureaucrats that are going to walk on your farm for more inspections is bad enough. I am philosophically opposed to it. Farmers should have the option of whether or not to buy this insurance in the first place. I see the Penny amendment having the advantage of reducing cost to the taxpayer and the disadvantage of increasing the cost to farmers for crop insurance that this bill requires they sign up for.

Mr. PENNY. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. MILLER].

□ 1250

Mr. MILLER of California. I rise in support of the Penny-Gunderson amendment. I do so out of the concerns of recognizing that this account can only handle so many draws on it, and if we have a crop insurance program that continues to be underfunded, that obviously is going to come out of the hide of other programs, and one of those programs that I am deeply concerned about and have spent my entire time in Congress working on is the Women, Infants, and Children nutritional program that has tremendous bipartisan support because we recognize how much this contributes to the health of low-income pregnant women and to newborn infants, newborn babies, and during their first year of life.

It is well documented that without this program we would be spending far more money in excess of what we are spending on the program to take care of low-birthweight babies that are born that cost us somewhere between $60,000 to $100,000, spend many more days in the hospital than a normal birthweight baby. This program, the Women, Infants, and Children Program, has a direct impact on the health of those pregnancies and those mothers including all of the other attendant benefits we get out of health screening and counseling and discussions with these women about cessation of smoking, about alcohol use, drug use, all of those benefits, and that is why over and over again every independent audit has strongly supported the program on the basis we benefit far in excess of what we spend on that program.

It is very clear, unfortunately, because of our inability to raise sufficient revenues to fund this Government, that all of these accounts are in trouble. We have the same problem in the natural resources area. We are going back to the users of those programs. We are imposing fees on those individuals, where once we could afford to fund them as a Federal Government, but we cannot.

But when you have this kind of a program where it has the wherewithal to fund it, and you pit it against something like WIC where there is not the ability of those households to fund it, we have got to be concerned about what a continued deficit in the crop insurance program is going to mean to those other programs that come out of the agricultural appropriations.

Mr. DE LA GARZA. Mr. Chairman, I yield 1 minute to our distinguished colleague, the gentleman from Minnesota [Mr. PETERSON].

Mr. PETERSON of Minnesota. Mr. Chairman, I want to commend yourself and the subcommittee for bringing this bill up and commend the gentleman from Minnesota [Mr. PENNY] for raising this issue.

I think we need to step back and look at this a little bit and just look at what we are talking about.

You know, really what we are talking about is who you believe when we are looking at where we are going to be 2 years from now in terms of the money that is going to be needed for this program.

I guess I would err on the side of making sure this program is going to work, and I am persuaded, as the gentleman from South Dakota [Mr. JOHNSON] pointed out, all of the people that are experts in this say they think this Penny amendment is going to potentially damage this program and make it not work as well.

Really what we are talking about is do we know how much money this is going to cost us in the fourth and fifth year of this program. I would argue we do not. We are looking at projections from actuaries, from budget analysts. I do not think any of them can predict what we are going to be spending in the fourth and fifth year of this program, because we have got a farm bill coming up. We do not know what is going to happen with disasters and so forth.

So I would encourage all of my colleagues to err on the side of making this program work.

PARLIAMENTARY INQUIRY

Mr. COMBEST. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state this parliamentary inquiry.

Mr. COMBEST. Mr. Chairman, who would have the right to close debate? Would it be the gentleman from Texas [Mr. DE LA GARZA]?

The CHAIRMAN. The gentleman from Texas [Mr. DE LA GARZA] would have the right to close debate.

Mr. PENNY. Mr. Chairman, I yield 4 minutes to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Chairman, I rise in support of the funding provisions offered my good friend, the gentleman from Minnesota.

I believe in fiscal responsibility, and I believe in individual responsibility. Mr. Chairman, I see here an example of the heartburn you get into when you go into weaning time. It is always tough when it is time to wean, and I can tell you that when you are being weaned from the milk of sacred cows, you are bound to get heartburn in no uncertain terms. That is what we see today.

The fact of the matter is when people are told you will no longer get as whole a subsidy or as complete a subsidy for what you enjoy from the Federal Government, they tend to believe they cannot get along without it, because they have been too dependent upon it for too long.

But in order to put this dilemma in context, the arguments are difficult on both sides, let us return for a moment, if we will, to first principles. The American taxpayer is not obliged to pay the farmers for their crop failures. The American taxpayer is not obliged to pay for crop insurance for those farmers. It is a choice that we make, because we do not think that a hurricane or a tornado or a flood or a drought or a hailstorm should ruin a farmer. But it is the choice we make.

We can make a choice to give farmers 10 cents on the dollar for their losses. For that matter, we can make a choice to give farmers 90 cents on the dollar for their losses. We can provide a straightforward handout, or we can encourage individual responsibility by asking the beneficiaries of a generous program to contribute to that program.

Mr. Chairman, I am alarmed that we are presently considering a proposal to fund a very generous program for farmers without asking them to contribute

their fair share. Mr. Chairman, I was shocked to see statistics about how heavily we have subsidized crop insurance policies. Did you know that over the past 8 years in one congressional district on a per acre basis, the Government subsidized 40 percent of the cost of the insurance premium? Did you know that over the past 8 years in that same district on a per acre basis the taxpayers paid more than $16 in claims, that is $16 per acre, at the taxpayers' expense? did you know that the estimated cost per acre that the Penny-Gunderson amendment would impose on a farmer in that district is 50 cents? Penny-Gunderson costs him only half of $1 per acre.

Mr. Chairman, I see absolutely no reason why we should not make a choice to ask farmers to shoulder some of the costs of this program. I see absolutely no reason why they should be given something for next to nothing.

The de la Garza substitute is something for next to nothing.

I oppose the de la Garza substitute, and I support the Penny-Gunderson amendment, and I urge my colleagues to do the same.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Texas.

Mr. DE LA GARZA. Mr. Chairman, I thank my distinguished colleague for yielding. I appreciate it.

I just wanted to mention that somehow the impression is that this committee has not done its fair share, and we have reduced expenditures by $60 billion in the past 12 years. We are still the best-fed people in the world for the least amount of disposable income per family, so if there is a subsidy, it is the American consumer that is being subsidized on the back of the American farmer. That is where the subsidy is.

Mr. ARMEY. If I might just quickly say I appreciate how hard the Committee on Agriculture has worked to live up to the constraints imposed by the budget process, but my reference to fair share was in paying your fair share of an insurance premium.

Mr. COMBEST. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. Mr. Chairman and my colleagues, I come to the floor today as someone who is as concerned about the Federal deficit as any Member in this Chamber, and have a record of cutting spending as good as any Member of this Chamber.

But there are some things that we do around her that are penny wise and pound foolish.

When we look at the crop insurance program that has been brought to this floor by the committee, we are, as the gentleman from Texas just pointed out, beginning to wean ourselves and our farmers from spending money, and that is the area of disaster payments. The reason for this crop insurance reform bill down here is very simple: to eliminate disaster payments for farmers.

But if we pass the Penny amendment, here is what is going to happen: We are going to discourage farmers from signing up for crop insurance. That is the problem we have today. We are going to eliminate the effectiveness that has been put into this bill by the committee.

So if farmers do not sign up, guess what is going to happen. They are going to want disaster payments as soon as we have the next flood, the next hurricane, the next freeze; they are going to be pounding on every Member in this Chamber for more disaster money. That is what we are trying to avoid.

So if you want to vote for the Penny amendment, just understand that you are gutting the effectiveness of this bill. You are making sure that crop insurance is not going to be fixed. You are making sure we are going to have a system that we are going to have to come back and fix sooner or later, and you are guaranteeing you are going to have to come here to the floor once again and provide disaster money for people in America when disasters occur.

□ 1300

So I want to say to all of my friends this is penny wise and pound foolish. Let us defeat the Penny amendment and support the chairman and the ranking member with the committee amendment which will soon follow.

Mr. PENNY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I simply want to take this time to admit my astonishment at the number of legislators who have suggested that these modest changes in the crop insurance program would somehow devastate the workability of the program.

Most of the people who have opposed the Penny-Gunderson amendment are fierce advocates not only of deficit reduction—and I have worked with many of them and admire their work in that regard—but of the private sector, the free enterprise system. I am simply suggesting that when we have a heavily subsidized insurance program, maybe the Government can trim the subsidy just a little bit. When you compare the insurance subsidy paid to these crop insurance agents, compared to the commission they would receive on any other type of insurance that they might offer, it is generous. It is a third larger, 100 percent larger in some cases, 300 percent larger in other cases. And to say that somehow paying a smaller subsidy to these insurance agents is going to drive them out of the program is, I think, nonsense on the face of it.

Mr. COMBEST. Mr. Chairman, I would yield myself 1 minute.

Mr. Chairman, I have joined with the gentleman from Minnesota [Mr. PENNY] on many of these budget reduction efforts. But to hear him talk about what the committee has done, one would think that we were beyond the realm of reason. We have met the rules of pay-go, Mr. Chairman. The committee letter from the Secretary of Agriculture said the Federal crop insurance reform the House will consider replaces ad hoc disaster assistance that has been costing us billions of dollars a year. The reform proposed by the Agriculture Committee is budget-responsible, it pays for itself, satisfies pay-go, produces savings for taxpayers. Simply put, the Federal crop insurance program reform makes good farm sense and makes good budget sense.

Additionally, the gentleman from Minnesota talks about the minor changes, the minor differences. Well, we have stretched this proposal as far as we can stretch it and still feel like it can work. The Department of Agriculture agrees with that. It says the Penny-Gunderson amendment believes that the magnitude of the cuts would compromise the effectiveness and the operation of the reform crop insurance program and consequently opposes it.

Mr. Chairman, I reserve the balance of my time.

Mr. DE LA GARZA. Mr. Chairman, I yield 2 minutes to our distinguished colleague, the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I voted for the budget this year that called for cuts that we are talking about today, and I also supported the Agriculture Appropriations Committee when they had to do the tough work that they had to do to conform to the budget. And it was not easy. I supported the Penny amendment in the full committee because I agree that we have to squeeze every dollar where we can squeeze every dollar, internally or externally, from agriculture or from everywhere else.

Since that vote, though, there has been a question mark raised in my own mind as to whether or not these additional cuts will in fact jeopardize the program which we all agree needs to be done today.

This is a legitimate question. I do not come saying it is going to devastate, but I am here to say to my colleagues that it might. And if it might, then might we not have another second thought about what we should do today?

Now, I find it very interesting, my colleague from Texas a moment ago making his usual speech about weaning agriculture. I found that very, very interesting for two reasons, one of which is: If you analyze what has happened to agriculture in entitlement spending, which is what we sometimes do not want to talk about right around here, but from 1985 to 1991, of the 12 top entitlement programs agriculture ranks

12th and it was the only entitlement program that has been cut, weaned, if you please. And we have done it, as Chairman DE LA GARZA has said, over and over.

We have done it in the Agriculture Committee meeting the budget requirements that this body put on upon us every single time. In fact, from 1991 to 1997, we will reduce by another 1.4 percent the entitlement nature of the agriculture programs.

Now I find it interesting because when we are talking in terms today of $300 million difference, we come out of the woodwork to make speeches about cutting. But about a week ago we had an amendment on the floor that would have provided capping entitlement spending, all entitlements, including agriculture, which has been cut, and we provided that it would be capped at the full cost-of-living adjustment for every single program, plus 1 percent, plus demographics. And only 37 Members of this body voted for that $83.4 billion cut over the next 5 years.

Now it is time for a little bit of honesty, folks. Come and make the speeches, do all of the wonderful things that get the headline, but when it comes time to vote the real cuts, then stand up and be counted too.

My colleague from Texas was not there a week ago.

Read the vote.

Now I want to meet the appropriators halfway because I fully appreciate what the gentleman from Illinois, Chairman DURBIN, and his committee are having to do. The chairman's amendment comes closer to meeting us halfway and putting us in the proper perspective of what we should do, to give crop insurance a chance to work.

Mr. COMBEST. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise to speak in favor of the bill and against the Penny amendment. There is somewhat of a little antifarmer, antiagriculture hint here in this body; certainly not by the authors of this particular amendment, but often there is. And what we have is a situation that the farm crop insurance is the only subsidized program.

Well, there is a wind storm insurance pool, there is a national flood pool, there is a crime program for high-risk crime areas, assigned-risk automobile programs. All of these are taxpayer-subsidized for areas that the private insurance sector will not go into. I think that is something maybe we should address at some point. But when we are talking about weaning, let us not say the farmers are the only one that are getting some sort of a subsidized program.

Now, to diminish this subsidy, the bill at hand gives us this opportunity to say we are going to cut the fee to the delivery system in the private sector is just going to say we are going to put the subsidy on their back and tax them.

But to say that we are going to charge the independent agents who are selling this is ridiculous. Crop insurance is already a loss loser, most agents do not sell it now. The only reason why you do it is try to pick up the other lines: Automobile, house so forth, and other farmers.

Finally, one of the things the Penny amendment requires us to do is a $50 charge for filing the claim.

When I was selling fire insurance, I could not dream of going to a homeowner's house that had just burned down and say, "Well, we are going to pay you what this insurance is intended to do, but you have to pay $50 for us to file the claim." That is an insult and that is not the way the insurance works in any sector.

So, Mr. Chairman, I recommend strongly to my colleagues, vote against the amendment and vote for the bill.

Mr. DE LA GARZA. Mr. Chairman, I yield 1 minute to our distinguished colleague, the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Chairman, you know, often the debate gets so hung up in ideological positions that we kind of lose sight of what is at hand. We just heard from the right about wasteful subsidies, we have heard from the left about women, infants and children's funding. None of it involves really what is at hand, which is: Is this crop insurance program going to work under the Penny amendment? We have not had any hearings on it. So I suppose the best way to figure that one out is look at the agency that runs that program. They say, "no," they say the Penny amendment will not. That is why we ought to vote it down this afternoon. We ought to vote in favor, instead, of the chairman's amendment.

A public/private partnership has to work and the private component of crop insurance involves the delivery of policies, adjustment of losses and a portion of the reinsurance. If they do not participate, we have just unleashed a disaster. That is why I ask for support of the chairman's amendment. It is a workable approach. I ask rejection of the Penny amendment.

□ 1310

Mr. PENNY. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, as my colleagues know, we have heard a lot of talk here from people who profess to have worked in the insurance business, and I have not. I have just bought a few policies over the years.

It is important to understand what the gentleman from Minnesota [Mr. PENNY] is suggesting in his amendment. What he is suggesting is:

> If you happen to be a farmer with 3,000 acres of land, the Federal Government will say to you, "If you lose more than half of your crop on that farm, we, as taxpayers, will insure it, up to 56 percent of it, for $100 a year. Three thousand acres, losses over 50 percent, covered up to 56 percent, for $100 a year."

Mr. Chairman, I do not think that is bashing farmers. I think that is very realistic, and very honest and very reasonable.

And the second thing the Penny amendment does, Mr. Chairman, is it says to the private insurance industry, which we allow to sell these policies and make a profit:

> We're going to reduce your level of profit on each one of these policies by 1 or 2 percent in an effort to move toward reducing our budget deficit.

A private insurance industry, making money through selling policies subsidized by the taxpayers, is being asked to tighten its belt by 1 or 2 percent. That does not sound unreasonable either.

But if my colleagues listened to the debate, they would think the end of the world would be caused by the Penny amendment. It will not. But what may be the end of the world for a lot of important programs 3 years down the line is when we have to pay the bill for this crop insurance reform that is not being taken care of in this bill. We will have to cut $300 million more from programs like ag research, soil and water conservation and the WIC program.

Let us be reasonable here. Crop insurance is important. We should maintain it. But, it should face the same sort of regimen we are asking of every program in the Federal Government.

I say to my colleagues,

> You have to be a little more reasonable. A hundred dollar policy; does that sound unreasonable for thousands of acres being covered? A couple percent off the amount of profit you would make at the Federal Government's expense for selling the policy; is that unreasonable?

Stick with the Penny amendment. It is a sensible way to deal with a serious problem.

Mr. DE LA GARZA. Mr. Chairman, I had advised the Members and my colleagues that we would try to conclude this by 1:30, and I am still willing to do that. I have only like about 1 or 2 minutes left, which I will take to conclude debate.

The CHAIRMAN. The gentleman from Texas [Mr. DE LA GARZA] reserves the balance of his time.

Mr. PENNY. Mr. Chairman, I, too, reserve the balance of my time.

Mr. COMBEST. Mr. Chairman, we have one remaining speaker, and I yield the balance of my time to the gentleman from Iowa [Mr. NUSSLE] who has been a leader on the efforts to pay for disasters.

Mr. NUSSLE. Mr. Chairman, this is not a matter today of weaning ourselves from a sacred cow. I will tell my

colleagues what it is. It is weaning ourselves from a disaster system, a disaster system that puts our farmers and our victims at the mercy of CNN.

Mr. Chairman, if a victim is able to get on CNN, if the disaster is big enough to get on CNN, if they can rush the cameras out there, then Congress reacts. But heaven help us and heaven help the victims if CNN does not arrive on the scene and if Congress only has one or two districts, or one or two Members, that have a problem that they try and come here to deal with the Congress of the United States. We are at the mercy of politics, of politicians that love to hand out money to victims, who walk around flooded fields, walk around disaster areas with wrinkled brows and telling people how concerned we are and how much we want to act.

Let me tell my colleagues what this is. This is not a handout. This is personal responsibility at its best.

My farmers tell me; they say,

> We want to be accountable, we want to be responsible, we want the opportunity to show you that we can deal with disasters, if you give us a program that we can work with, not one that's underfunded, not one that doesn't quite hit the mark, but one that is responsible.

There is no secret here today that the Congress of the United States and the Federal Government has determined that food security is a priority. Sure, we make subsidies. That is not a surprise. The difference here today, however, is that we want to be accountable, we want to plan ahead for disasters, we want to provide the assistance to victims, and we want to pay for it. This system will do it.

However, Mr. Chairman, the Penny amendment allows us to fall very short of that mark, and I would say to my very good friend, the gentleman from Minnesota [Mr. PENNY], that I do not remember a time I have ever disagreed with him on any issue. In fact, it was last year that Mr. PENNY and I took the floor under a lot of heat together with the majority of Members from flooded districts and said, "We have got to change the program."

What did we hear?

> Wait until next year.
> Wait until it's dry.
> Let's plan.
> Let's have a system.
> Let's pay for it.
> Let's talk about crop insurance.

We do not want to do disasters either, so let us try to fix the system. It has been 1 year.

Have we fixed the system? We set up a nice little task force. I serve on this task force to repair disasters, but we have not fixed the system. This allows us to fix the system so that we can be responsible, so that the farmers can participate, so that we can be accountable to the taxpayers and so that we have a system that can survive without the pressures and the cross-pressures of social welfare programs in this country. It is not our responsibility here today to shift responsibility.

But let me point out to my colleagues that it was the chairman of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that fought the hardest last year to make sure that the disaster took care of itself for the flood victims, and he promised us all then that we can deal with this when the weather is calmer, when the fields are drier, when we do not have the disaster facing us.

We do not have a disaster facing us today, my colleagues. It is time to fix the system. The Penny amendment misses the mark. The de la Garza amendment gets us to the middle ground we need between the Committee on Appropriations and the authorizing committee.

Mr. Chairman, I urge strenuously my colleagues who join me on many occasions for fiscal responsibility to join me today to be fiscally responsible in making sure we do not have year, after year, after year of disaster programs which are political, which do not plan ahead, which do not adequately provide assistance to victims and which do not pay for the assistance that it provides.

Mr. PENNY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, the issue is simply over a full payment for all the costs attributable to this bill or a partial payment.

The gentleman just preceding me made eloquent points about the need to reform crop insurance so that we no longer have to resort to annual emergency disaster legislation. We are in full agreement on that. This crop insurance reform is the answer to that annual problem, and the farmers across America, and, I believe, the insurance agents that sell these policies, are also willing to participate in honestly financing a solution to this annual disaster in which we have to deficit spend in order to take care of losses due to natural disasters.

The main difference between the Penny-Gunderson amendment and the amendment offered by the gentleman from Texas [Mr. DE LA GARZA] is in how much to pay now. Penny-Gunderson pays for the entire cost now. The de la Garza amendment only goes half way, leaving us a $300 billion gap which will have to be made up later.

□ 1320

We can make the tough choices now, or we can put it off for another day. Let us not back away from our responsibilities once again. Let us step up to the plate. Let us do the right thing. Vote against the de la Garza amendment; vote for Penny-Gunderson.

Mr. Chairman, I yield back the balance of my time.

Mr. DE LA GARZA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank all of the participants for the level of debate and the tone that has been set. I am still frustrated with inaccuracies that were floated out, but I will accept that there is part of people's interest personally on one topic, one subject matter.

I, as chairman of the committee, have to deal with the spectrum, as my colleague, the chairman of the Subcommittee on Appropriations, does. And to all who have heard pay now or pay later, you have heard my pledge to the chairman of the Subcommittee on Appropriations that we will not let this happen, that we have shared our responsibility, we have met our responsibility, we will continue to meet our responsibility, and no one can point the finger at us.

Also I would like to say, this has nothing to do with WIC or with any of the other programs. They have to make those decisions, but it comes all out of one pot.

This bill, with my amendment, will cut $226 million in 5 years. But what I want Members to see is this. The red is ad hoc disaster, $2.3 billion, 1994; $3.4 billion, 1951.

OMB, USDA Secretary Espy, Mr. Ackerman of Crop Insurance, all of them say the Penny amendment will have a tendency to harm the program. If you harm the program, you are back to ad hoc disasters.

Mr. Chairman, it was mentioned by one of my colleagues, the policy is if it rains for one straight day in any one of our 50 States, in the morning the Governor is calling the White House wanting an emergency disaster declaration. And look what they cost, in the billions of dollars.

Here in the green is the crop insurance. We share. And all we are saying is the experts tell us we need time. So we fund for 3 years. We pledge ourselves to fulfill the rest of the requirement, if it be needed, but in the interim have a GAO report, a GAO study, so we can have the accuracy that we need to legislate.

Why do we need accuracy? I could just as well go along and say pay now, to heck with it. What happens to our food supply? What happens to our exports?

Agriculture is the only one bringing money back from abroad at this time. Everything nonagriculture collectively is in a deficit. And you heard the amount of the deficit. Agriculture is the only one bringing money back from abroad. We are feeding all our people and half of the world, and you might risk this by willy-nilly saying, well, we are just going to cut. Pay now or pay later.

It sounds good. It sounds very good. But I do not want to have the responsibility of saying, "Hey, we are out of food, because we cut out the safety net which we called crop insurance."

A vote yes on the de la Garza amendment is a vote for the American people, it is a vote for the consumer, it is a vote for fiscal responsibility. It is an A–1, all-American vote, and I urge you to vote aye.

Mr. Chairman, I yield back the balance of my time.

Ms. McKINNEY. Mr. Speaker, I come before you today in support of the Penny-Gunderson amendment to H.R. 4217, the Federal Crop Insurance Reform Act of 1994. When the committee marked this bill up on Tuesday, no one mentioned there was a wrinkle included.

All programs that are included in the pool of agriculture programs will have to contribute funds to pay for H.R. 4217.

Mr. Speaker, I am concerned that the funding shortfall in H.R. 4217 will contribute to further pressure on the WIC Program, Public Law 480, and TEFAP.

These programs were set up to assist the poor and hungry, not the rich and famous.

Currently, because of lack of funding, WIC reaches only two-thirds of those eligible to participate in the program as it is. Surely we can't afford another cut to a program that's never been fully funded. Approximately 2.5 million more people could benefit from the program if all of the funds were there.

In this climate of purse tightening, we must be aware if we exceed our budget we have to suffer the consequences of damaging other programs.

Mr. Speaker, I support the Penny-Gunderson amendment, I urge my colleagues to do the same.

Ms. MARGOLIES-MEZVINSKY. Mr. Chairman, I am here today to bring up a concern of many of us in Congress who work to protect programs that assist the poor and hungry. We are concerned that the funding shortfall in H.R. 4217 will contribute to further budget pressure on these vital programs in the future. I'm speaking specifically about the WIC program, Public Law 480 and TEFAP. All programs that are included in the pool of agriculture programs which will have to contribute funds to pay for H.R. 4217.

WIC currently reaches only about two-thirds of those eligible to participate in the program. Approximately 2.5 million people who could benefit from the program do not, because it is not yet fully funded. This year, the Appropriations Committee struggled to find an additional $260 million for WIC, falling $80 million short of the level requested by the administration. A $600 million shortfall in the Federal Crop Insurance Program will make it even more difficult to ensure full funding for the WIC Program in the future.

The administration opposes this amendment, but it has not identified which programs should be cut to pay for the funding shortfall. I want to know now. I don't want to find out later. I don't want to find out next year or the year after or the year after that, that WIC has been cut to pay for crop insurance.

In this climate of fiscal belt tightening, every time we go over budget, we must be aware of the repercussions to other programs. In another time there would not be a connection between Federal crop insurance reform legislation and the WIC Program or TEFAP or Public Law 480. But today there is. These times require us to make decisions about priorities. These times require us to live within our means. If we don't, other programs we hold dear can be affected through unintended consequences.

I support the Penny-Gunderson amendment. I support fiscal responsibility. I urge my colleagues to do the same.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. DE LA GARZA] as a substitute for the amendment offered by the gentleman from Minnesota [Mr. PENNY], as modified.

The question was taken; and the chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. DE LA GARZA. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to the provisions of clause 2(c) of rule XXIII, the Chair announces that he may reduce to 5 minutes the time within which an electronic vote will be taken on the Penny amendment, without any intervening debate.

This will be a 15-minute vote.

The vote was taken by electronic device, and there were—ayes 253, noes 156, not voting 30, as follows:

[Roll No. 377]

AYES—253

Abercrombie
Allard
Bachus (AL)
Baesler
Baker (CA)
Barcia
Barlow
Barrett (NE)
Bartlett
Barton
Bateman
Becerra
Bentley
Bereuter
Bevill
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Borski
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Callahan
Camp
Canady
Castle
Chapman
Clayton
Clinger
Clyburn
Coleman
Collins (GA)
Combest
Conyers
Cooper
Cramer
Crapo
Danner
de la Garza
DeLay
Derrick
Dickey
Dicks
Dingell
Dooley
Doolittle
Dornan
Dreier
Dunn
Edwards (TX)
Ehlers
Emerson
English
Everett
Ewing
Faleomavaega (AS)
Fazio
Fields (LA)
Fields (TX)
Filner
Fish
Ford (MI)
Fowler
Franks (NJ)
Frost
Furse
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Grams
Grandy
Hall (TX)
Hamburg
Hamilton
Hansen
Hastert
Hastings
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoke
Holden
Houghton
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kasich
Kennedy
Kennelly
Kim
King
Kingston
Klink
Kopetski
LaFalce
Lambert
Lancaster
LaRocco
Laughlin
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lloyd
Long
Lucas
Manton
Manzullo
Martinez
Matsui
McCollum
McCrery
McCurdy
McDade
McHale
McHugh
McKeon
McNulty
Meek
Menendez
Meyers
Michel
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Murtha
Neal (MA)
Neal (NC)
Nussle
Olver
Ortiz
Oxley
Parker
Paxon
Payne (VA)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quillen
Rahall
Ravenel
Richardson
Ridge
Roberts
Roemer
Rogers
Rose
Rowland
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Scott
Serrano
Shuster
Sisisky
Skeen
Skelton
Slattery
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stenholm
Strickland
Stupak
Swett
Swift
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Volkmer
Vucanovich
Walker
Walsh
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)
Zeliff

NOES—156

Ackerman
Andrews (ME)
Andrews (NJ)
Applegate
Archer
Armey
Barca
Barrett (WI)
Bellenson
Bilbray
Byrne
Cantwell
Cardin
Carr
Clay
Coble
Collins (IL)
Collins (MI)
Condit
Coppersmith
Costello
Cox
Coyne
Crane
Cunningham
Deal
DeLauro
Dellums
Deutsch
Dixon
Duncan
Durbin
Edwards (CA)
Engel
Eshoo
Evans
Farr
Fawell
Fingerhut
Flake
Frank (MA)
Franks (CT)
Gallo
Gejdenson
Goss
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hancock
Harman
Hefley
Hoekstra
Horn
Hoyer
Inslee
Jacobs
Johnson (CT)
Johnston
Kaptur
Kildee
Kleczka
Klein
Klug
Knollenberg
Kolbe
Kreidler
Kyl
Lantos
Lazio
Lewis (GA)
Lowey
Maloney
Mann
Margolies-Mezvinsky
Markey
Mazzoli
McCandless
McCloskey
McDermott
McInnis
McKinney
McMillan
Meehan
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Moorhead
Moran
Morella
Myers
Nadler
Norton (DC)
Oberstar
Obey
Orton
Owens
Packard
Pallone
Pastor
Payne (NJ)
Pelosi
Penny
Peterson (FL)
Petri
Porter
Poshard
Quinn
Ramstad
Rangel
Reed
Regula
Reynolds
Rohrabacher
Rostenkowski
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Sawyer
Schenk
Schroeder
Schumer
Sensenbrenner
Sharp
Shays
Shepherd
Skaggs
Slaughter
Smith (MI)
Stark
Stearns
Stokes
Studds
Stump
Thomas (CA)
Torres
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Waters
Watt
Waxman
Weldon
Wyden
Yates
Zimmer

NOT VOTING—30

Andrews (TX)
Bacchus (FL)
Baker (LA)
Ballenger
Berman
Bonior
Boucher
Calvert
Clement
Darden
de Lugo (VI)
DeFazio

Diaz-Balart
Foglietta
Ford (TN)
Gallegly
Gephardt
Goodling
Gordon
Green
Hayes
Lipinski
Machtley
Murphy
Romero-Barcelo (PR)
Ros-Lehtinen
Shaw
Sundquist
Synar
Washington

□ 1346

The Clerk announced the following pairs:

On this vote.

Mr. Darden for, with Mr. Diaz-Balart against.

Mr. Green for, with Mr. Synar against.

Ms. PELOSI, Mrs. SCHROEDER, Mrs. LOWEY, Ms. VELÁZQUEZ, and Messrs. THOMAS of California, MINETA, PAYNE of New Jersey, LANTOS, CRANE, ROYCE, MORAN, FLAKE, and CUNNINGHAM changed their vote from "aye" to "no."

Messrs. LANCASTER, BACHUS of Alabama, MATSUI, and HINCHEY changed their vote from "no" to "aye."

So the amendment offered as a substitute for the amendment, as modified, was agreed to.

The result of the vote was announced as above recorded.

□ 1350

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. PENNY], as amended.

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. PENNY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 401, noes 1, not voting 37, as follows:

[Roll No. 378]

AYES—401

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Borski
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
de la Garza
Deal
DeLauro
DeLay
Dellums
Derrick
Deutsch
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Faleomavaega (AS)
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Ford (MI)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goss
Grams
Grandy
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Livingston
Long
Lowey
Lucas
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Spence
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Swett
Swift
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—1

Applegate

NOT VOTING—37

Andrews (TX)
Bacchus (FL)
Baker (LA)
Ballenger
Berman
Bonior
Boucher
Calvert
Clement
Darden
de Lugo (VI)
DeFazio
Diaz-Balart
Foglietta
Ford (TN)
Gallegly
Goodling
Gordon
Green
Hayes
Lipinski
Lloyd
Machtley
McNulty
Miller (CA)
Murphy
Quillen
Romero-Barcelo (PR)
Ros-Lehtinen
Shaw
Solomon
Spratt
Sundquist
Synar
Torkildsen
Washington
Wheat

□ 1357

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

Mr. DE LA GARZA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to advise the Members that we have pending three minor conforming amendments that the committee will accept. Then we will go to final passage. It is not the intention of the committee to call for a recorded vote on final passage.

I thank the Members for their patience and kindness and their vote.

□ 1400

AMENDMENT OFFERED BY MR. VOLKMER

Mr. VOLKMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VOLKMER: Page 43, lines 19 and 20, strike "or by the private insurance provider"; and

Page 43, lines 21 and 22, strike "or the insurance provider".

Mr. VOLKMER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. VOLKMER. Mr. Chairman, this is a technical amendment.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from Texas.

Mr. DE LA GARZA. Mr. Chairman, I thank the gentleman for yielding. We have considered his amendment and we have no objection to accepting it.

Mr. COMBEST. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield to my good friend, the gentleman from Texas.

Mr. COMBEST. Mr. Chairman, we have looked at the amendment and have no objection to it. We accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. VOLKMER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SMITH OF MICHIGAN

Mr. SMITH of Michigan. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Michigan: Page 32, line 12, strike "an amount" and insert "the amount, subject to the provisions of pargraph 3,"

Page 32, after line 17, insert the following new subparagraph:

"(D) Payment of buy-up coverage proportional to level of risk.

"(i) GENERAL.—In the case of policyholders under subparagraph (C), the Corporation shall ensure to the extent practicable the producer cost of buy-up coverage shall be directly and proportionally related to the level of risk and that the dollar amount of the premium payment made by the Corporation under subparagraph (C) on behalf of policyholders with an average national average insurance risk does not exceed 200 percent of the dollar amount of the premium payment made for the same level of coverage for a crop and farming practice obtained by policyholders with a national average insurance risk. In order to make this comparison of those policyholders with an above national average insurance risk with those policyholders with a national average insurance risk, the Corporation shall determine the dollar amount of its national average insurance risk premium payments utilizing county, crop, and farming practice data.".

"(ii) REALLOCATION OF COST SAVINGS.—The cost savings in premiums realized by the Corporation under clause (i) shall be reallocated on an equitable basis to policyholders.".

Mr. SMITH of Michigan (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. SMITH of Michigan. Mr. Chairman, because we are a compassionate society, we have helped many of our fellow Americans who have failed to purchase insurance and have suffered losses from natural disasters. Unfortunately, this has sent the message to farmers and others that they can live, build, and farm in high-risk areas without insurance because the Government with bail them out. This distorts economic decisionmaking by encouraging people to undertake activities where the risk outweighs the benefits, thus using resources inefficiently.

Currently, the Government pays a percentage of a farmer's crop insurance premium. The Government gives higher premium subsidies to high-risk, higher loss policyholders. Those policyholders with lower risk and hence, lower insurance premium rates, receive a smaller subsidy. Together with past Government disaster bailouts, this creates an incentive to farm in high-risk areas. In the insurance literature, this is known as moral hazard.

I believe we should restructure Government premium subsidies to improve farmers' incentives to manage risk and reduce taxpayers' costs for a Federal crop insurance program. This amendment would limit the taxpayer premium subsidy for buy-up coverage, that is coverage equal to or greater than 65 percent of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or an equivalent coverage to 200 percent of the dollar amount of the subsidy given to policyholders for the same level of coverage for a crop and farming practice based on a national average risk premium rate.

In other words, if we make higher risk farmers pay closer to their fair share for crop insurance by limiting the subsidy for that crop insurance premium to not more than 200 percent of the national average subsidy, lower risk farmers will be more likely to buy crop insurance because their premiums will be reduced by $48 million.

In conclusion, I would hope the conference committee will reevaluate the disparity in subsidized premiums between high- and low-risk farmers.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: Page 47, line 8, strike the close quotation marks and period at the end and insert the following new subsection:

"(d) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—

"(1) SENSE OF CONGRESS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased by the Corporation using funds made available to the Corporation should be American-made.

"(2) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into my contract with, any entity for the purchase of equipment and products to carry out this title, the Corporation, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in paragraph (1) by the Congress.".

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, I yield to the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Chairman, after having examined the amendment sponsored by my distinguished colleague, the gentleman from Ohio, we accept it on our side.

Mr. COMBEST. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Texas.

Mr. COMBEST. Mr. Chairman, being very familiar with the amendment offered by the gentleman from Ohio, we accept it.

Mr. TRAFICANT. Mr. Chairman, if we buy some American-made equipment and products, maybe we will have some American jobs.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DE LA GARZA

Mr. DE LA GARZA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DE LA GARZA: On page 46, line 13, strike "1996 crop year" and insert "1998 crop year".

On page 46, line 22, strike "1995 crop year" and insert "1995, 1996, and 1997 crop years".

On page 47, strike lines 3 through 8, and insert closing quotation marks and second period after "development." on line 2.

Mr. DE LA GARZA (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DE LA GARZA. Mr. Chairman, this is a technical amendment, conforming in nature, and I ask for its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. DE LA GARZA].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute, as modified, as amended.

The committee amendment in the nature of a substitute, as modified, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. RICHARDSON) having assumed the chair, Mr. CARDIN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4217) to reform the Federal Crop Insurance Program, and for other purposes, pursuant to House Resolution 507, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GOODLING. Mr. Speaker, I regret my absence for rollcall votes No. 377 and No. 378, amending H.R. 4217, the Federal Crop Insurance Reform Act. I was attending the funeral services for a family member.

Had I been present, I would have voted "nay" on rollcall vote No. 377 and "aye" on rollcall vote No. 378.

PERSONAL EXPLANATION

Mr. BALLENGER. Mr. Speaker, I was absent for rollcall vote No. 377 and No. 378. Had I been present, I would have voted "no" on rollcall vote No. 377 and "aye" on rollcall vote No. 378.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 4217, FEDERAL CROP INSURANCE REFORM ACT OF 1994

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that, in the engrossment of the bill H.R. 4217, the clerk be authorized to correct the table of contents, section numbers, punctuation, citations, and cross references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

GENERAL LEAVE

Mr. DE LA GARZA. 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. 4217, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

MAKING IN ORDER ON MONDAY, AUGUST 8, 1994, OR ANY DAY THEREAFTER CONSIDERATION OF CONFERENCE REPORT ON H.R. 4649, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1995, AND DISTRICT OF COLUMBIA SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT, 1994

Mr. DIXON. Mr. Speaker, I ask unanimous consent that notwithstanding the provisions of clause (2) of rule XXVIII, it be in order at any time on August 8, 1994, or any day thereafter, to consider the conference report, amendments in disagreement, and motions to dispose of amendments in disagreement, to the bill H.R. 4649, making appropriations for the District of Columbia for the fiscal year ending September 30, 1995, and for other purposes, and that the conference report, amendments in disagreement, and motions printed in the joint explanatory statement of the committee of conference to dispose of amendments in disagreement be considered as read when called up for consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF CONFERENCE REPORT ON H.R. 4277, SOCIAL SECURITY ADMINISTRATIVE REFORM ACT OF 1994

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that it be in order at any time to consider the conference report on the bill (H.R. 4277), to establish the Social Security Administration as an independent agency and to make other improvements in the Old-Age, Survivors, and Disability Insurance Program, that any points of order against the conference report and its consideration be waived, and that the conference report be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. HANCOCK. Mr. Speaker, reserving the right to object, we on the Republican side of the aisle have no objection to the consideration of H.R. 4277 in the manner described by my colleague from Florida.

This issue has been a bipartisan one from the beginning, and that spirit continued through the conference. In the end, the conference report was signed by all three of our conferees—and we will be pleased for it to be considered by the House as expeditiously as possible.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF A JOINT RESOLUTION AND A BILL RELATING TO MOST-FAVORED-NATION TREATMENT FOR THE PEOPLE'S REPUBLIC OF CHINA

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103-673) on the resolution (H. Res. 509) providing for consideration of a joint resolution and a bill relating to most-favored-nation treatment for the People's Republic of China, which was referred to the House Calendar and ordered to be printed.

□ 1410

ANNOUNCEMENT BY CHAIRMAN OF THE COMMITTEE ON RULES, CONCERNING PLANS FOR CONSIDERATION OF H.R. 3800, SUPERFUND ACT OF 1994

(Mr. MOAKLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOAKLEY. Mr. Speaker, I rise today to notify Members regarding the Rules Committee's plans with respect to H.R. 3800, the Superfund Act of 1994. The Rules Committee plans to meet the week of August 8, to grant a rule. A request may be made for a structured rule, which would permit only those floor amendments designated in the rule.

In order to ensure Members' rights to offer amendments under the rule that may be requested, they should submit 55 copies of each amendment, together with a brief explanation of each amendment, to the committee office at H-312, the Capitol, by 5 p.m. Wednesday, August 10.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I ask for this time in order that I might inquire of the distinguished chairman of the Democratic Caucus the program for next week.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank the distinguished minority leader, my good friend, the gentleman from Illinois.

The schedule for next week is we will go in at 10:30 for morning hour. After the morning hour, we will then go to a series of suspensions. We have on the list now some 27 suspensions, a list of which I believe the gentleman's side has. We will do those suspensions. There will be no votes until 5 o'clock, not before 5 o'clock. And I have had pointed out, in addition to the 27 suspensions, we will also be considering the District of Columbia appropriations conference report.

Then Tuesday and the balance of the week, the House will meet at 10:30 a.m. for morning hour on Tuesday, and the House will go into session at noon on Tuesday, and we will consider, during Tuesday and the balance of the week, the following bills: The Energy and Water Development Appropriations bill conference report, the resolution regarding China's MFN, which is, of course, subject to a rule, the Omnibus Crime Control Act conference report, also subject to a rule, the Congressional Accountability Act, subject to a

rule as well, the Social Security Administration Reform Act of 1994 conference report, the Full Budget Disclosure Act of 1994, which deals with baselines, the Emergency Spending Control Act of 1994, subject to a rule, H.R. 3433, to provide for the management of the Presidio, which is also subject to a rule, the Lobbying Disclosure Act of 1994 conference report, the Superfund Reform Act of 1994, subject to a rule, and the Hydrogen and Fusion Research and Development Programs Authorization, subject to a rule.

There may be additional conference reports. We do not know at this time.

Mr. MICHEL. I thank the gentleman.

I have to make the observation that, noting several of them, considerable authorizations of agencies, departments of government, not necessarily departments, but agencies of government that involve considerable sums of money. We are going to have to start looking over these suspensions very carefully, because instead of having a measure that ought to be debated out here involving $10 billion, $12 billion, $13 billion on Suspension Calendar, I have real reservations about that, and I know that sometimes it is done to foreclose so-called unfriendly amendments. But also it tends to demean the whole legislative process when we shortchange the debate on a measure that is as important as some of these are to 20 minutes for, 20 minutes against.

As is always the case as we get near the end of a session or of the Congress, we have the inclination to pile onto the Suspension Calendar. But just a note of caution.

Mr. HOYER. If the gentleman will yield further, I very much appreciate the minority leader's observations. I understand his concern.

I want to assure him, as he knows, that all of these have been done in consultation, as he knows, with the ranking members on your side of the aisle on the committees. It is obviously generally the belief that these are relatively noncontroversial. But the gentleman's point is well taken.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank the distinguished minority leader for yielding.

I have asked him to yield so that I might inquire where we stand on the issue of congressional reform. I note that my colleagues, the gentlewoman from Florida [Mrs. FOWLER] and the gentlewoman from Washington [Ms. DUNN] and the gentleman from Massachusetts [Mr. TORKILDSEN], have just put a discharge petition in the well, Discharge Petition No. 26, which I have just signed, which will actually bring forward the entire congressional reform package, H.R. 3801.

Throughout calendar year 1993 we had the opportunity to listen to my friend, the gentleman from Maryland, and a wide range of others who came before our committee and testified on the need to bring about reform of the institution, and we have been promised the bill in the fall of last year, early spring of this year, late spring, the summer, and here we are now waiting for some action to take place upstairs in our Committee on Rules. We had a plan to mark it up today, and that has not worked out.

I just wondered where we could expect this thing to proceed in the weeks to come as we charge toward adjournment.

Mr. HOYER. If the gentleman will yield further, I thank the gentleman for his observations.

I know he has been concerned about this issue, as we have on this side of the aisle. As you know, next week we have on the calendar for consideration the Congressional Accountability Act dealing with the coverage of the Congress on those items dealing with worker safety, worker working conditions, issues of discrimination against employees, and applying those fully to the Congress of the United States as they have been applied to the private sector.

In addition, it is the Speaker's intention, and he has made it known, that he is hopeful and believes and is committed to this matter coming to the floor, the balance of the reform package, which is being considered in the gentleman's committee, in the Committee on Rules, currently to come to the floor in the early fall.

Mr. DREIER. If my friend would yield further, I would just like to say for the record that I am very concerned about this issue of breaking it up into bits.

My colleague, the gentleman from Indiana [Mr. HAMILTON], who served with me on the committee, said that he thought it necessary that the sweetener of congressional compliance, the bill to which my friend referred, was very important if we were going to succeed in getting the other equally important, but very tough, reforms which I believe a majority of the Members of this institution want to have put into place. But I just want the record to show that, and I am very, very disappointed in that we have made this decision to break the measure into bits.

Mr. HOYER. If the gentleman will yield further, I thank the minority leader for yielding, I appreciate the gentleman's concern. As the gentleman knows, this bill is a bipartisan bill; the gentleman from New Hampshire [Mr. SWETT] on our side, the gentleman from Connecticut [Mr. SHAYS] on your side, and others; of course, that was considered by the Committee on House Administration, broad-based support of it, and I think broad-based support on the floor, and it was felt that this ought to move ahead, because it is a matter of great concern to the American public, as you know, and great concern to many Members of the Congress.

But there is also a continuing concern about the package that has been put together by the joint committee, and I appreciate the gentleman's concerns.

Mr. MICHEL. As the gentleman well knows, we are going to be devoting then the week following next week's program to health care. I suspect it is no secret that what we would probably like to see is a couple of days, Monday and Tuesday, of general debate, and then a rule that gets us to a voting situation for Wednesday, Thursday, Friday, and, you know, earlier at leadership meetings and in this program, I see nothing about GATT. Does that assume that is pretty well put off until we come back in September?

We want to be working together, and that is very important for the country's welfare, and I know there is some angst in various quarters about the particulars of that measure.

The gentleman may want to volunteer an observation on that one.

□ 1440

Mr. HOYER. I appreciate the minority leader's observation on both of these issues, which are both obviously very, very important issues and about which we are very concerned. First as to the minority leader's observation on health care, we do expect and plan to have that matter up on the floor the week after next. As you know, the minority leader is absolutely correct. On Monday there will be no votes, Monday, the 15th. However, we do expect to start the debate on the health care bill and have, not only on the bill that is currently being considered, but the House Democratic leadership bill, so-called Gephardt bill, but in addition the minority leader's bill and any other bills on your side of the aisle will be discussed.

We hope to continue that debate on Tuesday, consider the rule on Wednesday, and for the balance of the week consider the health care legislation.

But again I would stress there are no votes on Monday, the 15th.

With respect to GATT, as the gentleman I am sure knows, there is a lot of preconferencing going on, trying to work out some of the disagreements which are substantial in terms of a number of matters dealing with GATT. We are hopeful that that will move ahead. Until such time, however, as the various committees advise us on the progress they are having, we have not added that to the calendar because we do not know whether we can move forward on it.

We realize the importance of this issue. The leadership is very much

committed to moving this ahead. As soon as we have an indication from the committee that they are ready, we are going to try to move ahead and make room.

Now, quite clearly it would be doubtful that we could do this in conjunction with health care in that week. But we do not want to preclude it at this point.

Mr. MICHEL. I appreciate the gentleman's response. It has been my understanding that because we have orchestrated the program the way it will unfold, hopefully, in the next 2 weeks, that that second week is pretty much confined to health care, not to have our attention distracted by any other, conceivably controversial, piece of legislation. I think what we will be dealing with that week will be controversial enough. But at least it will focus the attention of the American people and Congress where it ought to be, on that biggest of all issues for this year. And we can dispose of it, hopefully, amicably whatever the bill is.

Mr. HOYER. I would like to say, on our side, if the gentleman will continue to yield, that we appreciate the cooperative spirit that we have discussed, the consideration of this for the week of the 15th. We both agree, on both sides of the aisle, that this is an issue of sufficient magnitude to really warrant fully focusing on it during that week, having full debate on it, full exposition of the issues, so that the American public and every Member of the House can understand the bill and the legislation, what it does and what it does not do.

Mr. MICHEL. I thank the gentleman.

Mr. Speaker, I yield back the balance of my extended minute.

ADJOURNMENT TO MONDAY, AUGUST 8, 1994

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 10:30 a.m. on Monday next.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). Is there objection to the request of the gentleman from Maryland?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, August 10, 1994.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 2739, AVIATION INFRASTRUCTURE INVESTMENT ACT OF 1993

Mr. MINETA. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight, Friday, August 5, 1994, to file a conference report on the bill (H.R. 2739) to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations for fiscal years 1994, 1995, and 1996, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

NATIONAL PEARL HARBOR REMEMBRANCE DAY

Mrs. BYRNE. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 131) designating December 7 of each year as "National Pearl Harbor Remembrance Day," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Mr. MENENDEZ). Is there objection to the request of the gentlewoman from Virginia?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, the minority does not object. I at this point would yield to the prime sponsor of this important resolution, which would designate December 7 of each year as National Pearl Harbor Remembrance Day, the gentleman from Illinois [Mr. SANGMEISTER].

Mr. SANGMEISTER. I thank the gentlewoman for yielding to me.

Mr. Speaker, I would like to thank and commend the gentleman from Missouri [Mr. CLAY], the chairman of the full committee for his distinguished leadership, his strong support of this measure and for moving this bill so expeditiously. I would also like to thank the ranking member from Indiana [Mr. MYERS] for his support.

Mr. Speaker, House Joint Resolution 131, would designate December 7 of each year as National Pearl Harbor Remembrance Day.

On December 8, 1941, President Roosevelt uttered the words, "December 7, 1941—a date which will live in infamy." He was standing in this House Chamber giving a speech before a joint session of Congress, asking that a state of war be declared between the United States and Japan.

This attack, killing more than 2,000 citizens of the United States and wounding another 1,000, marked the entry of the United States into WW II. Between the period of December 7, 1941, and December 31, 1946, over 16 million Americans served in the Armed Forces of the United States. Of that number 671,000 were wounded in action; 292,000 were killed in action; and an additional 114,000 died of non-battle causes for a total of 406,000 Americans making the ultimate sacrifice in defense of freedom around the world.

I believe that House Joint Resolution 131 will promote a greater understanding and appreciation of this sacrifice.

Mr. Speaker, this measure does not create a Federal holiday which will cost taxpayers money. It simply designates December 7 of each year as a working holiday and encourages Federal agencies to fly the flag at half-staff and mark the day with appropriate ceremonies. Passage of this legislation will ensure that new generations of Americans, particularly school children, would be reminded of the sacrifices their forefathers made to give them the freedom they enjoy in the greatest Nation in the world.

As our World War II veterans age and begin to pass on, it is especially important that we appropriately memorialize their contribution to our great Nation.

Mr. Speaker, I would be remiss if I did not recognize the efforts of Mr. Richard Foltynewicz—a constituent of mine who has worked tirelessly to make this bill a reality—and Mr. Lee Goldfarb—a Pearl Harbor survivor and President of the National Pearl Harbor Survivors Association. He has been exceedingly instrumental in bringing this measure to the floor. I urge my colleagues to favorably consider House Joint Resolution 131, so that we may never forget.

Mrs. MORELLA. Mr. Speaker, further on my reservation of objection, I want to congratulate the prime sponsor, the gentleman from Illinois [Mr. SANGMEISTER], for his leadership in this regard because this resolution that I have cosponsored, as has my colleague, the gentlewoman from Virginia [Mrs. BYRNE], will now designate every year, December 7, as commemorating Pearl Harbor Remembrance Day.

Mr. GILMAN. Mr. Speaker, I am pleased to rise today in support of a joint resolution designating December 7 of each year as "National Pearl Harbor Remembrance Day."

Every generation has a day forever emblazoned in its consciousness. For my parents, it was the 11th hour of the 11th day of the 11th month in 1918, when the guns fell silent on the Western Front of Europe. For another generation, it was an autumn afternoon when the crack of gunfire snuffed out the life of our young, vibrant President Kennedy in a Dallas motorcade.

But for my generation, the day we will never forget was 50 years ago, when a quiet Sunday afternoon was interrupted by the shocking news that the Japanese Empire had launched an unexpected, unprovoked air attack upon our naval base at Pearl Harbor, HI.

Anyone who was around on December 7, can tell you exactly where they were and what they were doing when these deadly bombs

fell. Other images of that day are vivid in all of our minds: The thousands of American soldiers, sailors, and airmen performing personal acts of heroism in the midst of that sudden vicious attack, and a nation suddenly united with a common purpose.

There is another lingering thought about Pearl Harbor. The knowledge that we must never again allow the oceans along our shorelines to lull us into a sense of complacency—that never again should we allow our national defense to be so ill-prepared for any hostile action. From December 7, 1941 on, we Americans knew that we would have to strengthen our defenses and bear the mantle of world leadership, recognizing that events anywhere in the world would henceforth affect us here at home.

Mr. Speaker, December 7, 1994, is an appropriate time for our Nation to take a moment, remembering the important and unforgettable lesson that Pearl Harbor Day taught us—that never again can we allow ourselves to be unprepared.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 131

Whereas, on December 7, 1941, the Imperial Japanese Navy and Air Force attacked units of the armed forces of the United States stationed at Pearl Harbor, Hawaii;

Whereas more than 2,000 citizens of the United States were killed and more than 1,000 citizens of the United States were wounded in the attack on Pearl Harbor;

Whereas the attack on Pearl Harbor marked the entry of the United States into World War II;

Whereas the veterans of World War II and all other people of the United States commemorate December 7 in remembrance of the attack on Pearl Harbor; and

Whereas commemoration of the attack on Pearl Harbor will instill in all people of the United States a greater understanding and appreciation of the selfless sacrifice of the individuals who served in the armed forces of the United States during World War II: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That December 7 of each year is designated as "National Pearl Harbor Remembrance Day" and the President is authorized and requested—

(1) to issue annually a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities; and

(2) to urge all Federal agencies, and interested organizations, groups, and individuals, to fly the flag of the United States at half-staff each December 7 in honor of the individuals who died as a result of their service at Pearl Harbor.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ITALIAN-AMERICAN HERITAGE AND CULTURE MONTH

Mrs. BYRNE. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 175) designating October 1993 and October 1994 as "Italian-American Heritage and Culture Month," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER por tempore. Is there objection to the request of the gentlewoman from Virginia?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, I yield to the gentleman form New York [Mr. ENGEL], who is kind of a converted Italian-American, and who is the chief sponsor of House Joint Resolution 175.

Mr. ENGEL. I thank the gentlewoman from Maryland, who is a dear friend, for yielding this time to me.

Mr. Speaker, I rise today to thank my colleagues for joining me for the fifth year in passing House Joint Resolution 175, legislation which designates October 1994 as "Italian-American Heritage and Culture month."

During the past 5 years, the month of October has become a time for great celebration for the Italian-American community in honor of the Achievements and contributions of Italian-Americans throughout the history of our country. This month is marked by activities planned at the national and local level in recognition and celebration of these contributions.

The Italian-American community is one of the largest in this country, made up of some 25 million citizens who comprise thousands of organizations and clubs throughout the United States and who greatly contribute to the prosperity and progress of our Nation on a yearly basis. Italian-Americans contribute to this country in all aspect of our society: Art, science, civil service, military service, athletics, education, and politics.

Italian-American Heritage and Culture Month is a time for all Americans to reflect on the achievements of Italians and Italian-Americans throughout History. During this month we celebrate those figures of Italian heritage who have contributed to the history of this country and the world. We note the achievements of the great explorer, Christopher Columbus, for whom we have a national day of observance in the month of October. We honor Philip Mazzei, the noted Italian patriot and immigrant to whom we attribute the phrase, "All men are created equal," and who fought for religious and political freedom during the American Revolution. We remember Enrico Fermi, the recipient of the 1938 Nobel Prize in physics. Our country also celebrates the cultural heritage of Italian history which has given us the works of Dante, Giotto, Michelangelo as well a the music of Antonio Vivaldi and Giuseppe Verdi.

Italian-American Heritage and Culture Month gives us all the opportunity to reflect on the ideals and values common to both Americans and Italians. Our nations are bonded by the ideals of the importance of individuality, the protection of basic human rights and freedoms, and the advancement of mankind.

Mr. Speaker, we are giving a great honor to one of the largest ethnic communities in this country by passing this resolution and I am thankful for the many contributions that Italian-Americans have made to our society. I look forward to this resolution's passage in the Senate as well as proper Presidential recognition of this important commemorative Legislation.

□ 1430

Mrs. MORELLA. Mr. Speaker, I thank the gentleman from New York [Mr. ENGEL] for introducing this resolution to recognize October of this year, as well as 1993, as Italian-American Heritage and Culture Month.

Mr. Speaker, further reserving the right to object, it now gives me pleasure to yield to the gentleman from Wisconsin [Mr. BARCA] on this resolution.

Mr. BARCA of Wisconsin. Mr. Speaker, I appreciate this opportunity, and I will be very brief: I just want to take a minute to add my strong support to this motion and to this resolution. The gentleman from New York [Mr. ENGEL] very articulately outlined the many contributions of Italian-Americans, and, being of Italian-American descent, personally this brings me great pleasure to have this opportunity to add my voice in support.

It is 1 year ago that I lost my father, Peter Barca, Sr., who was of Italian descent, who came to this country in 1920, like so many Italian-Americans and people of other heritages just wanting to make a contribution to this great country and to raise his family with dignity and pride, and for that reason I am just very pleased to add my support to this motion.

Mrs. MORELLA. Mr. Speaker, further reserving the right to object, I want to commend the gentleman from Wisconsin [Mr. BARCA] for the tribute to his father, and it is the same kind of tribute that we have to all of our ancestors who have come from other countries who have chosen this as their own.

As someone whose married name is Morella, which is of Italian background, and whose maiden name was Albanese, which is also Italian in background, I can indicate that I do value this particular resolution because it does talk about the fact that we respect our heritage, the traditions that we in America respect the greatness of

this country, and this is what makes this Congress so great and this country so great, the combination of the mosaic of different backgrounds, all with the common heritage which is as Americans.

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of House Joint Resolution 175, legislation to designate October 1994 as Italian-American Heritage and Culture Month. I am pleased to have cosponsored this legislation and wish to commend the gentleman from New York [Mr. ENGEL] for his sponsorship of this legislation.

Italian-Americans in the United States represent one of the largest ethnic groups in our Nation. With 20 million Americans of Italian descent it would be difficult, if not impossible, to name the many contributions they have made to the formation and development of our great Nation.

Perhaps the greatest contribution made by an Italian, of course, is the discovery of America by Christopher Columbus.

Mr. Speaker, it is a pleasure to rise in support of House Joint Resolution 175, and I urge my colleagues to support this measure.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. MENENDEZ). Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 175

Whereas Italians and Italian-Americans have contributed to the United States in all aspects of life, including art, science, civil service, military service, athletics, education, law, and politics;

Whereas Italian-Americans make up one of the largest ethnic groups in the United States;

Whereas in recognition of the accomplishments of Christopher Columbus, recognized as one of the greatest explorers in world history and the first to record the discovery of the Americas, a national observance day was established in October of every year;

Whereas the phrase in the Declaration of Independence "All men are created equal", was suggested by the Italian patriot and immigrant Philip Mazzei;

Whereas the people of the United States take great pride in the accomplishments of the many outstanding men and women of Italian descent who have enriched our Nation's history such as Fiorello La Guardia, the beloved Mayor of New York City, and Enrico Fermi, who won the 1938 Nobel Prize in Physics;

Whereas Italy enjoys a rich cultural heritage and has given the world the great works of Dante, the breathtaking art of Giotti and Michelangelo, and the inspirational music of Antonio Vivaldi and Domenico Scarlatti;

Whereas the Americas were named after the Italian explorer Amerigo Vespucci;

Whereas Giuseppe Verdi, one of the world's most renowned opera composers, was born October 10, 1813;

Whereas William Paca, an Italian-American, was one of the signers of the Declaration of Independence; and

Whereas during October 1993 and October 1994 special attention will be directed at National, State, and local programs that promote Italian heritage and culture: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

That October 1993 and October 1994 are each designated as "Italian-American Heritage and Culture Month". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities.

AMENDMENT OFFERED BY MRS. BYRNE

Mrs. BYRNE. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. BYRNE: Page 2, strike line 3 and insert "That October 1994 is designated".

The SPEAKER pro tempore. The question is on the amendment offered by the gentlewoman from Virginia [Mrs. BYRNE].

The amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL MILITARY FAMILIES RECOGNITION DAY

Mrs. BYRNE. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 188) designating November 22, 1993, as "National Military Families Recognition Day," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, I yield to the gentleman from Washington [Mr. KREIDLER] who is the chief sponsor of House Joint Resolution 188.

Mr. KREIDLER. Mr. Speaker, I am proud to be the sponsor for a second year of this resolution to designate the Monday before Thanksgiving as "National Military Families Recognition Day."

Since the Senate version of this legislation was enacted last year, we are simply amending House Joint Resolution 188, with its 220 cosponsors, to reflect updated statistics and the correct date of this year as November 21, 1994.

This will be the sixth consecutive year that Congress has designated a special day to recognize and honor the mothers, fathers, husbands, wives, and children of our military personnel.

Too often they are forgotten heroes of our Nation's defense, whose service to their country deserves our gratitude and respect.

Many people do not understand how demanding military life can be: Families face the hardships of frequent moves and reassignments, long separations from loved ones, financial pressures, and the constant anxiety of an uncertain tomorrow.

Each and every day military families make personal, professional, financial, and emotional sacrifices on behalf of their country.

But there are few medals for these acts of courage and honor, only the unspoken rewards that come from love and family.

I represent a district that includes Fort Lewis Army Base, McChord Air Force Base, and Madigan Army Hospital.

The families stationed at these bases work hard in the midst of great instability to create a decent life for themselves and their children.

Military Families Recognition Day is a day to honor the dedication and commitment of these families. They are people like:

Jennifer Hutchins, who had to face most of her first pregnancy without her husband, Senior Airman Sheldon Hutchins, when he was deployed for more than 6 months in Somalia, Louisiana, and New Mexico.

Hutchins is a member of the 62d Combat Control Squadron at McChord Air Force Base. While he was deployed in support of Somalia famine relief efforts, Jennifer was pregnant with her first child.

Fortunately, her parents were nearby and able to help. But Jennifer and Sheldon missed sharing this once-in-a-lifetime experience.

Sharon King, whose husband, Capt. Ed King, was deployed to Somalia just 2 weeks after she had their second child.

Ed is based out of the 62d Aerial Port Squadron at McChord AFB and was deployed to Somalia for 3 months earlier this year.

Sharon had to care for a child and a newborn on her own, without a husband to share the joys and struggles.

And the Carter family—Maj. Frederick Carter, his wife Reta, and their two sons Ray and Ben—who were honored as Fort Lewis' Family of the Year last November.

The award, given each year as part of U.S. Army Family Week, is to honor a family for its teamwork and love for each other, and friendship and service to others.

The Carter family had its share of difficulties when Fred was deployed to Iraq for 6 months during the Persian Gulf war.

But they have always taken time to participate in their community—both Frederick and Reta are involved with the PTA and Reta also serves as a social work counselor for the Salvation Army and a facilitator for Army Management counseling sessions.

Mr. Speaker, during the past recent months we have celebrated Memorial Day and the 50th anniversary of D-day,

paying our respects to those living and dead for their sacrifice to their country.

We need to remember that for each of those servicemembers, there was a mother and father, wife or husband, sister or brother, daughter or son, who gave that service man or woman the support and love they needed to serve our Nation.

We salute you, all the military families in America, for your invaluable contribution to our Nation.

□ 1440

Mrs. MORELLA. Mr. Speaker, I want to thank the gentleman for introducing this resolution and for his very moving comments. It is appropriate with this resolution that Congress demonstrate their appreciation of the commitment and devotion and sacrifice of military families, present and past.

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of House Joint Resolution 188, legislation designating November 22, 1993, as "National Military Families Recognition Day."

As the House of Representatives discusses this measure today, we pay tribute to an often forgotten group of people, the families of our Nation's service men and women.

When our military personnel are called to service, we rightly praise their bravery and honor. However, we often forget about the family members who remain at home. This measure recognizes the encouragement and support that is provided by military family members.

I urge my collegues to join me in supporting this important resolution.

Mrs. MORELLA. I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. MENENDEZ). Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 188

Whereas the Congress recognizes and supports the Department of Defense policies to recruit, train, equip, retain, and field a military force that is capable of preserving peace and protecting the vital interests of the United States and its allies;

Whereas military families shoulder the responsibility of providing emotional support for their service members;

Whereas, in times of war and military action, military families have demonstrated their patriotism through their steadfast support and commitment to the Nation;

Whereas the emotional and mental readiness of the United States military personnel around the world is tied to the well-being and satisfaction of their families;

Whereas the quality of life that the Armed Forces provide to military families is a key factor in the retention of military personnel;

Whereas the people of the United States are truly indebted to military families for facing adversities, including extended separations from their service members, frequent household moves due to reassignments, and restrictions on their employment and educational opportunities;

Whereas 74 percent of officers and 55 percent of enlisted personnel in the Armed Forces are married;

Whereas families of active duty military personnel (including individuals other than spouses and children) account for more than half of the active duty community, and spouses and children of members of the Reserves in paid status account for more than half of the individuals in the Reserves community;

Whereas hundreds of thousands of spouses, children, and other dependents living abroad with members of the Armed Forces face feelings of cultural isolation and financial hardship;

Whereas the significantly reduced global military tensions after the end of the cold war have led to a down-sizing of the national defense and a refocusing on national priorities to strengthening the American economy and competitiveness in the global marketplace;

Whereas the Congress is grateful for such sacrifices and is committed to assisting the service members and their families who undergo the transition from active duty to civilian life; and

Whereas military families are devoted to the overall mission of the Department of Defense and have accepted the role of the United States as the military leader and protector of the free world: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) the Congress acknowledges and appreciates the commitment and devotion of present and former military families and the sacrifices that such families have made on behalf of the Nation; and

(2) November 22, 1993 is designated as "National Military Families Recognition Day". The President is authorized and requested to issue a proclamation calling on the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

AMENDMENT OFFERED BY MRS. BYRNE

Mrs. BYRNE. Mr. Speaker, I join with my colleagues in this resolution to honor military families, and I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. BYRNE:

Page 3, line 8, strike "November 22, 1993" and insert "November 21, 1994".

The SPEAKER pro tempore. The question is on the amendment offered by the gentlewoman from Virginia [Mrs. BYRNE].

The amendment was agreed to.

AMENDMENT TO THE PREAMBLE OFFERED BY MRS. BYRNE

The joint resolution was ordered to be engrossed.

Mrs. BYRNE. Mr. Speaker, I offer an amendment to the preamble.

The Clerk read as follows:

Amendment to the preamble offered by Mrs. BYRNE:

Page 2, strike "Whereas 74 percent of officers and 55 percent of enlisted personnel in the Armed Forces are married;" and insert "Whereas 75 percent of officers and 57 percent of enlisted personnel in the Armed Forces are married;".

The SPEAKER pro tempore. The question is on the amendment to the preamble offered by the gentlewoman from Virginia [Mrs. BYRNE].

The amendment to the preamble was agreed to.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

TITLE AMENDMENT OFFERED BY MRS. BYRNE

Mrs. BYRNE. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mrs. BYRNE: Amend the title by striking "November 22, 1993" and inserting "November 21, 1994".

The title amendment was agreed to.

A motion to reconsider was laid on the table.

CONSTITUTION DAY

Mrs. BYRNE. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 390) designating September 17, 1994, as "Constitution Day," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The Speaker pro tempore. Is there objection to the request of the gentlewoman from Virginia?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, I wanted to acknowledge that the gentleman from Pennsylvania [Mr. BORSKI], who is the chief sponsor of House Joint Resolution 390. I think all of us recognize the need to designate September 17, 1994, as Constitution Day.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 390

Whereas the Constitution of the United States is the cornerstone of the Nation's system of governments under law;

Whereas the Constitution of the United States signifies the importance of the rule of law and affirms the Nation's dedication to the principles of freedom and justice;

Whereas the Constitution of the United States is recognized by many to be the most significant and important document in history for establishing freedom and justice through democracy;

Whereas the Constitution of the United States provides the framework of the Nation's law, spirit, and beliefs;

Whereas the Constitution of the United States deserves the recognition, respect, and reverence of all Americans;

Whereas every American should celebrate the freedom and responsibilities of the Constitution of the United States; and

Whereas the Constitution of the United States was signed on September 17, 1787: Now, therefore, be it

Resvolved by the Senate and House of Representatives of the United States of America in Congress assembled, That September 17, 1994, is designated as "Constitution Day", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL FAMILY CAREGIVERS WEEK

Mrs. BYRNE. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate Joint Resolution (S.J. Res. 153) to designate the week beginning on November 21, 1993, and ending on November 27, 1993, and the week beginning on November 20, 1994, and ending on November 26, 1994, as "National Family Caregivers Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, I just want to acknowledge that the gentlewoman from Maine [Ms. SNOWE] is the prime sponsor of this resolution. We have no objections to it. This resolution is important. With National Family Caregivers Week, to be designated in November, family caregivers have become so very important, and particularly as we look at health care reform, I know I for one am a long-distance caregiver. Many others are caring for other members of their families and should be saluted.

Ms. SNOWE. Mr. Speaker, I would like to thank the Post Office and Civil Service Committee for bringing this resolution, National Family Caregivers Week, to the House floor.

At Thanksgiving we traditionally take time to be with our families. Therefore, it is appropriate that National Family Caregivers Week, which has been recognized for 6 years, is celebrated over Thanksgiving Week.

National Family Caregivers Week allows us to recognize the care and devotion the estimated 17 million family caregivers show each and every day. They are responsible for two-thirds of the home care provided in this country at an enormous cost savings to our health care system. They also provide between 80 and 90 percent of the medical care, household maintenance, transportation, and shopping needed by older persons. More importantly, they allow their loved one to maintain their independence, their dignity and their self-respect—three items on which no cost can be placed.

Some may wonder just who these caregivers are. They are our friends, our neighbors, and our coworkers. They are the adult child of an aged parent, the well spouse of an ill or disabled spouse, the parents of a child with an illness or disability, a friend or a companion.

Numerous studies have found that family caregivers give up their jobs, have reduced their working hours, or have rejected promotions in order to provide long-term care to loved ones. In fact, last year the GAO issued a report I had requested on family caregivers in the workplace. The report noted that 2 million caregivers work and provide significant unpaid care to elderly or disabled relatives. In addition, 6 million more employed persons have parents or spouses who are disabled and may also need assistance with these activities.

Caregivers are in great need of our support. They give their money, their time, and their love in order to allow their family member to have a more comfortable and independent life. While such commitment to a family member offers many rewards, many caregivers often find themselves under a great deal of pressure in their attempt to juggle the competing demands of their immediate families, their careers, and their own personal needs.

It is appropriate that we consider this resolution as we stand ready to take up health care reform. I hope that this resolution will serve as a reminder that we need to work harder to enhance the home care programs, respite and support groups available in order to assist those who take on the challenge of caregiving. In addition, as the population ages, the pressing need for caregiving will increase. Through improved public-private partnerships, eldercare, tax credits, and expanded family medical leave policies, I believe that we may begin to address the seriousness of caregivers' concerns.

Mr. Speaker, I am glad that we can once again celebrate our Nation's caregivers during National Family Caregivers Week.

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of Senate Joint Resolution 153, National Family Caregivers Week.

Family caregivers not only fulfill a functional need in our society, but moreover they provide care that serves to reinforce the family structure in our society. Unfortunately, my colleagues in the Congress have been discouraged to witness the deterioration of this structure lately. The family plays an integral part in the perpetuation of values, high standards, morals, and sound judgment.

I believe we all know the value of a loving, caring family. These caregivers go beyond the normal responsibilities to family and offer help to loved ones who are frail and disabled. This selfless offering is commendable indeed.

Mr. Speaker, I am pleased to be a cosponsor of National Family Caregivers Week and I urge my colleagues to join me in supporting this measure.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

The Clerk read the Senate Joint resolution, as follows:

S.J. RES. 153

Whereas the number of Americans who are age 65 or older is growing dramatically, with an unprecedented increase in the number of frail elderly age 85 or older:

Whereas approximately 5,200,000 older persons have disabilities that leave them in need of help with their daily tasks, including food preparation, dressing, and bathing;

Whereas families provide help to older persons with such tasks, in addition to providing between 80 and 90 percent of the medical care, household maintenance, transportation and shopping needed by older persons;

Whereas 80 percent of disabled elderly persons receive care from their family members, most of whom are their wives, daughters, and daughters-in-law, who often must sacrifice employment opportunities to provide such care;

Whereas family caregivers are often physically and emotionally exhausted from the amount of time and stress involved in caregiving activities, and therefore need information about available community resources for respite care and other support services;

Whereas the contributions of family caregivers help maintain strong family ties and assure support among generations; and

Whereas there is a need for greater public awareness of and support for the care that family caregivers are providing older persons: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning on November 21, 1993 and ending on November 27, 1993, and the week beginning on November 20, 1994 and ending on November 26, 1994, are each designated "National Family Caregivers Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such weeks with appropriate programs, ceremonies, and activities.

AMENDMENT OFFERED BY MRS. BYRNE

Mrs. BYRNE. Mr. Speaker. I offer an amendment.

The clerk read as follows:

Amendment offered by Mrs. BYRNE:

Page 2, beginning on line 3, strike "the week beginning on November 21, 1993 and ending on November 27, 1993, and".

Page 2, line 6, strike "are each" and insert "is".

Page 2, line 9, strike "weeks" and insert "week".

The SPEAKER pro tempore. The question is on the amendment offered by the gentlewoman from Virginia [Mrs. BYRNE].

The amendment was agreed to.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

TITLE AMENDMENT OFFERED BY MRS. BYRNE

Mrs. BYRNE. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mrs. BYRNE: Amend the title so as to read: "Joint Resolution to designate the week beginning on November 20, 1994, and ending on November 26, 1994, as 'National Family Caregivers Week'.".

The title amendment was agreed to.

A motion to reconsider was laid on the table.

NATIONAL CHARACTER COUNTS WEEK

Ms. BYRNE. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 178) to proclaim the week of October 16 through October 22, 1994, as "National Character Counts Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution:

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, I yield to the gentleman from Ohio [Mr. HALL], the chief sponsor of House Joint Resolution 366.

Mr. HALL of Ohio. Mr. Speaker, I thank the kind gentlewoman for yielding to me.

Mr. Speaker, today I rise to support this resolution which I sponsored along with my colleagues, Messrs. WOLF, HAMILTON, HYDE, MOAKLEY, EMERSON, HUGHES and SMITH of Michigan, to designate the week of October 16 through October 22, 1994, as National Character Counts Week. I also want to extend my appreciation to both Chairman CLAY and Ranking Member MYERS for allowing this resolution to be considered on the House floor today.

The purpose of this resolution is to bring national attention to the issue of character education and to encourage communities, schools and youth organizations to promote six core elements of character. These are: Trustworthiness, respect, responsibility, justice and fairness, caring, and civic virtue and citizenship.

Mr. Speaker, character education programs teach civic values and character traits that have widespread support among the American people. The ultimate goal of character education is to teach students about the shared values evident in our country which contribute to ethical behavior and good citizenship. This is particularly relevant to our efforts to combat drugs and school violence. If we do not teach children sound moral principles, we cannot expect them to act with moral common sense or make judgments of right and wrong. Families have the primary responsibility to teach values to their children, but when they do not, schools must step in and teach our age old principles.

In July 1992, a group of scholars, educators, and youth leaders drafted a document known as the Aspen declaration which articulates a framework for character education appropriate to our diverse and pluralistic society. Included in the Aspen declaration are the six core elements of character which can be appropriately taught to our children. The bipartisan Character Counts Coalition was formed to promote these six core elements of character as an effort to promote stronger individuals and thus a stronger Nation.

Advisory members of the Character Counts Coalition represent many ideological views. Advisors include William Bennett of Empower America; Marian Wright Edelman, president of the Children's Defense Fund; our former colleague Barbara Jordan; actor Tom Selleck; Nina Link, publisher of the Children's Television Workshop; and, Sylvia Peters, a founding partner of the Edison Project. In addition, this solution is supported by the Character Education Partnership [CEP], an organization of nationwide organizations and individuals involved in education and youth service. CEP's membership includes the National Education Association, the American Federation of Teachers, the National Association of School Boards, the National Association of Evangelicals and many others.

Mr. Speaker, Theodore Roosevelt said: "To educate a man in mind and not in character is to educate a menace to society." This commemorative resolution will give communities across the country an opportunity to embrace character education and to promote the six core elements of character. The other body has already passed overwhelmingly a similar resolution on June 24. I want to personally thank the 218 Members who have signed onto this resolution, and I urge my colleagues to vote for it.

Mr. Speaker, I also personally want to thank my very able aide, Gabrielle Williamson, who worked very hard to gather these signatures.

□ 1450

Mrs. MORELLA. Mr. Speaker, continuing my reservation of objection, I again want to thank the gentleman from Ohio [Mr. HALL] for his leadership on this important resolution.

Mr. Speaker, I yield to the gentleman from Virginia [Mr. WOLF], another major sponsor of this resolution.

Mr. WOLF. Mr. Speaker, before I make a statement, let me just say I want to pay particular tribute to the gentleman from Ohio [Mr. HALL], because he has been working on this issue for a number of years and it is a pleasure to be here at the culmination when this finally passes.

I also, on the Senate side, Senator PETE DOMENICI, who has worked so hard and has now instituted these programs in the Albuquerque and some of the other New Mexico schools.

It has been said that values are the emotional rules by which the Nation governs itself. As a member of Congress, been deeply concerned about the disturbing trends I have observed in the well-being of our Nation's families and children. From our inner cities to our suburbs, the wheels are coming off on many of the younger generation and clearly your children cannot steer clear of trouble without the guidance from a set of basic principles of character which contribute to ethical behavior and good citizenship.

I am pleased to be part of the effort in Congress to promote National Character Counts Week to focus attention on the core elements of character to which we as a nation must commit ourselves to provide positive influence for our next generation:

Trustworthiness, no one can differ with that; respect, no one can differ with that; responsibility, no can differ with that; justice and fairness and caring and civic virtue and citizenship. These are all things that we, I think, all can agree upon. Our children need to know that character does count.

Again, I thank the committee for bringing this legislation out, particularly my colleague from Ohio for providing the leadership, and again Senator DOMENICI for making a difference on the Senate side.

Mr. SMITH of Michigan. Mr. Speaker, I rise as one of the prime sponsors of H.J. Res. 366 to support its passage. We need to remember that our actions influence our children. When they see public officials seeking special treatment, or parents not being totally honest or "fudging" on their income tax, or teachers or any other person in a leadership position flouting the law or not showing respect to others, they often conclude that honesty and character are not that important. When they see the government reward irresponsibility, young people too often choose to be irresponsible.

Ethical values are critical to maintaining a free and civilized society. We must teach these values at home, and reinforce them in our schools and our society. As a strong believer in the importance of character, I introduced and passes a sense of Congress amendment to the Elementary and Secondary Education Act, that would encourage States and local school systems to work with and support parents by reinforcing the ethical principles of trustworthiness, respect for others, responsibility, fairness, caring, and citizenship.

I'm working to promote these principles in consultation with the Character Coalition and the Josephson Institute of Ethics. The coalition is a national partnership of individuals and over 40 organizations including the 4-H club, Big Brothers/Big Sisters, United Way, YMCA, and the National Association of Secondary Principals, committed to improving the character of America's young people through education and training.

One concern about teaching values has been the question of whose values to teach. That's why the idea of building character by emphasizing the importance of six basic defined values might be the answer. As parents and citizens, we should all get involved to combat violence, dishonesty, and irresponsibility by strengthening the moral fiber of the next generation. We must put character development at the forefront if we're ever going to be successful at cutting crime, improving education, fixing the welfare system, reducing dependence on government and achieving greater individual responsibility.

For young people to develop good character and strong values, they need

good examples at home that are reinforced at school, and in the community. As Theodore Roosevelt said, "to educate a person in mind but not morals is to educate a menace to society."

The six-core ethical values encouraged in House Joint Resolution Res. 366 are trustworthiness:

Honesty—Do: tell the truth; be sincere. Don't: betray a trust, deceive, mislead, cheat, or steal; don't be devious or tricky.

Integrity—Do: stand up for your beliefs; be your best self; walk your talk; show commitment, courage, and self-discipline. Don't: do anything you think is wrong.

Promise-Keeping—Do: keep your word and honor you commitments; pay your debts and return what you borrow.

Loyalty—Do: stand by, support and protect your family, friends, and country. Don't: talk behind people's backs; spread rumors or engage in harmful gossip; don't do anything wrong to keep or win a friendship or gain approval; don't ask a friend to do something wrong.

Second, respect for others:

Do: judge all people on their merits; be courteous and polite, tolerant, appreciative and accepting of individual differences; respect the right of individuals to make decisions about their own lives. Don't: abuse demean, or mistreat anyone; don't use, manipulate, exploit or take advantage of others.

Third, responsibility:

Accountability—Do: think before you act; consider the consequences on all people affected; think for the long-term; be reliable; be accountable; accept responsibility for the consequences of your choices; set a good example for those who look up to you; Don't make excuses, blame others for your mistakes or take credit for others achievements.

Excellence—Do: your best and keep trying; be diligent and industrious. Don't: quit or give up easily.

Self-Restraint—Do: exercise self-restraint and be disciplined.

Fourth, justice and fairness:

Do: treat all people fairly; be open-mined; listen to others; try to understand what they are saying and feeling, make decisions which affect others only after appropriate considerations. Don't: take unfair advantage of other's mistakes or take more than your fair share.

Fifth, caring:

Do: show you care about others through kindness, caring, sharing and compassion, live by the Golden Rule and help others. Don't: be selfish, mean, cruel or insensitive to other's feelings.

And sixth, citizenship:

Do: play by the rules; obey laws; do your share; respect authority; stay informed; vote; protect your neighbors; pay your taxes; be charitable; help your community by volunteering service; protect the environment; conserve natural resources.

I urge every family, community, and every organization working with young people to be active in recognizing October 16 through October 22, 1994, as "National Character Counts Week".

Mrs. MORELLA. Mr. Speaker, further reserving the right to object, I have no other requests to speak on this very important resolution, except I am pleased to note and certainly subscribe to the six core elements of character that were mentioned from the Aspen Declaration of trustworthiness, respect, responsibility, justice and fairness, caring, civic virtue, and citizenship.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. pro tempore (Mr. MENENDEZ). Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 178

Whereas young people will be the stewards of our communities, Nation, and world in critical times, and the present and future well-being of our society requires an involved, caring citizenry with good character;

Whereas concerns about the character training of children have taken on a new sense of urgency as violence by and against youth threatens the physical and psychological well-being of the Nation;

Whereas more than ever, children need strong and constructive guidance from their families and their communities, including schools, youth organizations, religious institutions and civic groups;

Where as the character of a Nation is only as strong as the character of its individual citizens;

Whereas the public good is advanced when young people are taught the importance of good character, and that character counts in personal relationships, in school, and in the workplace;

Whereas scholars and educators agree that people do not automatically develop good character and, therefore, conscientious efforts must be made by youth-influencing institutions and individuals to help young people develop the essential traits and characteristics that comprise good character;

Whereas character development is, first and foremost, an obligation of families, efforts by faith communities, schools, and youth, civic and human services organizations also play a very important role in supporting family efforts by fostering and promoting good character;

Whereas the Congress encourages students, teachers, parents, youth and community leaders to recognize the valuable role our youth play in the present and future of our Nation, and to recognize that character is an important part of that future;

Whereas, in July 1992, the Aspen Declaration was written by an eminent group of educators, youth leaders and ethics scholars for the purpose of articulating a coherent framework for character education appropriate to a diverse and pluralistic society;

Whereas the Aspen Declaration states that "Effective character education is based on core ethical values which form the foundation of democratic society";

Whereas the core ethical values identified by the Aspen Declaration constitute the Six Core Elements of Character;

Whereas these Six Core elements of Character are—

(1) trustworthiness;
(2) respect;
(3) responsibility;
(4) justice and fairness;
(5) caring; and
(6) civic virtue and citizenship.

Whereas these Six Core Elements of Character transcend cultural, religious, and socioeconomic differences;

Whereas the Aspen Declaration states that "The character and conduct of our youth reflect the character and conduct of society; therefore, every adult has the responsibility to teach and model the core ethical values and every social institution has the responsibility to promote the development of good character.";

Whereas the Congress encourages individuals and organizations, especially those who have an interest in the education and training of our youth, to adopt these Six Core Elements of Character as intrinsic to the well-being of individuals, communities, and society as a whole; and

Whereas the Congress encourages communities, especially schools and youth organizations, to integrate these Six Core Elements of Character into programs serving students and children: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of October 16 through October 22, 1994, is designated as "National Character Counts Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States and interested groups to embrace these Six Core Elements of Character and to observe the week with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. BYRNE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolution just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

DEMOCRAT DREAM ECONOMICS

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. DELAY. Mr. Speaker, the proponents of the Clinton-Gephardt health care reform plan are playing with dream economics. They dream that the economics are the way they wish them to be.

Mr. Speaker, yesterday for instance, during special orders the majority

leader, Mr. GEPHARDT, suggested that raising the minimum wage would not increase unemployment. Frankly, I was shocked by his comments. I thought everyone knew that raising the minimum wage would eliminate jobs for American workers.

After a little bit of research, I think I have discovered the source of the majority leader's confusion. Back in 1988, when the Democrat majority in Congress proposed to raise the minimum wage from $3.35 to $5.05, the Congressional Budget Office issued a report which concluded that such an increase would result in the loss of 250,000 to 500,000 jobs. However, the Democrats on the Education and Labor Committee had CBO rewrite the report without the job loss estimate.

As a result, the majority leader may have never had a chance to find out what CBO had to say about the employment effects of raising the minimum wage. In the interest of academic freedom, I would be happy to share with the majority leader a copy of CBO's original report.

Mr. Speaker, I include for the RECORD the two versions of the CBO report, which were printed in the RECORD on May 4, 1988, so that the public can see for itself how the truth is suppressed.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 25, 1988.

HON. AUGUSTUS F. HAWKINS,
Chairman, Committee on Education and Labor, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for H.R. 1834, the Fair Labor Standards Amendments of 1988, as ordered reported by the House Committee on Education and Labor on March 16, 1988. At the request of several Committee members, the estimate also includes a discussion of the possible impact of H.R. 1834 on the economy.

If you wish further details on this estimate, please call me or have your staff contact Michael Pogue.

Sincerely,

JAMES L. BLUM,
Acting Director.

CONGRESSIONAL BUDGET OFFICE, COST ESTIMATE

March 25, 1988.

1. Bill number: H.R. 1834.

2. Bill Title: Fair Labor Standards Amendments of 1988.

3. Bill status: As ordered reported by the House Committee on Education and Labor on March 16, 1988.

4. Bill purpose: To amend the Fair Labor Standards Act of 1938 to restore the minimum wage to a fair and equitable rate and for other purposes.

5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1988	1989	1990	1991	1992	1993
Estimated: Authorization level	0	3	13	25	35	30
Estimated outlays	0	3	13	25	35	30

Basis of estimate.—H.R. 1834 would increase the federal minimum wage in four steps between now and January 1, 1992. The new levels would be $3.85 per hour for the year beginning January 1, 1989; $4.25 per hour for the year beginning January 1, 1990; $4.65 per hour for the year beginning January 1, 1991; and not less than $5.05 per hour after December 31, 1991.

The Office of Personnel Management estimates that the wage bill for certain support personnel on U.S. military bases would increase by the amounts shown in the table above. Currently these workers are paid at hourly rates between the $3.35 per hour minimum wage and the minimum wage rates proposed in H.R. 1834.

Increasing the minimum wage could also increase administrative and enforcement caseloads within the Wage and Hours Division of the Employment Standards Administration at the Department of Labor (DOL). While this could result in higher costs to the federal government. H.R. 1834 provides no additional appropriations for this purpose.

Additional provisions.—Several other amendments to the Fair Labor Standards Act are included in H.R. 1834. The small business exemption would increase from the current level of $362,500 in annual gross sales to $500,000. The current tip credit is 40 percent of the applicable minimum wage, or $1.34 out of $3.35 per hour in 1988. This tip credit is the maximum amount of tip an employer can use to reduce employee wages, and still be in compliance with minimum wage laws. H.R. 1834 would increase this rate to 45 percent during the year beginning January 1, 1989 and to 50 percent after December 31, 1989. In addition, legislative branch employees (except for Members' personal staffs) would now be covered by the Fair Labor Standards Act. These amendments are estimated to have no cost effect on the unified federal budget.

Effects on the economy.—Passage of H.R. 1834 may result in changes in macroeconomic variables, particularly in employment levels and the inflation rate. However, because of uncertainty surrounding the overall macroeconomic impact of minimum wage legislation, and uncertainty over future federal monetary policy, this estimate does not take into account federal revenue and outlay effects of these changes.

The Congressional Budget Office (CBO) estimates that the increases in the minimum wage contained in H.R. 1834 could cause the loss of approximately 250,000 to 500,000 jobs, or about 0.2 to 0.4 percent of total employment. In general, the negative impact on employment would be larger in the sectors of the economy and the groups in the labor force with low wage rates. The loss of jobs probably would be minimal in durable goods manufacturing and in metropolitan areas where labor markets are tight and jobs readily available. Among demographic groups, the loss of jobs most likely would be concentrated among youth, and especially among teenagers.

Increases in the minimum wage also could have three principal impacts on inflation. First, a "direct" effect as the average hourly earnings of workers earning less than the new minimum wage were increased to the new wage floor. Second, a broader or "ripple" effect as other wages were adjusted at least partially to retain relative wage differences. Third, a "wage-price-wage" effect, as these wage increases caused employers to raise prices, which was reflected in turn in higher wages. Thus, CBO estimates that H.R. 1834 could add about 0.2 to 0.3 percentage points to the annual inflation rate during the projection period.

These estimates are based primarily on a review of available economic studies of the impact of minimum wages. Because of estimating difficulties, the estimates should be interpreted as no more than rough orders of magnitude. These estimates do not include a consideration of the small business exemption provision in H.R. 1834.

Currently, the federal minimum wage rate is exceeded in 10 jurisdictions (Alaska, Connecticut, District of Columbia, Hawaii, Maine, Massachusetts, Minnesota, New Hampshire, Rhode Island, and Vermont). Also, California is scheduled to raise its rate from the current federal minimum to $4.25 per hour in July 1988, and Connecticut's rate will rise from $3.75 an hour to $4.25 an hour in October 1988. Thereafter, H.R. 1834 could have less of a macroeconomic impact than if all states were at the current federal minimum wage rate.

6. Estimated cost to State and local Government: To the extent that state and local governments have workers who are paid at the current minimum wage or between the current minimum wage and the higher rates prescribed in H.R. 1834, state and local government wage costs could increase with passage of H.R. 1834. There is no data available that allows CBO to estimate the magnitude of these costs. However, there are 10 states which have set minimum wage levels above the federally mandated $3.35 per hour. In these states, the new federal minimum wage rates could have less of an effect than in states in which the minimum wage is at the current federal level.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Michael Pogue; George Iden.

10. Estimate approved by: James L. Blum, Assistant Director for Budget Analysis.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 29, 1988.

Hon. AUGUSTUS P. HAWKINS,
Chairman, Committee on Education and Labor, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for H.R. 1834, the Fair Labor Standards Amendments of 1988, as ordered reported by the House Committee on Education and Labor on March 16, 1988.

If you wish further details on this estimate, please call me or have your staff contact Michael Pogue (226-2820).

Sincerely,

JAMES L. BLUM,
Acting Director.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.R. 1834.

2. Bill title: Fair Labor Standards Amendments of 1988.

3. Bill status: As ordered reported by the House Committee on Education and Labor on March 16, 1988.

4. Bill purpose: To amend the Fair Labor Standards Act of 1938 to restore the minimum wage to a fair and equitable rate and for other purposes.

5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1988	1989	1990	1991	1992	1993
Estimated: Authorization level	0	3	13	25	35	30
Estimated outlays	0	3	13	25	35	30

Basis of estimate.—H.R. 1834 would increase the federal minimum wage in four steps between now and January 1, 1992. The new levels would be $3.85 per hour for the year beginning January 1, 1989; $4.25 per hour for the year beginning January 1, 1990; $4.65 per hour for the year beginning January 1, 1991; and not less than $5.05 per hour after December 31, 1991.

The Office of Personnel Management estimates that the wage bill for certain support personnel on U.S. military bases would increase by the amounts shown in the table above. Currently these workers are paid at hourly rates between the $3.35 per hour minimum wage and the minimum wage rates proposed in H.R. 1834.

Increasing the minimum wage could also increase administrative and enforcement caseloads within the Wage and Hours Division of the Employment Standards Administration at the Department of Labor (DOL). While this could result in higher costs to the federal government, H.R. 1834 provides no additional appropriations for this purpose.

Additional provisions.—Several other amendments to the Fair Labor Standards Act are included in H.R. 1834. The small business exemption would increase from the current level of $362,500 in annual gross sales to $500,000. The current tip credit is 40 percent of the applicable minimum wage, or $1.34 out of $3.35 per hour in 1988. This tip credit is the maximum amount of tips an employer can use to reduce employee wages, and still be in compliance with minimum wage laws. H.R. 1834 would increase this rate to 45 percent during the year beginning January 1, 1989 and to 50 percent after December 31, 1989. In addition, legislative branch employees (except for Members' personal staffs) would now be covered by the Fair Labor Standards Act. These amendments are estimated to have no cost effect on the unified federal budget.

6. Estimated cost to State and local government: To the extent that state and local governments have workers who are paid at the current minimum wage or between the current minimum wage and the higher rates prescribed in H.R. 1834, state and local government wage costs could increase with passage of H.R. 1834. There is no data available that allows CBO to estimate the magnitude of these costs. Currently, state minimum wage rates exceed the federal level in 10 jurisdictions (Alaska, Connecticut, District of Columbia, Hawaii, Maine, Massachusetts, Minnesota, New Hampshire, Rhode Island, and Vermont). Also, California is scheduled to raise its rate from the current federal minimum to $4.25 per hour in July 1988, and Connecticut's rate will rise from $3.75 an hour to $4.25 an hour in October 1988. In these states, the new federal minimum wage rates could have less of an effect than in states in which the minimum wage is at the current federal level.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Michael Pogue.

10. Estimate approved by: James L. Blum, Assistant Director for Budget Analysis.

AN IN-DEPTH PERSPECTIVE ON AMERICA'S HEALTH CARE SYSTEM

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SMITH of Michigan. Mr. Speaker, Dr. Lanny Johnson of East Lansing, MI, recently gave me his perspective on our Nation's health care system. He makes a number of insightful observations including one I think everyone should note. He argues that we have had so many exciting technological advances that we simply do not have enough money to buy everything for everybody.

Mr. Speaker, let me quote from the statement:

The American health care system is the best in the world. It also is the most expensive. It is no longer affordable.

The health care system in the United States is in a state of financial collapse. The demands for services and increasing technological advances have outstripped the ability of individuals, business, and government to afford these services.

Everyone has reached the same conclusion. It is not affordable for me, so I must shift the expense to someone else * * *.

Mr. Speaker, I will include the rest of Dr. Johnson's statement with my remarks, and I would summarize first by saying, let us remember as we consider health care reform proposals that there is no magic tree that will grow enough money to buy every medical service for everybody.

Mr. Speaker, the full statement by Dr. Johnson is included as follows:

DR. JOHNSON'S STATEMENT

The American health care system is the best in the world. It also is the most expensive. It is no longer affordable.

The health care system in the United States is in a state of financial collapse. The demands for services and increasing technological advances have outstripped the ability of individuals, business, and government to afford these services.

Everyone has reached the same conclusion. It is not affordable for me, so I must shift the expense to someone else. The most wealthy American could not pay for an extensive illness. Promises made by Corporate America which were guaranteed through past union negotiations now exceed their ability to pay the medical expenses of existing workers, let alone the promises to their retirees. The government now cannot pay for what its politicians promised at election time.

The obvious solution is for each group to shift the cost to someone else. This is like a shell game. It works for a while, but when the last shell is lifted, there is no coin. The individual wants his company to pay industrial leaders like the big three automotive manufacturers want socialized medicine, because they cannot pay the bill and effectively compete with foreign companies. The Clinton proposal would reduce the Big 3 expenses by 20% and shift this expense to everyone else in taxes. Many present day health insurers like HMOs do not pay full price. They negotiate lower prices with doctors and hospitals. The government Medicare and Medicaid programs pay less than cost of services. These losses are silently shifted to regular insurance companies like Blue Cross, Aetna, Prudential, etc. They not only pay their share, but the additional expenses shifted from the managed health care industry and government programs. Perhaps now you understand why your regular insurance costs so much.

You may also wonder where all the money is going to. A small portion goes for the common problems most of us encounter. For instance, 3% of the national health care dollar goes to all of orthopedic care, but almost 20% goes to the costs of drug abuse. Most orthopedic conditions respond to treatment. Unfortunately the outcomes of drug abuse are poor. The patient just keeps coming back. This and other sociological changes are major contributors to collective expense of our national health care.

One of the suggestions to correct cost of health care is to reduce doctors fees. This is a small part of the problem. Doctor fees account for 19% of the health care dollar. If doctors were paid nothing starting today, and health care costs continued to rise 10% per year, in two years time the problem would return. Doctors are the convenient "whipping boys", but only part of the problem.

The next solution proposed by our politicians is National Health Care Reform. In my view, this will not reduce the cost. It has been often joked, that if you like our mail service, you will love National Health Care. This shift of personal responsibility to the government will result in increased taxes. Americans always vote for something for nothing, no matter how much it costs.

The only way to reverse this trend would be to create a tangible benefit for those who demonstrate personal responsibility for their well being. This is unlikely. The shifting of both personal responsibility and cost consequences to someone else is too appealing.

The ultimate solution under this scenario will be rationing of health care. Joseph Califano's book subtitle "Who lives, who dies, who pays?" will have to be answered.

In the absence of assumption of personal responsibility, unfortunately the ultimate solution will be rationing of health care as initiated in the State of Oregon for Medicaid.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, and under a previous order of the House, the following Members are recognized for 5 minutes each.

BOSNIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. McCLOSKEY] is recognized for 5 minutes.

Mr. McCLOSKEY. Mr. Speaker, I thought it might be good, given the events of the last week or so in both Sarajevo and Bosnia and also in Washington, it would be good to take 5 minutes or more today with my distinguished colleague, the gentleman from Maryland [Mr. HOYER], to state some of the opportunities, hopes and problems that still are upon us as to this ongoing tragedy.

First of all, I might say I think it should be to no one's surprise, as we all know in the last several hours, two U.S. war planes, it is reported, have been among four NATO planes striking at Serb positions in Sarajevo. This follows a recent firing, if you will, of Bosnian Serb weaponry into French soldiers, but I think, more importantly

and probably what really did strike up the response was the fact that yesterday the Bosnian Serbs, as we all know, seized heavy weaponry that was in the U.N. storage neutral areas and took it back, obviously with the intention to going on with the siege.

We all know in recent weeks things have, despite the efforts of the contact group, have done nothing but get worse. U.S. planes flying humanitarian cargo into Sarajevo had been fired upon. In essence, both air and road ingress and egress as to Sarajevo has been cut off. More than ever, almost as much as ever, Sarajevo and other places in Bosnia are under siege, as reported in the last 2 days, indeed, that only 1 week of food stores remain.

With this going on, the contact group proposal as to implementation, particularly the idea that the Serbs, the Bosnian Serbs would suffer severe retaliation if they did not sign up to the contact group plan, has essentially been ignored, evaded and nonimplemented.

Indeed, as we all know in the last 48 hours, Mr. Karadzic has said prepare for all-out war. Bosnian Serbs are on a war footing. More than ever, I would say, just before I yield to the gentleman from Maryland [Mr. HOYER], my good friend and leader, it is important for us to say what we mean, to do what we will say we will do, and, indeed, once and for all to get this ongoing tragedy behind us.

One of our hopes here in Washington, of course, is the resolution of the conference committee right now going on between the House and Senate. As we all know, the House voted by a strong majority to, if necessary, unilaterally lift the arms embargo in Bosnia. That still must be done. It must be done.

With that, I yield to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding to me. I congratulate him for his continuing leadership on the issue of the West's relationship to Bosnia and Herzegovina and the tragedy that has occurred there.

As we know and as the gentleman from Indiana [Mr. MCCLOSKEY] has just said, this House voted very substantially to lift the unilateral arms embargo that has been imposed on Bosnia and Herzegovina which was, I would point out, imposed on the former Yugoslavia.

This House agreed to lift the arms embargo because it adversely affects one party to the conflict. That is the Bosnian Government as opposed to the Bosnian Serbs and the Milosevic government in Serbia which are more than adequately armed.

□ 1500

The fact of the matter is that this embargo has made it almost, if not impossible for the Bosnian Government and its supporters to defend their homes and their families.

The West, the United Nations, the United States, Germany, France, England, other NATO nations, have repeatedly warned the Serbs to stop the aggression, to stand in place, to respect the zones that were supposed to be kept safe by the United Nations, to leave the United Nations Protection Force [UNPROFOR] alone, and to allow humanitarian aid to be delivered.

Mr. Speaker, notwithstanding the fact that the West has warned that if that was not done it would take substantial action, the Serbs have violated their responsibilities under international law. They have violated the proscriptions of U.N. resolutions, and they have blatantly violated the basic tenets of human rights as well as provisions of international law and agreements relating to genocide and the respect for international borders.

Mr. Speaker, as the gentleman from Indiana [Mr. MCCLOSKEY] has pointed out, just yesterday Bosnian Serbs seized a T-55 tank, two armored personnel carriers, and an antiaircraft gun from the U.N.-guarded site near Sarajevo and shot at a U.N. helicopter sent to track the tank. This is absolutely in violation of the understandings governing the exclusion zone.

Mr. MCCLOSKEY. Reclaiming my time, Mr. Speaker, in closing, I would just say it is time to act now. This cannot go on indefinitely. We should lift the arms embargo and provide effective air support for the besieged Bosnian nation.

TIME FOR UNITED STATES ACTION CONCERNING BOSNIA AND THE FORMER YUGOSLAVIA

The SPEAKER pro tempore (Mr. MENENDEZ). Under a previous order of the House, the gentleman from Maryland [Mr. HOYER] is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, completing our thoughts, the Committee on Armed Services on the DOD authorization bill is currently attempting to work out differences between the House and the Senate language on the arms embargo. The House took the position that the United States should not continue to undermine the ability of the Bosnian Government to defend itself in the face of aggression and genocide. The Senate was more reticent, and decided not to effect an immediate unilateral lifting of the arms embargo, but took a more measured approach seeking to cooperate with our allies in a multilateral effort.

Mr. Speaker, I believe I speak for the gentleman from Indiana [Mr. MCCLOSKEY], myself, and others in this House, when I say that, clearly, we want to work in concert with our allies. We want to work in concert with the United Nations. We want to see a multilateral action stopping the genocide, stopping the aggression, stopping the human suffering that is occurring in Bosnia and Herzegovina. I would hope, Mr. Speaker, that the conference committee takes into consideration this recent most egregious continuing action of the Serbian militants in Bosnia. It is just another indication that if we do not act, and act decisively, the actions that have shocked, saddened, and outraged the law-abiding world community will continue apace. It is time for us to act.

Mr. Speaker, I yield to the gentleman from Indiana [Mr. MCCLOSKEY], who serves on the Committee on Armed Services and is one of the key representatives on the conference committee, for such additional comments as he might want to make.

Mr. MCCLOSKEY. Mr. HOYER, I would be very hopeful that come next week, we could have a positive resolution as to this issue with the Senate Armed Services Committee. I think there have been productive discussions, and our hopes are alive, if not totally high, but the simple fact is I think everyone involved in the administration, even with Mr. Redmond in the room with the committee, probably does realize and admits that, at some point, there may have to be, unless there is more leadership from the administration, quite frankly, a unilateral lift that really has to be authorized.

That is what a 66-vote majority stood up for in the House, and we are more than flexible on the House side as far as notice and timeliness and various steps. I hope, given the events of today, yesterday, the fact that a siege is still going on, besides the problems in Sarajevo and Gorazde Moslem civilians are being rounded up, as we all know, incarcerated in Serb camps without any access by International Red Cross officials, despite attention going elsewhere to Rwanda, Haiti, or whatever it is, and these horrible crises must also be acted upon, but this genocide, and that is what it is, this genocide is still going on.

Mr. Speaker, we cannot at this point have the pie-in-the-sky type dream that Slobodan Milosevic is going to become a savior for peace and solve this without any effort on our parts. We have gone around that corner before.

Mr. HOYER. Reclaiming my time, Mr. Speaker, and thanking the gentleman for his comments, in closing, let me simply say that I agree with this administration. President Clinton obviously wants to work in concert with our allies. That is the best policy. It is a policy which has been successful for five decades now, and it is one that we ought to continue.

On the other hand, if we cannot convince our allies that the time is past for simply talking, that the time is past for simply stating ultimatums that when ignored, are not acted upon,

it is time for us to act. Hopefully we will act in concert with our allies, but if they will not act, we must take it upon ourselves to move forward based upon our principles, our commitments, and upon our perception of what will make a safe world in the future. That is, Mr. Speaker, the free world must do what it says it will do when confronted with aggression and international lawbreaking.

Mr. Speaker, I am hopeful that the conference will come out with a resolution of this matter that both Houses can adopt, that will support the efforts of the administration, but will, in no uncertain terms, let Mr. Milosevic and the Serb militants know that the West will no longer wait for them to comply with their international obligations.

QUESTIONS OF ETHICS REGARDING WHITE HOUSE COUNSEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana [Mr. LIVINGSTON] is recognized for 5 minutes.

Mr. LIVINGSTON. Mr. Speaker, I think it is interesting that a little while ago this House passed National Character Education Week, and then I look at the article in the Wall Street Journal today. Down at the lower right-hand side of the op ed page, the editorial page, I note that Lloyd Cutler, Special Counsel to the President, testified before the House Committee on Banking, Finance and Urban Affairs on July 26, 1994, taking great umbrage at some of the questions posed to him. He said, "We have not redacted," or deleted, "anything relevant to the committee's inquiries."

I would like to add that as a lawyer who has been in the business of producing documents to other lawyers for a good 50 years, this is the first time that any other lawyer has ever questioned whether the production of redacted or deleted documents under my supervision has been unethical. I am not going to say that anything Mr. Cutler did is unethical, but I made a 1-minute today, took out a 1-minute speech, in which I suggested that Mr. Cutler ought to consider that he took umbrage on July 26 about the questions asked to him, and then 3 days later, July 29, 1994, in conjunction with Senate inquiries and Senator D'AMATO and Senator RIEGEL, on their inquiry, he produces a list of documents in which language clearly pertained to the Whitewater investigations, which he should not have deleted in the House investigation, yet he did.

□ 1510

In the Senate investigations, RIEGLE and D'AMATO said:

"Mr. Cutler has today at the Committee's request released the full contents of a March 1 memorandum previously provided to the Committee in redacted form, or deleted form."

Then he proceeds to produce at least some 36, 37 pages, one including a memorandum which was confidential to the First Lady from Harold Ickes, adviser to the White House, on March 1, 1994, regarding Resolution Trust.

That memorandum was not deleted in totality, but this paragraph was:

"Attached is a copy of W. Neil Eggleston's February 28, 1994 memorandum to me, Harold Ickes, regarding certain issues involving the RTC and the Rose Law Firm, known as Rose, in Little Rock, Arkansas."

That provision was deleted. Then another little sentence was deleted from that memorandum and I will not read the whole memorandum for lack of time:

"Please let me know if you want to discuss the attached."

That was from Harold Ickes to the First Lady. That was deleted presumably under the supervision of Mr. Lloyd Cutler, special counsel to the President.

Now, this memorandum was deleted in its entirety, produced only 3 days after Lloyd Cutler gets so huffy about people questioning whether or not he is producing all the material. This memorandum says in effect, it is a memorandum for Harold Ickes, Deputy Chief of Staff, from W. Neil Eggleston, Associate Counsel to the President, re Whitewater—FDIC and RTC Rose Law Firm Issues:

"The recent release of the FDIC and RTC reports addressing the possible conflict of the Rose Law Firm in its representations of Madison Guaranty raises a number of issues." All deleted.

"On the factual issue of whether Rose Law Firm had disclosed to the FDIC its prior representation of Madison Guaranty, the FDIC concluded that the record was unclear. On the issue of whether Mr. Hubbell"—Webster Hubbell of the White House who is no longer there at the White House—"had disclosed his relationship with his father-in-law, Seth Ward, who was then in litigation with Madison Guaranty, the FDIC stated that it was uncertain whether Mr. Hubbell had disclosed that relationship." In other words, might have hidden it. "Nevertheless, the relationship was plainly known to the FDIC within 3 months of retention." All of that was deleted.

"As noted above, it is not clear whether the FDIC or the RTC will review this matter under an actual conflict standard or under an appearance of conflict standard." This was deleted and withheld from the House Committee on Banking, Finance and Urban Affairs.

"The most severe sanction that would likely flow from a finding that the Rose Law Firm had a duty to disclose its prior representation of Madison Guaranty and its relationship with Mr. Ward and that it breached that duty would be that the Rose Law Firm would be permanently barred from any further work for the RTC or the FDIC." That was all deleted, all withheld from the Committee on Banking, Finance and Urban Affairs.

"Under the facts as we are now understand them, it would seem quite unlikely that the RTC could bring a civil action against the Rose firm or any of its attorneys for failing to disclose the conflict. Criminal liability for the Rose Law Firm would seem even more remote. The RTC is investigating whether or not it has a civil tort action against anyone who caused a loss to Madison Guaranty. This would include insiders such as James and Susan McDougal and members of the board of Madison. It also includes professionals who provided service to Madison Guaranty, such as the Rose Law Firm, other law firms, and accounting firms. The Frost & Company suit is an example of a suit against a professional service provider that caused loss to Madison Guaranty through a negligent audit. The RTC could also sue outsiders, including the President and Mrs. Clinton, if the RTC found that outsiders worked with insiders illegally to divert assets of the savings and loan. For example, if the RTC believed that the Clinton campaign knowingly received diverted Madison assets at the April 1985 fundraiser or that the Clintons knowingly received other diverted Madison Guaranty assets through Whitewater, it could bring suit. The RTC commonly sues the recipient of a loan where it has information that the borrower knew that the loan was improper. Now that Mr. Altman as acting CEO of the RTC has recused himself from further involvement in Madison Guaranty matters, who at the RTC will be the decisionmaker on whether to bring a civil action arising out of the failure of Madison Guaranty?"

Then they go on and speculate as to who might take the place of Roger Altman who as head of the RTC was supposed to recuse himself and did not.

This entire memorandum was deleted, was redacted by Lloyd Cutler, the special counsel to the President of the United States, and then in front of the Members of the House Committee on Banking, Finance and Urban Affairs he gets insulted and indignant when they ask him whether or not he has produced all material relevant to the investigation of diverted assets to the Madison Guaranty Savings and Loan.

Mr. Speaker, Lloyd Cutler owes the House of Representatives an explanation and an apology, because to get indignant with Members of the House who are carrying out their legally endowed responsibilities under severe restrictions imposed upon them by the chairman of the Committee on Banking, Finance and Urban Affairs, under the 5-minute rule, allowing them very little time to ask questions and yet they ask a single simple question and

do not get the truth from the special counsel to the President of the United States, something is terribly wrong.

Mr. Cutler owes the United States of America an apology and perhaps he should resign.

THE REAL STORY OF PIZZA HUT AND EMPLOYER MANDATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. DELAY] is recognized for 5 minutes.

Mr. DELAY. Mr. Speaker, the Democrat leadership's approach to the process of health care reform is described best as full steam ahead and damn the public.

One of the reasons we are asking for time for the public to see those bills that have not even been written yet is that all kinds of misinformation is being thrown out to the American people, and we must have time to respond to it so that the American people can see what is happening.

We have finally found the people who can sell the Brooklyn Bridge—the Democrat leadership.

Mr. Speaker, Pizza Hut has the Nation's largest employment program for people with disabilities and the Nation's largest reading incentive program. Both of their corporate offices and their franchises participate in community based educational and recreational programs all over the country. Through their Harvest program, they feed the needy and help feed those who are victims of national disasters such as Hurricane Andrew.

However, on July 15 the health care reform project, Hillary's health care commission, launched an attack on Pizza Hut in an attempt to convince the American people that mandates are benign. This misinformation was reiterated on the House floor here just last night.

The project claimed that Pizza Hut was thriving in Germany and Japan where health care taxes are mandated and, claimed, therefore, mandates will work here too. Pizza Hut's experience, however, is just the opposite.

Allan S. Huston, president and CEO of Pizza Hut, presented an explanation of his situation before the Labor and Human Resources Senate Committee on July 22. In his testimony he explains that his opposition to mandates is based on personal business experience. He says, "I think mandates—employer and employee—are the wrong solution for America. * * * My view is anchored in actual experience in a number of foreign markets. From what I have seen of mandates in Europe and elsewhere, they contribute to the descending economic spiral of higher prices and unemployment."

Let us just go through the facts about Pizza Hut. In Germany, Pizza Hut has lost money for 10 of the last 11 years. It finally began turning a small profit in 1993, hardly a good investment.

In Japan, where Pizza Hut does not own its restaurants, or even a controlling share, its franshisee has not made a profit in the last 8 years. Pizza Hut has only 66 restaurants in all of Germany and 64 restaurants in all of Japan. It has more than that combined right here in the Washington, DC, area.

Why? Because they have been able to flourish under what is left of the free market system.

In the past 5 years it has built less than 50 restaurants in both of those countries combined, compared with building 1,700 restaurants in the United States. Between 1992 and 1993, Pizza Hut had added only 224 jobs in Germany while it added 14,654 jobs in the United States.

For a pizza that costs $11 in the United States, Pizza Hut must charge $19 in Germany and $25 in Japan.

Hillary's commission claims that Pizza Hut could easily raise the price on pizza to pay for those mandates. But our experience in the United States is that customers respond to higher prices by eating less often in restaurants, and less volume directly results in lost jobs.

I guess the proponents of mandates for health care coverage want the companies in the United States and Pizza Hut to mimic the disaster of their companies and Pizza Huts in Germany and in Japan.

In my State of Texas alone in a study commissioned by the American Legislative Exchange Counsel, they projected a job loss under the employer mandate type health care at 68,300 jobs in Texas alone. Of course, this does not account for the wage reductions employees must face. CONSAD Research Corporation estimated that almost one and a half million workers would face reduced wages, hours or benefits under mandated health care. And as I mentioned this morning, the majority leader believes that businesses can somehow absorb this cost. He said that the 1991 minimum wage increase had no effect on business. That just simply is not true. Pizza Hut had a resulting staffing decrease equivalent to the loss of 16,500 jobs because of the 1991 minimum wage increase.

All of these incidents that I have been talking about, Mr. Speaker, point to just one thing. Pizza Hut's experience in other countries is indicative of the effects of mandates and they are bad for business, and they are bad for employees.

MOST-FAVORED-NATION STATUS FOR CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 5 minutes.

Mr. DREIER. Mr. Speaker, I have taken out this time this afternoon to talk about an extraordinarily important issue which the House is going to be addressing next week. I am referring to the resolution which is going to be coming before us which would disapprove the very wise decision that the President made to renew most-favored-Nation trading status with the People's Republic of China.

I very sincerely believe, Mr. Speaker, that one of the most inhumane, immoral things that this Congress could do would be to deny most-favored-nation trading status to the People's Republic of China, Why? Because every shred of empirical evidence that we have has demonstrated that over the last 15 years, since economic liberalization has taken place in China, as exposure to the West has expanded, the human rights situation there has improved.

We actually have a multifaceted approach as it deals with China. We are looking at regional security, which obviously is very important, economic policy, nuclear proliferation international cooperation and, of course, human rights. Human rights is the major thrust of debate as we look at this issue, and it is the one we will be hearing about next week.

We have just up in the Rules Committee a couple of hours ago reported out the rule which will bring three provisions to the floor. I hope very much that the Hamilton provision, if the rule is passed, will be the one that prevails. Why? Because as we listen to the arguments which have been provided to us by people who have lived in China, people who have been dissidents, who have been imprisoned in China, victims of human rights violations in China, they say things like the statement that was provided by Yang Zhou, who is one of the most famous dissidents, who said:

> MFN status helps our economic reforms and in the long run that will help improve human rights.

□ 1530

We have listened to many people argue about how cutting off trade ties with China will improve the situation there, creating a closed society in China will improve the situation there. But obviously those who make that claim have failed to look at history.

Just a few weeks ago, the reports came out in the Washington Post that during the Mao era in the 1950's and 1960's in China, 80 million Chinese people were killed, but the information of those tragic deaths just came out recently.

Now, in a closed society, Mr. Speaker, obviously the butchering of 80 million people can take place, and the world will not know it. That is why, as we realize, that the openness which has taken place in China through United States business investment and exposure to Western values, that openness

is what has brought to light the tragic information of those 80 million murders which took place.

Mr. Speaker, it is assured to the Chinese people and the rest of the world that this kind of thing could not happen again without the world knowing about it, and that is why, if we try to do as some of our colleagues want, cut off trade ties with China, we will be creating a situation which could potentially see the tragic murder of another 80 million people.

This country is the largest nation on the face of the Earth, 1.2 billion people, five times the size of the United States. We have got to realize that change is taking place gradually. Thousands of years of history in China, and we cannot expect an immediate improvement overnight in the human rights situation, but it has improved.

As we look at statements made by people like Nicholas Christophe, who was the New York Times bureau chief in Beijing, when he wrote:

> Talk to Chinese peasants, workers, and intellectuals, and on the subject you will get virtual agreement: "Don't curb trade."

A very liberal writer for the Atlantic Monthly, the Washington editor of the Atlantic Monthly, James Fallows, said:

> To carry out the threat to cut off MFN would actually retard the cause of human rights.

And the Progressive Policy Institute said:

> The best reason to guarantee MFN status for China is that it buttresses economic and social forces that are creating demand there in China for political change.

Political change is going to take place, Mr. Speaker, if we maintain ties with the People's Republic of China. Yes, raise very serious concern about the human rights violations that do exist in that country, but I have an aggressive solution to the problem: Encourage further United States business investment in China so that we can expose the people and the leaders of that country to the ideas of our Bill of Rights and the United States Constitution.

HEALTH CARE, THE CRIME BILL, AND MILITARY READINESS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from California [Mr. HUNTER] is recognized for 60 minutes as the designee of the minority body.

Mr. HUNTER. Mr. Speaker, I want to cover three important topics this evening. One topic, of course, is health care, and this moving target that the Democrat leadership is putting together on the House side in concert with President Clinton.

The second issue, of course, is the crime bill that will be coming back from the conference that Members will be asked to vote on and that the American people are very interested in.

The last issue is military readiness, perhaps an issue that is being drawn more tightly in focus over the past several hours because of the increased activity in Bosnia, and to talk about military readiness, a colleague of mine is with us today who is well known to the American people. His name is "DUKE" CUNNINGHAM. He is my seatmate from San Diego, CA, and he lived in the military those years in the late 1970's when President Carter's massive defense cuts brought our military into what I call a hollow status.

Those were the days of the hollow military when over 50 percent of our naval aircraft were not fully mission-capable because we were having to cannibalize them for spare parts to keep others going. Those were the years when a thousand chief petty officers a month were getting out of the Navy because they were not being paid enough money; thousands of our kids in uniform were on food stamps. And those were days that the gentleman from California [Mr. CUNNINGHAM], who has one of the most exemplary records for air combat that no member of the present military nor recent military nor active military has accomplished, is with us today as a Member of Congress from San Diego, CA.

I would just like to ask the gentleman from California [Mr. CUNNINGHAM], my colleague, to talk a little bit about what is happening with respect to the hollowing of American forces in present world situations.

I yield to my distinguished friend, the gentleman from San Diego, CA [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. I thank the gentleman from California for yielding to me.

First, Mr. Speaker, I would like to say that the President, in one of his addresses, said that he wanted a strong military. He wanted a strong national defense of a well-trained and high-tech capability.

Candidate Clinton, when he was running for President, said that it would be a maximum of a $50 billion cut, $50 billion cut, because to go beyond that would put us into a hollow force; we would not be into the bone, but we would be into the bone marrow of our military.

Not only a $50 billion cut from the 102d Congress, but an additional, under the Clinton budget, $129 billion cut out of defense, bringing the total to $179 billion out of just the defense budget.

We keep getting involved in events overseas, in some cases that have no direct bearing on the national defense or security of this country.

Today, as I speak, we are bombing Bosnia. That, in my own personal opinion, is wrong, and we will get to that a little bit later.

But we cannot keep expecting our military men and women to operate overseas and not supply them, not only with the manpower but with the military equipment, with the technology, and then the abuse of our men and women by the administration. How can we expect them to go forward?

We have a strange dichotomy in this country, Mr. Speaker, that we laud those people that fight our wars and fight our battles in this country and overseas, but traditionally, we scale down those militaries as those wars end. There is nothing wrong with that except that today our scaling back is the lowest that it has ever been in the history of the United States.

Let me tell you a little bit about some of the things that are going on. Remember, this is a President that wants our people to be trained.

I was a top gun instructor at one time. At the Navy Fighter Weapons School at NAS Miramar, there is an air show this month. They are not flying in it, because they do not have the fuel to operate. You say, well, flying in an air show is not really important. It may not be.

But the same Navy Fighter Weapons School, the top gun, the school that the movie was made after, is not flying in the month of August because they do not have enough fuel to fly against their class. Let me repeat that: Navy Fighter Weapons School, top gun, does not have enough fuel to operate against their class, so they are having not to fly the month of August.

The F-14's, the F-18's, the fighter squadrons, about 80 percent of them are sitting idle for a lack of parts and a lack of fuel so that they can fly.

I coined a phrase: "You fight like you train." It takes a fighter pilot about 20 to 30 hours a month to stay on the tip, Mr. Speaker. Some of these squadrons are flying, and these pilots are flying, as little as 5 hours a month, and it is proven that if you do not exercise the airplane, they leak hydraulic fluid, the maintenance becomes extreme on them, and you actually save lives the more you fly. Look at statistics in the safety center. You fly more, the pilots are safer. We are going to lose pilots. We are going to lose air crew, men and women, in our armed services.

The President wants well-trained and better equipped military, but yet this House, this administration is selectively killing defense industry and the military through several different ways. It cost us alone over 1 million jobs in the State of California. California is one of those States in the recession hit most hard or hit the hardest, not only by unfunded mandates, illegal immigration, and a host of others, but the 1 million jobs that California has lost has devastated the State.

We have major industries like General Dynamics, Rohr, McDonnell Douglas, Martin Marietta, all going out of the State and folding up their tents because of the defense cuts.

□ 1540

That means jobs. We have an administration that is saying jobs are being created. These are high-level, white-collar, scientists, and a lot of blue-collar jobs going out the window. A lot of the 1994 budget is funded at a bare-bones minimum.

The year 1995 and out is largely funded by the closings of the bases under the Base Realignment and Closure Commission of 1993. But guess what the administration and this House are not doing? They are not funding BRCC fully. And every Member in this House, generally every Member, has bases that are closed. When this Government gives the military a mandate, it tries to adhere to it, but it is an unfunded mandate. Let me give you classic example.

The Naval Training Center, NTC in San Diego, does not have the money that was promised to close that base in the last base closure. Jack Inch, the commanding officer of that, just spent $30,000 out of their training money because they had to buy plywood to close up the buildings that has been ordered to close.

The military is eating itself up from within inside because again this House and the Commission forced the military to close those bases for savings. Now, if we do not fund BRCC-93, then they know that the military will eat itself from the inside and slowly dissolve itself, besides the $179 billion cut as well.

Bases and units are out of dollars.

Another way that they are selectively killing defense: They ordered the rapid demise of F-14 fighters, F-15, F-16, F-18's, they are even doing away with the A-6 Intruder.

Guess what, the procurement and development of the brand new joint airplane for the Navy, Air Force, and Marine Corps is being pushed out well beyond the year 2000. There is no way we can replace those retiring airplanes to keep our forces up to speed even at the Bottom-Up Review level. So it is another way of selecting them.

The Bottom-Up Review was a study. Then-Secretary of Defense Les Aspin headed up a task force to see what we needed to fight two conflicts or wars simultaneously at the same time with a minimum of forces. Even during the presentation before the Committee on Armed Services, the drafters of the Bottom-Up Review testified we were $40 billion, not thousand, not millions, but $40 billion short of the Bottom-Up figures, which was in itself a bare-bone minimum for our Armed Services.

Just last week, the GAO, Government reporting agency, shared with us that it is now $150 billion short of the Bottom-Up Review, which is a bare-bone minimum to fund our military. That is why we have top gun flying against its class, that is why we have squadrons sitting idle and not training, that is why we do not have enough parts for our Armed Forces, and that is why, Mr. Speaker, we are going to end up with dead men and women because they cannot train.

Right now we are over the skies of Bosnia, we have a President who wants to take us into Haiti, and you do not have the equipment, the military and the training, to do it.

We are going to bring back our kids in body bags. That is the reason I am standing up here today, because I was shot down myself over North Vietnam on my 300th mission. But we had the equipment, we had the training, and we had minimum casualties even though we lost a lot of people in Vietnam.

But even today those casualties would be higher because we are not ready. Our readiness is low, our forces are low, our equipment is low, and our training is low.

The committee chairman on the Democratic mark was below, if you can believe it or not, the Bottom-Up Review mark by $1 billion.

Now, how can we operate and ask the support of our men and women in the Armed Forces if this House cannot even support them?

I take a look at the cuts that we have had here on the House floor. People show they want to be fiscally conservative, so where do they cut? They cut law enforcement with the CIA and the FBI. The Black Caucus wanted to double the amount of defense cuts, to double it.

Let me remind you Mr. Speaker, the armed services is one of the primary areas for minorities to get jobs on an entry level and then go on to secondary jobs either in the military or after they retire.

So we are killing jobs in that way as well.

My friend from California and I testified that the environmental cleanup costs for these bases was going to be much higher than it is—than it was estimated. But our colleagues on the other side of the aisle said, "No, we figured this out." Guess what, Mr. Speaker, today those costs are running from 10 to 20 times as much and in some cases there is no savings from closing the bases. That was the main point of the bottom-up review—I mean the BRCC—to see if it was beneficial to close a base to save the Government money.

That is why they were closed.

Now we are finding it is not beneficial in most cases because it is just environmental cleanup. Again those savings were going to go through 1995 and out and supply the defense dollars for us to operate our military forces.

We have certain items in which our military forces look at us and say, "Are you supporting us?" When in a President's tax package cuts the military COLA, that hurts a lot of people, especially when you have got E-4's who qualify for food stamps, In many cases you have kids, young men and young women—and I say kids because these kids are between 17 and 35 years of age—who can qualify for food stamps. We take them away from their families for 6 or 7 months on every cruise, they come back and even on home port issues, we do not allow them to stay with their families even at those times. Yet we keep hacking at them. And then we cut their COLA's. How do you think it makes then feel, Mr. Speaker?

Mr. HUNTER. I thank my friend, who has so much expertise in the armed services for his tesimony today. The last figures I saw with respect to our young families, our lower-ranking families, with respect to food stamps was that today, this year, 27 million dollars' worth of food stamps were utilized by service families, by uniformed families. That reminded me of the days of the late 1970's under Jimmy Carter when we had a tremendous number of our young people, uniformed people, on food stamps.

Mr. CUNNINGHAM. It is. Just take a look at any base.

Mr. Speaker, you probably have military bases in your district. Take a look at these kids and what we ask of them. Yet we are cutting their pay, their COLA's, and we do not support them and we let them sit on the bases without the equipment, without the funding to train in the job they are supposed to do to prepare themselves on how to survive in conflict.

Then we plan to send them to Haiti, Bosnia, God knows what else. Then we are going to put them under U.N. control, not United States control. Mr. Speaker, that is wrong also.

Right now, today, just taking the Navy alone, we are over 700 lieutenant commanders in the Navy, and those are the billets, the officers who fill your department head jobs, like the head of your operations department, the head of your maintenance department in a squadron, administration department. And we do not have those personnel.

Admiral Boarder and the commanders have asked if they could upgrade lieutenants to fill those positions, lieutenants without the experience required to keep that unit safe.

Mr. Speaker, that alone will cause loss of aircraft and loss of lives.

The defense bill, we look at the defense bill itself and what meager funds we have. We have what I call the left-wing members on the committee who want to provide social programs out of the defense budget. Much of the defense budget in the mark, even today, has social programs in it which have no place in the defense budget, eating up those same training dollars and the existence of military equipment.

□ 1550

We take a look at the House floor, and in every committee you take a

look, again those that support socialized spending and a socialized Government want to cut the defense budget. We had an education and labor. The gentlewoman from Hawaii wanted to take $1 billion out of the defense, and every committee—look on the House floor—that those who will come forward and want to cut defense—cut defense is the big answer.

Well, what are you going to do, Mr. Speaker? What are you going to do after the defense dollars are gone and the spending still stays higher, even in the crime bill, which the gentleman from California is going to talk about, and you got $9 billion in socialized programs there that duplicate existing programs we have?

Another factor that this gentleman disagrees with in the administration: Dick Cheney was the Secretary of Defense under George Bush. I guarantee you that Dick Cheney and President Bush would have known, prior to our airplanes going to war over Bosnia, that they were going to be involved in a war. In the first strike that our aircraft went over Bosnia and intercepted Bosnian Serb airplanes our President and our Secretary of Defense were not aware of it until after the fact. To me that is ludicrous.

We cannot accept, nor tolerate, our Armed Forces falling first priority under U.N. control. Even in Desert Storm where we had—the President put together a coalition of forces from many other countries, our forces were under U.S. commanders, directed by U.S. commanders, that spoke English, that knew the equipment, that knew the tactics, that knew their limitations and knew their strengths, and we came our ahead on that, and, Mr. Speaker, if this same type of thing continues when our troops are under U.N. control, we are going to lose lives.

It all boils down to readiness, Mr. Speaker. Are we ready to fight? Our troops will fight and do well anywhere they go. They have historically. But we have got to give them a fighting chance. We got to let them train. You do; you fight like you train. A football player is proficient because of the amount of time and energy he puts into training to his skill. The same is true with the military, Mr. Speaker, and we cannot tolerate.

So, let us do not degrade our military officers. Let us do not have them carrying hors d'oeuvres at a Democratic fundraiser at the White House, military officers in uniform.

I did get a nice letter from General Shalikashvili and said that that will not be the policy. But we need to tell the staffers that they cannot order our military to carry hors d'oeuvres for Democratic events. I am disappointed that some of the Democrats there did not do the same thing on the spot. We cannot expect them to risk their lives and not support them, and I would like to thank the gentleman from California [Mr. HUNTER] because, my colleagues and Mr. Speaker, our military forces today are at a bottom level that I have never seen them, and I spent 20 years of my life in the military, and I did not want to fight in the war, but, when I was there, I wanted the right equipment, and I wanted the support of my Congress and the American people behind me. That is not true today, Mr. Speaker, and we have got to change that.

Mr. HUNTER. Mr. Speaker, I thank the gentleman from California [Mr. CUNNINGHAM] for his remarks, and I just want to say, as he goes out, I know he needs to pick up his family at the airport, that the gentleman from San Diego [Mr. CUNNINGHAM] is a very valuable Member of this body because, in becoming the only Navy ace in Vietnam, shooting down five MiG aircraft, and not only that, but training in the top gun school in San Diego, training pilots, he has an insight into readiness and the combat needs of both equipment-wise and personnel-wise of our armed services, and there is nobody who is better able to speak about it, and I think also more independent than the gentleman from San Diego who has one interest here, and that is to preserve the chances for our men and women who have to go into combat, have to go into warfare, and their chances for survival are paramount in his mind, and I want to thank him for his work.

I yield to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, as my comments are directed toward those that would cut defense, both of us have friends that are on the other side of the aisle: the gentleman from Missouri [Mr. SKELTON], the gentleman from Pennsylvania [Mr. MURTHA], the gentleman from Mississippi [Mr. MONTGOMERY], and we can go on and name half of the Members on the other side that feel the same way that we do, that our defense is being cut too much, and we work with those Democrats every single day.

But when the administration pushes this, when the leadership on the other side, which to my opinion is left of liberal, keeps pushing the cut of defense, it is going to cost the lives of men and women, and I want to thank my colleagues on the other side of the aisle that support the same issues and help us on a day-to-day basis, and I thank the gentleman from California [Mr. HUNTER].

Mr. HUNTER. I thank the gentleman from California, and, Mr. Speaker, my friend, DUKE CUNNINGHAM, has been talking about deficiencies that we have with respect to the U.S. Navy. Let me just add a couple to that that come from the Army side of the uniformed services.

I sent a letter to the Army recently. I asked them to answer certain questions with respect to readiness and equipment: Are we ready to fight?

And Gordon Sullivan, General Sullivan, Chief of Staff of the U.S. Army, replied in a recent letter that was a fairly in-depth explanation of our current capability with respect to readiness, and let me go over some of the categories that he covered.

He said this about modernization, and I quote:

> Modernization accounts are minimally funded in FY 1995 and must be increased in subsequent budgets to allow for recapitalization of equipment. The outyear requirements; that means in the coming years, will be addressed during development of the Army's FY 1996 POM.

Now what General Sullivan is saying there is that we are right on the razor's edge of losing modernization. Those smart weapons that we all watched in Desert Storm that were able to go in and zero in on a bridge, or another vital military facility or strategic facility in Iraq, were developed because we spent research and development dollars in a very adequate way, in a very responsible way.

> "We aren't modernizing like we should be modernizing." He said this about equipment readiness, and this is a very important factor because, when the balloon goes up, when the American Forces have to go to project American military power, they do not have the option of saying, "Put that emergency on hold until we repair these tanks, until we repair these ships, or these aircraft, or these artillery pieces."

Here is what General Sullivan said about equipment readiness:

> Depot maintenance is funded at 62 percent of requirements for fiscal year 1995. Congressional decrements to OMA could aggravate the situation. Operations other than war, costs of contingency operations without timely reimbursements or supplemental funding cause execution year turbulence and can cause a drain on the readiness accounts.

That means that when we go off to Somalia, or we go off to Haiti, or we go off to Bosnia, and we take money that should be used to train our troops to repair our equipment to keep our fighting forces ready, and we do not pay that money back, and most of the time this administration and this Congress does not pay all the money back, then the readiness requirements that the gentleman from California [Mr. CUNNINGHAM] spoke about, that increased flying time, for example, for Navy pilots, is not funded. So pilots have to stay out of the air. And that equipment restoration, repairing the equipment that was used in the last operation, does not occur. So that means that the next operation that you go into, you go into with pilots who are less ready, less trained, with infantrymen who have not had the time with the equipment and with weapons that they should and with weapons that have not been refurbished and have not been fixed in many cases. We still have equipment from Desert Storm which has not been refurbished since that operation was concluded.

So, Mr. Speaker, those are statements coming from General Sullivan who is the Chief of Staff of the U.S. Army.

So, my colleagues, against this background of massive defense cuts, and once again President Clinton has cut $129 billion out of the budget that was established by President George Bush, Secretary of Defense Dick Cheney, and Chairman of the Joint Chiefs, Colin Powell—he cut, President Clinton cut, $129 billion out of that budget, and he did so in a very uncertain world. He did so in a world which has a Bosnian situation, which is set to explode, which has North Korea acquiring nuclear weapons, which has Communist China claiming all of the territory in the South China Sea, and building warship bases in the South China Sea, and with four former Soviet States continuing to maintain nuclear weapons and continuing to experience a political situation which, I think, can still be described as unstable.

□ 1600

We still live in a very dangerous world. This Congress does not lead in foreign policy. I acknowledge that, as a Member of the minority party in the House, the Republican Party. We do not run foreign policy. Under the Constitution, we are not supposed to run foreign policy or run our military operations. The Commander-in-Chief runs our military operations. He is the leader in foreign policy.

But we do have an obligation, and that obligation is to keep our military strong. We, Mr. Speaker, have not been carrying out that obligation. We have not been keeping our military strong, and we are returning to the hollow forces of the 1970's. I think that has been stated as strongly as it possibly can be stated by members of the Joint Chiefs, who do not want to blatantly say our President is erring on a daily basis, he is cutting too much. They say it as diplomatically as they can say it, that readiness is suffering.

We are at 62 percent of our requirements for equipment maintenance. We are cutting 1,700 young people a week out of the military. We are taking the Marines that came out of the Bosnian operation, after 6 months, they were given I understand 12 days at home, and then they were sent to the Haitian theater, after 12 days with their families. That equates ultimately to a lot of people getting out of the service because they simply have to spend more time with their family and their quality of family life has been degraded to the point where they can no longer stay in the service.

So, Mr. Speaker, we are creating under the leadership of President Clinton a hollow military. We have now some $27 million being taken in annually by uniformed families for food stamps. Does that sound like 1979? It does to me. Statements from the Joint Chiefs about the unreadiness, that sounds like 1979.

We are going to have to understand in this Congress that our first social duty to our constituents, to the citizens of the United States, is to keep them protected. That protection requires a strong American military. And if this President wants to go off and engage in every peacekeeping operation and every operation where he thinks the United States has an interest, and I think we do have an interest in many of these places, you have to be strong, because you do a disservice to your uniformed people if you throw them in a fight which you have not prepared them for. And that is what we are doing right now.

Mr. Speaker, let me move on to another issue that is right at the top of the list for the American people right now. I think it is at the top of the list because the Democrat leadership has kept them in the dark and they are trying to figure out what the heck is going on, and that is with respect to the Clinton health care plan.

President Clinton put together a health care plan, which I think can charitably be described as socialized medicine. It was based on these large collectives, or alliances, Government-run alliances, that would mete out contracts to insurance companies. You would have a national health care board that would put together packages. Every American would purchase a package, and if he did not purchase a package, if he was caught not buying the Government package, he would be assessed a big fine. If you went to a doctor who you thought was the best doctor to have an operation on one of your loved ones and you paid him more money than the schedule allows, that would be considered bribery. You and the doctor could go to jail.

That was the Clinton health care package. And, you know, the best thing that could possibly happen to the Clinton health care package happened. We put sunlight on it. The American people got a chance to look at it. When they got a chance to look at it, let me tell you, Republicans did not kill this package. Republicans are outnumbered by almost 100 votes in the House of Representatives. We are outnumbered by a big majority in the U.S. Senate. Obviously, the President is a Democrat.

The American people killed President Clinton's first package. That package was killed because hundreds of thousands of citizens, many of them Democrats, went to their Democrat Congressmen and Senators and said, "Gentleman, I am a small businessman and this is going to bankrupt me." They said, "We have seen eye to eye on a lot of issues before, but on this one, we don't see eye to eye. If you pass this socialized medicine plan, I am going to throw you out of office."

That is why Clinton I was killed. Many people, particularly Democrats, did not like it.

It took time to show the American people his package. Unveiling this massive 1,300-page package, health care plan, which is your contract, the American people's contract, and their provision for medical care for the foreseeable future, it took months and months to show them the contract they were getting into. But doggone it, you better read this contract before you sign it. That was the message given strongly to me by my constituents from Imperial Valley and San Diego, CA.

I read that package, and that is why I came out against it. I read it, and I listened to my constituents who also read it.

Hundreds of thousands of Americans acquainted themselves, millions of Americans, acquainted themselves with a lot of the provisions, and I would say hundreds of thousands of Americans read most of the Clinton I package. We put some sunlight on it. They understood what they were getting into it, and they backed off.

They decided they did not want socialized medicine that would have the efficiency of the Social Security System and the compassion of the IRS. That is what a lot of them figured they were getting into.

So President Clinton has admitted that his package cannot pass. But what has happened in the last week and a half is that the Democrat leadership in this House is putting together a package that is presently secret, that is essentially Clinton II. It is called the Gephardt plan, or the plan that is named after the wise majority leader, Mr. GEPHARDT, that he is putting together. And the problem with it is the American people have not had a chance to see it.

Let me tell you how many Americans have read the Democrat leadership plan that we are supposed to vote on in a few days. Zero. Not a single one of the 250 million Americans have read the Democrat health care plan.

We should be saying, my colleagues, Mr. Speaker, let the people see it, let the people read it. It is unfair for us to try to vote on a plan that our constituents have not had a chance to even look at, when it is their right to choose a doctor, their right to run a small business, their right to invent a new medicine.

You know, we are one of the last nations in the world that does not have socialized medicine. Theoretically, having socialized medicine is a mark of civilization. For all the people who have stood up and said we are one of the few nations in the world that doesn't have socialized medicine, we ought to have it, I look at places like Cuba, with Mr. Castro, who has socialized medicine. China has socialized medicine. A lot of other third world nations have socialized medicine. That is

not a sign of civilization, it is not a sign of sophistication.

If you look at the other side of that debate, you will see a great nation, the United States of America. More than half of all of the cures for diseases that are invented annually in the world, are invented in the United States. Isn't that interesting?

That means we invent more cures, more medicines that save lives, than all the rest of the nations in the world combined. And I would suggest, Mr. Speaker, that that is because we do not have socialized medicine.

I would suggest that our freedom has been the driver for innovation; our freedom has built a health care system that draws Canadians down. You know, the Canadian system was health care nirvana, it was heaven on Earth, and we had a lot of well meaning groups who came in last year and told us how great the Canadian health care system was.

Then around Christmastime the biggest hospital in Ontario shut down for a couple of weeks because they ran out of money. Funny, socialism always runs out of money, because governments never spend money in an efficient manner.

So Canadians saw their biggest hospital close down for 2 weeks because they ran out of money. Then we discovered something else about Canadian health care. There are 177,000 Canadians who are waiting for operations. They are waiting in line for operations. Because you know what? Socialism causes lines. If you do not think so, go to the Kremlin sometime. Take a trip to some of those liberated countries in Eastern Europe. Socialism causes lines. And about 25 percent of the people who were surveyed in Canada, of those 177,000 waiting in line for an operation, 25 percent of them said they are in pain while they wait.

□ 1610

We looked at other places. We looked at Japan that theoretically spends less money on health care. It does spend less money. But do you know why they spend less money? Because the average Japanese doctor sees 49 patients a day. And I had this impression, I do not know if my colleagues, Mr. Speaker, or you have seen that, have read about those professional packers that they have in Japan on the subway trains where they get everybody they possible can into the train, right at rush hour. Then they have two professional packers. These packers are like sumo wrestler. They are big, healthy people. They do not hurt anybody, but their job is to pack the last possible person that they can get into that train. They want to get that guy packed right inside there so they can close the doors and go out with a full train.

That is the impression I had when I read that their doctors see 49 people a day. They do mass examinations. Americans do not want to walk in with 15 or 20 people and do an examination en masse.

That is Japan. They are heavy on efficiency. They are a little bit short on privacy.

Let us look at Great Britain, which has socialized medicine, that socialism that Winston Churchill described as "shared misery." They have a system in which senior citizens, elderly people are not given lifesaving operations. That is because socialism never works very effectively and they ran out of money. So they tell senior citizens who are over a certain age, you cannot have this lifesaving operation because you have lived a long and full life and you have to fall off the tree like a leaf in the autumn and let a younger person have that lifesaving operation.

That is great unless you happen to have fathers and mothers and grandfathers and grandmothers who mean something to you and you know American families have a lot of grandmothers and grandfathers who mean something to them. And so we do not want to have that brand of socialized medicine.

To date this administration has not shown us one model country that has a medical system, a socialized medical system that we should follow.

Last, Mr. Speaker, let me talk about something that is kind of near and dear to Americans hearts. That is a job. Remember that gentleman Herb Kane who stood with the President on a nationally televised program and he said, he is a guy who owns Godfather's Pizza. His father worked three jobs a day so he could go to college and become a success.

And Herb Kane said, Mr. President, I have put a pencil to your numbers here, to your plan. I will have to fire a lot of people.

I am paraphrasing him.

He said, this is not going to work out. I am going to have to close down franchises and get rid of folks.

The President said to him, I do not know why you just cannot raise the cost of your pizza.

I could see a look of shock on Mr. Kane's face and when he addressed the Republicans recently, he said, to the effect, if I could get more money for my pizzas, I would be doing it. You cannot just raise the price of your product and expect to continue in business.

He said, I am asked by people why I do not feel I have a duty to give every single person who works for me a health care plan. He says, that is because my first duty is to give them a job. And we are going to lose a lot of jobs under socialized medicine. The plan that the gentleman from Missouri [Mr. GEPHARDT] is putting together with other Democrat leaders right now is socialized medicine. It is socialized medicine that is going to require employer mandates. That means employers are going to have to pay a big, new tax.

We have a group that is a think tank, and there is plenty of think tanks around the country, but the CONSAD Study Group did an evaluation on how many American jobs will be lost under the Ways and Means Committee plan, that is the Democrat-controlled committee that developed the plan in this House that is being followed by the gentleman from Missouri [Mr. GEPHARDT] by the Democrat leadership is putting together their socialized medicine plan.

Let me tell you how many jobs they say will be lost and how many will be affected. What is an affected job? It is a job not lost. It is a job where you never get any raise. You do not get any raise because your employer is spending the money he would have used to give you a raise buying this health care plan that he is forced to buy by government.

So let me tell you:

Alabama, job loss of 13,000 under this Clinton II plan; jobs affected, no raises, 716,000.

Alaska, 1,200 job losses; 74,000 jobs affected.

Arizona, 11,000 jobs lost under the Clinton II plan; 640,000 jobs affected.

Arkansas, they have had a lot of experience with this leadership, 7,000 jobs lost; 398,000 jobs affected.

California, my State, 108,000 jobs lost under Clinton II; 5,976,000 affected.

Colorado, 11,000 jobs lost; 600,000 affected.

Connecticut, 15,000 lost; 800,000 affected.

Delaware, 2,800 lost; 154,000 affected.

District of Columbia, 4,900 lost; over 200,000 affected.

Florida, 41,000 jobs lost under Clinton II, under the Democrat plan; 2,300,000 affected.

Georgia, 23,000 jobs lost; over a million jobs affected by the Democrat plan.

Idaho, 2,700 jobs lost; 153,000 affected.

Illinois, 47,000 jobs lost; over 2 million affected.

Indiana, 22,000 jobs lost under the Clinton health care plan; that is the one that Democrat leadership are getting ready to ram through the House, 1,016,000 affected.

Iowa, 9,000 jobs lost; 530,000 affected.

Kansas, 8,000 jobs lost; 469,000 affected. That means no pay raises, because your employers have to pay for the health care plan.

Kentucky, 11,000 jobs lost under the Clinton health care plan; 610,000 affected.

Louisiana, 11,000 jobs lost; over 600,000 affected by the Clinton health care plan.

Maine, 4,000 jobs lost; 227,000 affected.

Maryland, 16,000 jobs lost; 953,000 affected.

Massachusetts, 29,000 jobs lost; almost a million and a half jobs affected.

Michigan. 36,000 jobs lost under the Democrat health care plan; 1,800,000 jobs affected. That means no raises.

Minnesota, 18,000 jobs lost; 900,000 jobs affected.

Mississippi, 7,000 jobs lost; 375,000 jobs affected.

Missouri, 20,000 jobs lost; 1 million jobs affected by the Clinton health care plan that the Democrat leadership is putting into effect right now or putting into final form right now.

Montana, 1,700 jobs lost; 105,000 affected.

Nebraska, 5,000 jobs lost; 313,000 affected.

Nevada, 6,000 jobs lost; 320,000 affected.

New Hampshire, 4,000 jobs lost under the Democrat health care plan; 223,000 affected.

New Jersey, 29,000 jobs lost; 1,600,000 affected. That means no raises in wages, under the Clinton health care plan.

New Mexico, 3,000 jobs lost; 205,000 affected.

New York 75,000 jobs lost; 3,900,000 affected.

North Carolina, 28,000 jobs lost; 1,400,000 affected.

North Dakota, 1,600 jobs lost; 96,000 affected.

Ohio, 44,000 jobs lost; 2,267,000 affected under the Clinton health care plan.

Oklahoma, 8,000 jobs lost; 466,000 jobs affected.

Oregon, 8,000 jobs lost; 499,000 affected.

Pennsylvania, 47,000 jobs lost; 2,450,000 jobs affected.

Rhode Island, 3 million jobs lost; 202,000 jobs affected.

□ 1620

That means reduced wages, no wages. South Carolina, 12,000 jobs lost; 681,000 affected; South Dakota, 1,750 jobs lost; 103,000 affected; Tennessee, 19,000 jobs lost, 987,000 affected; Texas, 55,000 jobs lost, over 3 million affected; Utah, 5,000 jobs lost, 309,000 affected; Vermont, 1,800 jobs lost, 102,000 affected; Virginia, 21,000 jobs lost, 1,200,000 affected; Washington, 16,000 jobs lost, 936,000 affected; West Virginia, 4,000 jobs lost, 238,000 jobs affected; Wisconsin, 19,000 jobs lost, 1.1 million affected; Wyoming, the last one, 930 jobs lost, 60,000 affected.

Mr. Speaker, the American people are going to be affected for decades by any health care plan that we put into effect. We owe them what just about any company that wants to sign a contract with you owes you, and that is to show you the doggoned contract.

The Democrat leadership has not shown a single American this health care plan that they expect us as Congressmen to sign up to in about 10 days. They have not let a single American read this contract that is over 1,000 pages in length. The American people read the last contract and they did not like it. That is why Democrat Congressmen refuse to pass it, and Democrat Members of the Senate refuse to pass it.

Mr. Speaker, let us show this contract to the people, show President Clinton II, which is the health care plan that the Democrat leadership is putting together in secret right now, to the American people. Let the people see it, Mr. Speaker. Let the people read it. I think they will do the same thing to this plan that they did to the first plan after they got a chance to read it.

THE 1965 VOTING RIGHTS ACT

The SPEAKER pro tempore (Mr. MENENDEZ). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Louisiana [Mr. FIELDS] is recognized for 60 minutes as the designee of the majority leader.

Mr. FIELDS of Louisiana. Mr. Speaker, today I rise in the House of Representatives to talk about the 1965 Voting Rights Act. On August 6, about 29 years ago this Saturday, this Congress had the gall to pass a very sacred piece of legislation, and that is the Voting Rights Act, because of the need to give every American an opportunity to participate in democracy. So I commend this Congress for having the foresight to pass a piece of legislation that would have such a profound effect on Americans all across the country.

Mr. Speaker, I also commend President Johnson, at that time, who had the courage to sign such an important piece of legislation, when he took the floor and he took the well and talked about how important it was to include all Americans into our democracy.

I also commend those individuals who took a stand today, Mr. Speaker, individuals who have marched and walked the highways and the byways of this country, fighting for inclusion. All they wanted was the opportunity to participate in democracy. They fought, they walked, they marched, many of them were bitten by dogs, some were hosed with water.

At that time I was only 2 years old. I did not know anything about voting. I did not know much about anything. As I read the history books and read the legislative intent of this act, I really see the struggles that many people went through to get us to this point in life, as they marched and walked and fought and rallied and they talked about inclusion.

It is a shame today that the very act that this Congress passed, the Voting Rights Act, in 1965, and the very act that the President had such emotions about when he addressed the House of Representatives in 1965 on August 6, is under attack today. It is under attack in the Federal courts in Louisiana, in Georgia, in Texas, in North Carolina, in South Carolina, and perhaps in other parts of this Nation.

Mr. Speaker, I rise today to talk about this shameful condition that we find ourselves today, now, breaking down the many barriers that we faced in the past to bring about inclusion so everybody can participate in democracy, so that everybody will have the opportunity to be around the table to talk about decisions and public policy in this country, and to see Federal courts misinterpret the Voting Rights Act, and use the 14th amendment of the Constitution of the United States of America, an amendment, Mr. Speaker, that has always been used to protect people, has always been used as a shield, but to see courts today take that 14th amendment and instead of using that amendment as a shield, use that amendment as a sword to hurt people all across this country.

When I think about those individuals who marched and walked, and in many cases, many died to bring about democracy right here in this Congress, I am very saddened to think about the nights and the days that maybe people stayed up and lobbied this Congress, and to think about the many men and women who sat in this august body some 29 years ago and stood at that well and said, "It is right for inclusion of all Americans into democracy;" to think about those Members who had the audacity, tenacity, and the gall to stand at this microphone and say, "It is wrong to deny anybody the opportunity, the right to vote and to participate in democracy."

Several years ago, Mr. Speaker, there was a time when individuals could not vote unless they took literacy tests, paid poll taxes, and there was all kinds of disenfranchisement against many minority voters in this country. Blacks and Hispanics did not have the opportunity to sit in this Congress and to vote on major pieces of legislation.

Mr. Speaker, I suspect if we were in the 1950's and early 1960's, as we deliberate today on health care, a very, very major piece of legislation that affects every American in this country, many individuals who were in the minority races would not be here today but for that courageous move that this Congress made in 1965.

I want to talk just a minute about inclusion and democracy and fairness. Right now I sit in a body that is 435, all of whom I have a great deal of respect for. Of the 435 Members who sit in this House of Representatives, all represent different areas all across this country.

Because of the Voting Rights Act, and because there were so many fair-thinking Members of Congress in 1965, and a President who stepped up to the plate because he wanted inclusion, he decided to change the shape and the appearance of this institution, because he wanted it to reflect America.

When we call ourselves the House of Representatives, we are actually representatives of the people. We represent America. If one would take a big mirror and put in front of this building, or in front of this House, it should be a clear reflection of the United States of America. We should see women, we should see blacks, we should see Hispanics, we should see Asians, we should see whites, we should see people from all walks of life, because that is America, and that is democracy.

Just a few years ago, before the passage of the Voting Rights Act, you take a State like Virginia, for example, a State with about a 19 percent African-American or minority population. It had absolutely zero Members in this institution representing the State of Virginia.

At that time, I guess the President and that Congress in 1965 asked the question, the sacred question, and that is, "Is it right?" You take the State of North Carolina, for example, a State that has a population of 22 percent minority. It did not have one single African-American Member of Congress talking about serious legislation that affects people all across this country.

I guess this Congress and the President at that time said, "That is wrong." Take the State of South Carolina, 30 percent African-American population. Not one African-American Congress-person sat in this august body since reconstruction.

□ 1630

Then you take the State of Georgia. It is 27 percent African-American. Not one black Member of Congress since reconstruction until the passage of this very sacred piece of legislation.

Then when you take my own State, a State that I have so much respect for, a State that I fight for every day on the floor of this Congress, 30.8 percent African-American and did not have one African-American Member of Congress, but 8 Members of Congress represented that great State of Louisiana.

And so the Members of this institution and the President at that time said it is wrong and we need to bring about inclusion and not exclusion, and we cannot fly across the world and talk about democracy in other countries and not have democracy right here at home.

So I commend the Members of this body. I commend the Members, those who are gone and those who are still here today, be they Members of this Congress or be they back home in their own States in retirement. I commend every Member of this Congress who stood up to the plate in 1965 and said, "We're going to bring about inclusion in democracy and in politics in this country."

It is a sad thing, Mr. Speaker. We have integrated sports in our country. There used to be a time when sports were one-sided. Today, when we go to athletic events, we see white athletes, black athletes, and other ethnic groups all playing the same game together, and they do it well. We sit in the stands and we praise them and we cheer them and we clap them on. We do not call them black ball players, we do not call them white ball players, we do not call them Asian ballplayers or Hispanic ball players. We call them great ball players. We call them our team. We cheer them on and we clap for them when they score and it makes us feel good.

Whenever this country goes to war, we ask our boys and girls, we do not ask them are they black or are they white, what district they come from, how their house looks, what community they come from, do they live in a shotgun house or do they live in a country club. We say we need you to fight, to protect and defend this country. We load up the planes and the ships with little black boys and little black girls and little white boys and little white girls and Hispanics and all ethnic groups. We do not ask them for anything, no green card, no nothing. They are American citizens. We need them to fight for the country. Then when they go on foreign soil and they start fighting for America and democracy, we cheer for them and we pray for them, and we put our chests out big and bold and we say, "They are American soldiers and we love them because they're fighting for democracy." We never talk about race.

I am so happy today that even in our school system we are able to sit little black boys and little white boys and girls at the same table and learn together. Something that Martin Luther King always talked about. Where we could go to school together and learn together and pray together. We have worked hard to integrate our school system.

I think this country ought to be commended, but most importantly it ought to be commended for integrating our armed services, integrating sports, and integrating our educational institutions.

But now we have one more task left: We must integrate the institution of power and politics. Why is it that I as a 31-year-old African-American who works night and day to represent every constituent in my district, I do not care if the constituent is black, white, blue, green, or purple, it is my responsibility to represent him or her, be they young, be they old, I care less. Why is it as a young African-American, who fought so hard to see a colorblind society, why is it that I and others who look just like me are victimized by courts in this country? Why is it that I should not have the opportunity to serve in this Congress because I am of African-American descent? Why is it as hard as I work, I wake up every morning, I go to work, I try to pass good and meaningful legislation. Why is it that a shape of my district would determine whether or not we have a beautiful shape or not so beautiful shape of this Congress? I often thought courts would look at the shape of Congress more so than they would look at the shape of a district. It is ironic today that shapes of districts are more important than the shape of this institution. The appearance of a district back home in Louisiana, North Carolina, in Georgia, South Carolina, Texas is more important than the shape of this institution.

I say to you, Mr. Speaker, the shape of a district should be always secondary to the shape of this Congress, because I am not a district Congressman. I am a U.S. Congressman. We all meet here in Washington, DC, in this August body, and we ought to be able to look like America. We ought to be able to take care of the business of the American people.

So I say to all the courts, and to all those individuals who wish to turn back the hand of time: Let us not go back. We have made too much progress. There are only 40 African-American Members of Congress. There are 535 Members in the U.S. Congress, 100 in the U.S. Senate and 435 in the House of Representatives. We cannot afford to regress. We must progress into the future.

At this time, Mr. Speaker, I yield to the distinguished leader from the State of Georgia for as much time as she may consume.

Ms. McKINNEY. Thank you so much for yielding.

Mr. Speaker, I would like to talk a little bit about my personal experiences during our campaign.

The theme of our campaign was "Warriors Don't Wear Medals, They Wear Scars." Our campaign was comprised of civil rights activists, environmental activists, community activists, the kind of people who give and give and give and give and give and really all they ask is that they get a better community in which to live and that their Government give them a fair shake.

On election night, the volunteers in my campaign headquarters had to watch as the potential victors were interviewed at their victory parties. We had a victory party, too, and the media eventually made its way over to our headquarters after we had won, but, you see, nobody thought we were going to win. We did not have big-name supporters leading us around. We did not have high-dollar donors pushing us to win. We did not have the rich and the powerful. We did not even have the good old boy network. All we had were those warriors. And obviously that was enough.

This was a special victory, because people like me are not supposed to win.

I do not come from a family of wealth. I do not have hundreds of thousands of dollars of personal wealth. I did not inherit a congressional seat. I am just an average, ordinary American cut from a slice of average ordinary American life. In a democracy, our strength lies with the people. The victory in the 11th District was a victory for the people. That does not always happen.

Now a former opponent who lost his bid for the 11th District wants to take this victory away from the people of the 11th District. In a classic case of sour grapes, a former candidate for the 11th District, who found nothing wrong with the district when he paid his money to run, now wants to dismantle the district and start all over again. This is neither fair nor right. But this is where we are today.

The configuration of the 11th Congressional District of Georgia is now a matter for the courts. I would suggest that it is not the district or the way that the district looks that the plaintiffs find fault with but the way the district's representative looks that the plaintiffs dislike so much.

The plaintiffs in Georgia claim that this district violates the rights of whites to have representation in Congress. Georgia's population is 27 percent African-American. Georgia's congressional delegation is 27 percent African-American.

□ 1640

There is value in equity, and there is value in diversity, and even in the South we need to learn that.

The plaintiffs in Georgia claim that these are "black districts." These are not black district. Ranging from 50 percent black to 64 percent black, these new districts across the South are the most integrated districts in the South. These districts encourage biracial coalitions, something that my State and my region are not particularly known for. The need to build biracial coalitions and a new, fresh vision for the South, the plaintiffs are not known for their work in building biracial coalitions. Rather they are accustomed to the politics of division, the politics of prejudice.

During the campaign I tried to carry our message to every resident of the district. Quite frankly, some of the constituents were not ready for that message, they were not ready for my looks, and they were not ready for my gender. But we have worked hard to build bridges. We have worked hard so that the whole community could sit down together and begin to resolve some very real community problems that persist.

We have a responsibility to do the work that our southern heritage has left us. We still have voting rights discrepancy in several of our counties that have had to be addressed in our office. We still have a tax on local civil rights leaders that we address in our office. We still have women's issues, particularly women in prison who suffer from sexual abuse that we have had to deal with in our office, housing discrimination, hiring discrimination, environmental problems.

Mr. Speaker, in short, these districts have allowed for average, ordinary people to receive a modicum of representation in Congress. And as a strong and proud Southerner, I want more for my region than a legacy of racism and prejudice.

In 1868 there were 33 black members of the Georgia General Assembly, and in 1868 they were expelled for no other reason than the color of their skin. On the grounds of the Georgia State Capitol there is a statue that commemorates the service of those 33 who were expelled because of color. In fact, that is the name of the statue, "Expelled Because of Color."

The spirit of 1868 lives unfortunately in 1994. The spirit of 1868 lives in the hearts of some people still, and I would say that the spirit of 1868 lives in the motives of this challenge to the 11th District and, quite frankly, to the challenge of all of these districts.

In 1965, President Johnson made a promise to this Nation that 1868 would never happen again, that Americans of all colors, ethnicity, races, and religions would all be welcome at the table of democracy.

In 1994, all across the South, a handful of people want America to renege on that promise. There is a notion that if America goes back on this promise that it only hurts America's minorities. There could be nothing further from the truth. Reneging on President Johnson's promise hurts all Americans who value democracy.

Let me just say a word about democracy. We have sent our best and our brightest across the seas to fight for democracy. In 1946 my father, while still wearing the uniform of the United States of America, while returning on a train from Europe was arrested in South Carolina because he dared to want to taste what white water tasted like. We have been willing to spill American blood in the fight for democracy abroad. We have even spilled American blood in the fight for democracy at home. Some would have us forget all of that and return to a day when there was less democracy and fewer rights for people who look like me.

I would call on all Americans who value democracy, all Americans who value biracial coalitions, all Southerners who value the idea of a new South and not the South of yesterday, to join with us to preserve these districts and to fight with us to protect democracy in America. We must protect the Voting Rights Act.

I would also like to thank my colleague from Louisiana, Mr. FIELDS, for organizing this special order this evening.

Mr. FIELDS of Louisiana. Mr. Speaker, I thank the gentlewoman from Georgia for her profound statement.

GENERAL LEAVE

Mr. FIELDS of Louisiana. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the subject of this special order.

The SPEAKER pro tempore (Mr. MENENDEZ). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. FIELDS of Louisiana. Mr. Speaker, I yield to the gentleman from Maryland [Mr. MFUME].

Mr. MFUME. Mr. Speaker, I thank the gentleman for yielding. I want to just take a moment if I might to associate myself with the remarks of the gentlewoman from Georgia who just spoke and the gentleman from Louisiana who spoke earlier, and those who are about to speak in reference to not only the Voting Rights Act, but the ideal of equal representation under the law and how that is being challenged. I say that on behalf of not only the Congressional Black Caucus, but a number of Members of this body who have come to recognize the single importance of making sure that we protect our system of representation as we know it.

Clearly, I am sure the gentleman appreciates as do I, the assistance of the Attorney General in this regard, the fact that the offices of the Attorney General have joined in with the Members who are threatened like this, as well as the beneficial and I think significant remarks of the President in this regard, all have been welcomed.

I would, however, say that the gentleman's comments about the 14th amendment are particularly true, poignant and prophetic, and would urge those persons who have watched this special order and those who read it in the text of the CONGRESSIONAL RECORD to understand in the most sober of ways that the argument put forth by the gentleman is an argument which has withstood the test of time that is continued to be made in these hours in this century as we move toward a new century because of its significance politically and otherwise.

So I wanted to briefly come over to thank the gentleman from Louisiana and all of the other Members who have spoken and will speak on this subject during this special order because of its overwhelming significance to the foundation and the underpinnings of this democracy as we know it, and I thank very much the gentleman from Louisiana for yielding.

Mr. FIELDS of Louisiana. Mr. Speaker, I yield to my good friend and colleague from the great State of Mississippi, Mr. THOMPSON.

Mr. THOMPSON of Mississippi. Mr. Speaker, today as we approach the 30th

anniversary of the Voting Rights Act, I stand to celebrate this momentous occasion. But I also stand as one of the individuals who has directly benefited from that act.

In 1960, a great President of ours talked about a Great Society. But he also in 1965 proclaimed in the passage of the Voting Rights Act that African-Americans, or blacks at the time, should enjoy the same benefits as other Americans.

□ 1650

I think it is fitting and proper as we go into the area of celebrating this Voting Rights Act 30th anniversary that we look at what is happening to many of the beneficiaries of this act.

As we know, in Texas, Louisiana, Florida, Georgia, North Carolina, all of those States with African-American Representatives are under attack. They are under attack from the radical right who somehow think that in America African-Americans should not be represented here in Congress.

I associate myself with the statements that have been made earlier, because it is absolutely un-American to deny individuals representation.

For that radical right to look at the individuals of color in this Congress and say that they do not deserve the right to be here is something less than all of us have fought and died for.

Apart from that, Mr. Speaker, I think as we look toward the celebration of this 30th anniversary, we need as a country to recommit ourselves to the principles of life, liberty, and the pursuit of happiness, as well as talking about doing the right thing. What the courts are trying to do in many of the States is turn back the hands of time.

I implore my colleagues, I implore those individuals who are of like mind to join us in trying to turn the Court away from this self-destructing effort.

So, Mr. Speaker, I associate especially with the gentleman from Louisiana, who is having a difficult time. We might know before the close of day whether or not he has a district or not.

It is unfortunate that in the struggle the people of his district in Louisiana will be denied an excellent Representative simply because of partisan right-wing politics, politics which does no one good in this country.

So again I pause to bring celebration on this 30th anniversary of the Voting Rights Act, and I also challenge this country to bring about the creation of an equal and just society.

Mr. FIELDS of Louisiana. Mr. Speaker, I thank the gentleman from Mississippi, my esteemed friend and colleague from the great and prestigious State of Mississippi, but let me also say to the gentleman that the issue that we are faced with today as the gentleman so adequately stated is not whether or not CLEO FIELDS or any one of us will serve another day in the U.S. Congress, but the issue is whether or not a person like me will have the opportunity to serve in Congress, and that is what the Voting Rights Act is all about.

I want to also echo some of the words that my good friend from Maryland, the great chairman of the Congressional Black Caucus, stated, some of the support that has been launched from many organizations, particularly the U.S. Department of Justice. I want to certainly thank that Department, and I want to go on record in thanking the Department of Justice for defending the Federal statute, the 1965 Voting Rights Act, all across this country, and Devol Patrick, along with others, ought to be commended for doing so.

I want to also thank the States' attorneys general in their respective States that are under challenge for defending the Voting Rights Act, and I want to thank the President of the United States of America, who has taken a very strong stand in support of the Voting Rights Act, the NAACP, the Legal Defense Fund, the Lawyers' Committee on Civil Rights, and I want to also thank Judge Leo Higginbotham, who has been working profusely with the Congressional Black Caucus in defense of all of these challenged districts.

Mr. Speaker, I yield to my great friend from the State of North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Speaker, I want to commend the gentleman from Louisiana [Mr. FIELDS] for organizing this special order around the observation of the 1965 Voting Rights Act and to associate myself with the remarks that have been made.

I want to speak very briefly, but no less sincere than those who have gone to great length.

The 1965 Voting Rights Act is 29 years old this week. This landmark legislation upheld the right for every American to vote regardless of their race, a very fundamental right that all Americans will have a right to participate in this great democracy, and that participation meant that they could participate as a part of the electorate, and they also could participate as an elected leader, representation, representative government, that would allow anyone in America without regard to race to also be an elected official. It is harder to be understood than the right to vote.

The question needs to be asked again today, was the 1965 Voting Rights Act needed then, is it needed in 1994? One can say now that most people vote without any violation of their voting rights. Perhaps there are still some instances where individuals are still harassed or go to undue lengths before they can vote.

Let me just remind you, however, that the 1965 Voting Rights Act gave two rights; the right for an individual to participate as a part of the electorate, and also the right to be elected as an elected leader, representative government.

The 1965 Voting Rights Act does, indeed, have authority, and it has authority in my own district. I have 20 different counties within my district, the largest congressional district in North Carolina, and of those 28 counties, 22 of them, 22 of them are covered by section 5 of the 1965 Voting Rights Act simply because there is a prior history of voting rights violations. Yet, the Voting Rights Act, indeed, has meant the difference for my citizens in my district to insure them that they have every opportunity to participate and vote their constitutional rights as anyone else has.

But I am also very, very troubled by the fact that we do not seem to understand that representative government is also a provision under this particular act. The majority/minority districts are now under a lot of judicial and equitable scrutiny, so-called under the fair doctrine. This must stop, not because fair doctrine and judicial process should not go on, but the disguise, the disguise that we pretend that we are wanting an equitable system. It is fair, and only fair, that all the citizens be able to be a part of the leadership as much as part of the electorate.

It is equally as fair for blacks to elect other members as it is for all citizens to elect a black Member.

Fair representation simply means choosing the best person to represent you.

In my district, I am happy to say that as of Tuesday of this week, the 1965 act was reaffirmed. The New York Times, in their editorial this morning, I think, made a great statement. They said, "Only a year ago the Supreme Court seemed ready to nullify or at least cripple the Voting Rights Act of 1965. The Court found that two oddly shaped congressional districts in North Carolina, drawn to give blacks a fair chance," not a guarantee, they said, "a fair chance to elect representatives of their choice, smacked of apartheid." However, it said that the districts could stand only if the States justified them under district scrutiny in a full-scale trial. Well, that full-scale trial did occur for four consecutive months, and as a result of that scrutiny, they found that the 1965 Voting Rights Act did apply, and they upheld those districts.

Now, I am particularly interested in seeing that the Supreme Court clarify, clarify without ambiguity, that, indeed, the 1965 Voting Rights Act guarantees individuals the opportunity to participate as an electorate and also guarantees the opportunity for any American to be a participant as an elected official.

This process must be clarified.

Yet there are 5 States now that are challenged, but tomorrow there, indeed, may be 15. There are 40 minority Representatives in this Congress. However, only three of them come from nonmajority minority districts, so if this challenge is not put into the perspective of the guarantees that are given for the opportunity, all Americans may find that democracy is really a fleeting ambition and a goal.

It was George White who said in 1901 that, "I may go, but there will be those who will come after me Phoenix-like." Well, in 1992, Phoenix-like, Afro-Americans came from all over the country, because they were elected, not guaranteed, but elected by the citizens of their districts, and the 1965 Voting Rights Act gave them that opportunity.

Mr. Speaker, I urge Americans to understand that democracy is no better than we extend to all of our citizens, and it will be worse to the extent that we deny any citizen.

Mr. FIELDS of Louisiana. Let me thank the gentlewoman from North Carolina for her most profound remarks. Let me also say she works very hard, as all Members of this Congress, to represent all of their constituents irrespective of their race.

□ 1700

At this time, Mr. Speaker, I would like to yield to my good friend, the gentleman from Alabama [Mr. HILLIARD].

Mr. HILLIARD. I thank the gentleman from Louisiana [Mr. FIELDS], for yielding to me.

Mr. Speaker, the African-American and public is indeed angry at the continuous attacks on African-Americans by the right-wingers on the U.S. Supreme Court.

Mr. Speaker, it is unimaginable that our Nation's highest court can live in such a dream-like state as to believe that racism has ended in America and that black people no longer deserve the protections afforded us through the Voting Rights Act.

The biggest roadblock this court has thrown is to deny us these God-given rights we deserve as American citizens. For example, in Shaw versus Reno, this case attempts to overturn many of our Nation's African-American majority congressional districts.

Can you believe that of all of the Supreme Court justices who voted in the majority for Shaw versus Reno, it is a black man, a colored man, Clarence Thomas. I could continue speaking all day on Justice Clarence Thomas, but I will reserve that for another time and another place.

Allow me to say not that since the days of Benedict Arnold has an individual so cynically stabbed his own people in the back. Shame on you, Justice Thomas. I say shame on you. Racism is still a major problem in America, and you of all people should be sensitive and should understand.

To those of you who are not familiar with the South, I would like to tell you about a vine that we have in the South. It is called a kudzu vine. This vine is very destructive. Despite its lush appearance, it is a very destructive plant, growing any time, anywhere, it grows very fast. Sometimes it grows up to 2 feet a day. You can cut it down, but it will grow back. You can burn it, it will still reappear next spring. Because in order to destroy the kudzu vine, you must pull it out by its roots. Racism in America is just like the kudzu vine.

We as a Nation must be frank with ourselves, and we must have an understanding that it is a problem and that unless we take a moral stand and unless we support the Voting Rights Act, racism will continue to appear and reappear.

We had begun to reach the roots of racism in America by overturning laws that had been on the books for years sanctioning it. I would dare say that with those African-Americans who serve in city halls, who serve in court houses, who serve in the halls of the States and, yes, those who serve in Congress have begun to make a difference. But unless we can keep them there at the very roots of democracy, we will not be able to stamp out racism in our lifetime.

Our African-American congressional districts give us the opportunity to attack racism, right down to the roots. But if they are terminated, we will not have that forum, we will not have that representation.

But there are those who would fight us because they wish to maintain the old ways. Yes, they are attempting to take us back in time when there were no African-Americans in Congress, when they made laws with impunity, as they wished, whenever they got ready.

For the first time since the Northern troops left the Southern South, since the end of Reconstruction, we have African-Americans representing the Southern States. There are those who are seeking to overturn that. We understand that in Alabama; we understand that in Louisiana, in Mississippi. We from the Old South understand what is happening.

Mr. Speaker, we must prevent it. I will tell you that when the last Negro Congressman left this House, what came then were the dogs, the anarchy, the fire hoses, a very bleak time in our history. Let us not have to go back to those days.

I want Clarence Thomas and all of his kind to know that we are prepared to fight in the courthouses, in Congress, in the halls of justice, wherever, to be represented in the Congress. We will not give up the fight.

To my right-wing members of the Supreme Court who are hiding behind their black robes, I just want them to understand that, to me and those who believe in justice, they represent the Klan, who hide behind the white robes. A robe by any other name is a robe.

I want everyone to know that if we are to insure democracy, we must protect the Voting Rights Act.

Mr. FIELDS of Louisiana. I thank the gentleman from Alabama.

At this time, Mr. Speaker, I would like to call upon a Member from New Jersey, another Member who represents a very diverse district. All the speakers you heard from this evening are Members who represent the most diverse districts in the U.S. Congress. They are not black districts, not white districts, they are diverse districts, and all of these Members represent all of their constituents.

At this time it gives me great pleasure to introduce my friend and colleague, a more senior Member of the House, the Honorable DONALD PAYNE from New Jersey.

Mr. PAYNE of New Jersey. I thank the gentleman very much and commend for calling this special order because we believe the issue that is being discussed today is probably the most important issue confronting our Nation today.

Mr. Speaker, I would like to take this opportunity to draw attention to a very important piece of legislation, the Voting Rights Act, which was passed in 1965. Today, the very same arguments made in the cases challenging voting rights districts, back then in 1965, are the same arguments being used today. It seems as though during this 30 years, even though we have fought and gained, we now have to once again be prepared to fight to protect our gains.

You know, I have heard people discuss the shape of districts, congressional districts. Someone is feeling they must be symmetrical. But when I look at the States of the Union, California is a very long State, narrow as compared to its height; if you take the Dakotas, they are very square and nice; New Jersey has an odd shape, sort of peninsular style. Idaho comes down.

So no one ever challenged the right of a State, no one said that State looks funny, different. But they said a congressional district looks funny and different. It is not shaped right.

So all of a sudden shape becomes important.

I come from great State of New Jersey, as does the present Speaker in the Chair, Mr. MENENDEZ, and it was not until 1989 that the first African-American in the history of this country from the State of New Jersey was elected. My colleagues from the South had the privilege of having people serve in this august body. We had U.S. Senator Hiram Revels in 1870 from the State of Mississippi serve in the Senate. Joe Rainey from South Carolina was the first African-American elected to the

House. As a matter of fact, it was in about 1873 when Joe Rainey had the opportunity for the first time to preside over the House.

Joe Rainey held a hearing on the plight of Chinese persons in this country and the way they were being treated as the railroads were being built. He also held hearings on the treatment of native Americans in this country. And he had interests in those people who had difficult times.

We had United States Senator Bruce in 1875, from the great State of Mississippi. And so African-Americans have been a part.

□ 1710

But, as indicated, New Jersey was not a part of that history. New Jersey had no minority until, as I indicated, I had the privilege to be the first one to serve our great State, and I commend the Speaker also for being the first Hispanic American elected from the State of New Jersey, and so, when we look up north, we have some very serious problems also.

My 10th Congressional District at one time was divided into three districts. It was done on purpose, and that is one of the reasons that we were never able to elect an African-American. A general named Irvine Turner many years ago ran for Congress in our city. But the congressional districts in New Jersey had 15, but they took three of the districts of the State, and they divided the city of Newark, which at that time had close to 500,000 people during the war. It would have a million people in that city during the day. But the city of Newark, NJ, was cut up into three congressional districts, the 10th served by the great Peter Rodino who I replaced after 40 years of his service, Huge Addonizio who was another person who left this House, and went to be the mayor of the city of Newark, did not have an illustrious career, and the 12th District, and so Newark was separated into the 10th, the 11th, and the 12th. Then a judge in New Jersey said that you had to stop this.

In 1970 the courts finally said it is wrong that Newark is divided into three congressional districts and throughout the districts and said, "Come back with a district that could elect an African-American." It took us a long time to get there. We were represented well by Peter Rodino who at that time, as my colleagues know, took over the Watergate hearings, and it was a very important time in the history of this country.

And so African-Americans were patient. We had an outstanding Congressman, and we said that let him finish the job, and then, when the job is finished, then we will take the seat, and it took a little longer for the job to be finished, and we did elect our first African-American.

And so, as we look at what is happening today, as we look at the history of African-Americans in this country, we look at a fellow, Crispus Attucks, who was first killed in the Boston Massacre, who could not even vote, and it was against the law of every State for an African-American to be privileged to an education. In some States it was punishable by very severe imprisonment and beatings to just teach a black to read. But Crispus Attucks stood up for four other men, and defied the British, and was murdered, and Crispus Attucks today is a symbol of the first Americans who shed their blood for this country and could not even vote.

We have people arguing in the debate about tyranny, about isolationists, should we become independent. As a matter of fact, it was African-Americans who were strong advocates for Cuba and its fight for independence against Spain. As a matter of fact, it was the Buffalo Soldiers at the Battle of San Juan Hill, the turning point where the Rough Riders in Teddy Roosevelt's group were pinned down, and the Buffalo Soldiers relieved Teddy Roosevelt's Rough Riders because they came around and are credited with perhaps even saving the life of Teddy Roosevelt who, as my colleagues know, then rose to be the President and the whole Roosevelt clan.

And so African-Americans were involved so much for so long in this great country, and now to have to fight to preserve those things that Crispus Attucks fought for. As a matter of fact, there was a Major Pitcairn who led the Boston Massacre. He was the one who gave the order to shoot the men at the Boston Commons, and, as my colleagues know, at the Battle of Bunker Hill, where they stated, "Don't fire until you see the whites of their eyes," it was African-American, Peter Salem, who was the hero of the Bunker Hill Battle and actually fired the shot that killed Major Pitcairn who was the one who started the Revolutionary War.

And so we are so involved in the history of this country, and to have to stand here to defend what we have gained, to have to plead that we have justice, is wrong, and so, as we go through our history, as I indicated, we have so many outstanding persons, and then we saw everything start to change. We saw the civil rights movement start.

We saw the murder of Emmet Till where America was unaccustomed to coming or seeing funerals of African-Americans. Emmet Till was a 14-year-old from Chicago, went to the South to visit his relatives during the summer and allegedly whistled at a white woman. His body was found days later at the bottom of a river. But Emmet Till was brought home, and what shocked America was that it was traditional for blacks, and it still is, to have open coffins where the body is displayed, and Emmet Till's body was displayed, and it was not different for us because it was traditional. But it was different for the non-African-American population because they had never focused on a funeral of a black, and, with Emmet Till's brutalized body open for America to see, it was a turning point.

I was a young fellow at the time, but I became very involved and followed Medgar Evers, and what he did for his State of Mississippi, and saw people who were going out to register folks to vote.

And I came down to the March on Washington in 1963 and was on the step, the first step. I worked my way all the way up to the front, as close I could get to where Dr. King was speaking, and I marched from Selma to Montgomery, and I was on the road when they demobilized the National Guard not far from where Mrs. Liuzzo from Detroit was gunned down.

And so, when I think of the history of this country, my personal involvement, the involvement of people like the gentleman from Louisiana [Mr. FIELDS] who is one of the outstanding young Americans that we have brought into this body, who has so much to offer this country, has solutions to some of our problems, that he has to think about his future in this House, when we have the gentlewoman from Georgia [Ms. MCKINNEY] who has brought a new vision into the House, and many others, the gentleman from Florida [Mr. HASTINGS], a distinguished jurist, and the gentlewoman from Florida [Mrs. MEEK] who is just the most gentle person that you want to meet; when we look at those black Americans who have fought to be in this House, it is unfair that we have to worry about eradicating their districts.

So, I would just like to say we are going to have to keep on keeping on. We are going to have to keep on pushing. We are going to have to keep on fighting. We are going to have to keep on going. We are going to have to keep the right issues before this House. We have to make sure that another Rwanda does not happen because of inaction and moving too late from the world. We cannot allow this to happen.

And so once again I would like to associate myself with the remarks of the previous speakers and say that I join in this effort and will continue to fight for right over wrong, for justice, because justice should roll down like a river and righteousness like a mighty stream.

Mr. FIELDS of Louisiana. Mr. Speaker, I thank the gentleman from New Jersey [Mr. PAYNE] for his comments, and at this time I yield to the distinguished gentlewoman from the District of Columbia [Ms. NORTON], my good friend and colleague.

□ 1720

Ms. NORTON. Mr. Speaker, I want to thank the gentleman from Louisiana

[Mr. FIELDS] for the initiative he is showing in this special order. He is showing an initiative that is important for the Members of this body and their constituents to take special note of. Though I do not come from an affected district, I believe that Mr. FIELDS and those who have come forward to the floor today are speaking to one of the most important issues we face today, and I want to indicate why.

I am going to address this issue in three aspects. First, to indicate why the retention of these new districts in the south is in the best interests of the country. Second, to take us back to where these districts come from, to the actions of this body, the Congress of the United States, the predicate for, the reason for the language from which these districts were created. Third, to say a word about the extraordinary success of the statute we passed in 1965 and amended in 1982, precisely to get the results we have gotten in the drawing of these new districts.

The statute is the most successful of the civil rights statutes, with the possible exception of the public accommodations statute. That was the easiest of them all, and no one can say that affording equal right to the ballot for people of color in this country was easy as public accommodations after the statute turned out to be.

First, let me say why these districts are in the best interests not only of their constituents, but of the country.

As I go out into the black community and hear and read the views and the opinions of blacks, I am disturbed by the degree of alienation that is there in the black community, the sense, even after all the progress, that this is not a fair country. It is very disturbing.

You see it everywhere. It is reflected one thousand times a day in the reactions of blacks. For example, the O.J. Simpson matter has brought it home most recently, where the majority of blacks see the criminal justice system precisely in the opposite fashion from the majority of whites.

Mr. STOKES. Mr. Speaker, I rise in strong support of the use of redistricting as a means of promoting racial equality and fulfilling the goals of the Voting Rights Act of 1965. As you know, the Voting Rights Act of 1965 was constructed as a broad piece of legislation to dismantle all voting-related discrimination practices. For the past three decades, the courts have consistently, and with few exceptions, reaffirmed the provisions of this Act. It is fitting that we recognize the contribution of the Voting Rights Act of 1965 and the use of redistricting as a means to realize the goals of the act in a time when the concept of equality in representation is now under judicial attack. Too many Americans have fought too long and too hard to relinquish the constitutional rights we have fought to realize.

Mr. Speaker, during the long and distinguished history of this Nation, there are few conceptions of democracy more sacred than the concept of representative government. The intellect and wisdom of the Founding Fathers who enshrined this concept as the central pillar of our democracy is what makes this Nation one of the greatest ever created. Yet, even with the intellectual commitment to promote representative government, this Nation has failed to live up to its potential because of the historic and entrenched practice of excluding minorities from being fully represented.

We are all aware of the anti-democratic practice of excluding minorities from participating in representative government. The U.S. Congress has distinguished itself by playing a key role in the past by passing legislation designed to protect the civil rights of all citizens. The recent attacks on the use of redistricting by the U.S. courts is shocking. Redistricting is one of the most important means of correcting the lingering and virulent legacy of the exclusion of minorities from the benefits of representative government.

Mr. Speaker, it is clear that the Voting Rights Act expressed a preference for creating districts where minorities have a realistic opportunity to be elected. Redistricting that is sensitive to the essential government interest of racial equality is consistent with the constitution and representative democracy for America.

Mr. DELLUMS. Mr. Speaker, almost 90 years ago, the philosopher Santayana wrote, "Progress, far from consisting in change, depends on retentiveness. Those who cannot remember the past are condemned to fulfill it." Some of us refuse to forget the lessons of the past. We will not forget, will not turn back and will instead push forward.

In just a few days, we will celebrate the 29th anniversary of the Voting Rights Act. Yet 29 years after enactment, we are still fighting the same battles and defending a law that has helped enfranchise millions. The recent Supreme Court decision in Shaw versus Reno has opened the door for opponents of this law to call into question the propriety of all race-conscious redistricting. However, history is illuminating on this issue.

Historically, African-Americans have been disenfranchised. Prior to the Civil War, only white males had the right to vote. During Reconstruction, Congress passed election laws that guaranteed the right to vote and established Federal supervision. Congress also passed civil rights legislation that imposed fines and criminal penalties on those convicted of conspiring to deprive citizens of their civil rights. As a result, black participation in the political process rose dramatically—70 percent of eligible black voters were registered; 10 African-Americans were elected to the U.S. House of Representatives; two to the Senate. They also influenced local, State, and national elections throughout the South.

Opponents resorted to a number of tactics, mostly illegal, to discourage or stop blacks from participating in the political process, using creative measures to hinder voting. States passed laws to deter African-American voters and found legal ways to permanently disenfranchise African-Americans.

In the mid-1960's Congress passed the Voting Rights Act as one of a handful of powerful civil rights statutes. Passage did not immediately produce results. Subsequent legislation was necessary to properly ensure its intent. Finally, the legislation is working as intended. After the 1990 census, 32 majority African-American and 20 majority Hispanic Districts were drawn resulting in the number of minorities in Congress doubling from 26 to 52. In North Carolina, the subject of the Shaw case, no African-American had been elected to Congress since Reconstruction until 1992. Despite 1.46 million African-Americans in North Carolina, they had no congressional representation from their community for well over a century. Although not originally in the act, bilingual provisions have enfranchised Hispanics. Hispanics registered to vote in the Southwest doubled from 1976 to 1988 from 1,512,300 to 3,003,400. Considerable progress has been made. It is not surprising that opponents have once again cloaked themselves in the rhetoric of a color blind society to overturn the very progress that has been made toward that goal by the Voting Rights Act.

In Shaw versus Reno, the Supreme Court ruled that a district that is so bizarre on its face that it is unexplainable on grounds other than race may be challenged on constitutional grounds. Why should race become a suspect factor in drawing districts? Historically, oddly shaped districts have been drawn to protect incumbents, protect a parties' interest, accommodate geographic features such as rivers and mountain ranges, and put similar groups of people, such as farmers, in one district. Why then is it constitutionally suspect to draw oddly shaped lines to remedy past racial discrimination? Districts can be perfectly symmetrical but dilute voting strength by fragmenting concentrations of minority populations. Esthetics is not the issue; it is whether groups can combine effectively in political activity.

The claim that majority minority districts are political apartheid and exacerbate racial bloc voting has no basis in fact. Congress rejected this claim more than a decade ago, and no more credible evidence exists today than at that time. In fact, the evidence suggests just the opposite. Majority minority districts and the election of highly regarded and respected individuals, among them my colleagues in this body, tend in the long term to decrease racial bloc voting and polarization as well as challenging racial stereotypes. Remedial redistricting has broken down racial barriers and permitted minority voters to participate on an equal basis in the political process, as can be seen in the number of enfranchised voters and minority elected officials at all levels of government be it local, State or Federal.

Nor are majority minority districts segregated or ghettos. Despite its irregular shape, the 12th district of North Carolina, represented by my colleague MEL WATT, is less segregated than any congressional district previously drawn in the State with totals of approximately 57 percent black and 43 percent white voters. To suggest that a district is a ghetto because it is predominantly comprised of African-Americans or Hispanics but by reversing the percentages or by creating districts that are 100 percent white we have integrated ones turns logic and reason on its head. Political apartheid much more accurately describes the system in place before the Voting Rights Act when no African-Americans represented any Southern State in Congress.

On the eve of the anniversary of the Voting Rights Act, let us reflect on the lessons of the past. Considerable progress has been made in the area of minority representation on all levels of government, and there is more work to be done. Let us continue to work to enfranchise voters and reinvigorate the electoral process. Majority minority redistricting has proven to be an effective remedy to counteract efforts to dilute minority voting strength and the disenfranchisement of voters. We cannot allow the progress already made to be undone. Let us not doom ourselves to repeat the mistakes of the past.

The SPEAKER pro tempore (Mr. MENENDEZ). The time of the gentleman from Louisiana [Mr. FIELDS] has expired.

VOTING RIGHTS IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentlewoman from Georgia [Ms. MCKINNEY] is recognized for 60 minutes as the designee of the majority leader.

Ms. MCKINNEY. Mr. Speaker, I yield to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, the O.J. Simpson matter I had mentioned indicates a severe gap between black and white perceptions of justice in this country. This gap is dangerous when you consider that this country is becoming more and more colored, more and more people of color are in this country. The notion that you would have a very large number of people who, after the passage of these statutes still feel this is an unfair country, does not bode well for democracy or stability.

The best way for people to feel a part of their society is to be represented in that society. About the last message I personally would want to send to a very alienated black community is that there is no room for you on the inside, and we are going to put some people that you elected pursuant to Federal statute passed by the Congress of the United States, we are going to put them out, and, in the case of Louisiana, we are going to bring David Duke back.

I have to tell you, I know of no way in which I could explain that or get people to understand. Well, that doesn't quite say what justice is about in America. I mean, the symbolism of it is already so high that I dread the notion that I could become more than symbolism.

In any case, what has kept this from being a country fraught with the kind of tensions and violence we see in other nations and on other continents is that however gradually people have been able to come on the inside, ethnic group after ethnic group came to the country, by the way, almost always treated as dogs and rats, the white ethnic groups who came here one by one saw themselves discriminated against in exactly the fashion blacks were, to tell you the truth. The difference is white skin enabled them to move on and move up.

When you take people, keep them outside of mainstream society for a long enough time, you create a dangerous situation in your society. When you say hey, come on in and be a part of us and let's help straighten out what you don't like, then, of course, you promote stability and peace in society.

The last thing I think we ought to do now is consider, after 100 years of work, repeating what was done almost as many years ago when the blacks in this body disappeared. That should be unthinkable. Far beyond what it means for democracy and for hypocrisy, it is dangerous to do that.

What I already hear out there is dangerous. I hear people responding. I hear people in my own community responding to people of very extreme views, who tap into this sense of alienation. I want to tap into it and say come on in here and represent your people right here if you don't like it. The wrong message is to say go out there and find a way to take care of your problems.

That is why these districts are in the very best interests of the country and bespeak the very best of the American tradition.

Let me move on. Where do these districts come from? My colleagues, you and your constituents created these districts, and I want to prove that right now.

In 1980, the Supreme Court, in a decision called Mobile versus Bolden, invalidated, in effect, what most of us had regarded was the way the Voting Rights Act ought to be applied. They said very specific intent had to be found to have discriminated before you redraw districts from which people of color might then be represented.

This body said hey, wait a minute. The way in which the Supreme Court has spoken will mean that it will be very hard for blacks who have in fact encountered race discrimination to indeed be included through redistricting. So this body, Mr. Speaker, this body revisited its own statute and revised its own statute. And it did so precisely because its intention was for the Voting Rights Act to be used to remedy past and present discrimination.

Now, let me be clear about what that means. The redrawing of districts that take place, bearing in mind that people of color have been excluded, is not a permanent redrawing of the districts. It is a remedial redrawing of the districts that will last so long as the discrimination exists, but passes at least every 10 years, and the districts are redrawn.

So what we are looking at is a district specifically drawn to remedy as a legal remedy, not districts drawn because you want to get more blacks elected in and of itself. But they are specifically drawn because these blacks, or these Hispanics, or this group, has been excluded by operation of law, and the only way to remedy that is for there to be a remedy which allows members of that group to be elected.

□ 1730

Not in perpetuity based on color but as a remedy, and these remedies are always temporary. And in the case of voting rights, they last no more than 10 years because the districts have to be drawn again. But as a former chair of the Equal Employment Opportunity Commission, which had the same jurisdiction in employment, I can tell you that the remedies there would use goals to bring in excluded groups and are also temporary. And they have to fall away once the discrimination has been addressed. So we are talking about a specific remedy for a specific wrong.

We are talking about a remedy that passes out of existence when the specific wrong is taken care of.

Let us go on and see how we know when the remedy should be applied; namely, the district should be redrawn.

Under our amendment of our statute, the Voting Rights Act, in 1982, we adopted a test based on the, what we called a totality-of-the-circumstances standard. I sincerely believe that some courts understand this standard and some courts, for whatever reason, do not. The court in Louisiana not only did not understand it, in the case of the district of the gentleman from Louisiana [Mr. FIELDS] which has been redrawn in order to favor whites in the population who never experience discrimination, they did not just misunderstand it, there is something worse going on in Louisiana.

In North Carolina, they seemed to get our drift. They seemed to have read our words. Because in a district that looks a lot like the district of the gentleman from Louisiana [Mr. FIELDS], at least in the sense that it is irregularly drawn in order to remedy the past discrimination, the court comes out exactly the opposite way from the way the Louisiana court comes out. By the way, that guarantees another Supreme Court decision because we have got decisions that clash. Somebody has to figure it out, and we are going back to the Supreme Court, thank you very much, Mr. Thomas. Maybe he has learned something since the last time.

We are going to keep at this until we get it right, even if it means we have to revisit the Voting Rights Act yet again.

What does totality of the circumstances that lead to the redrawing of a district mean? Here is what we said, if I may paraphrase. That in seeing whether or not this remedy is necessary, we, the Congress of the United

States, said, look at any history of official discrimination, such as denial of the right to vote or to register to vote or to participate in the democratic process.

Louisiana, North Carolina, Alabama, Georgia, need I say anything more? You can take judicial notice of the fact that the failures there are part of our tragic history. Test met.

Another test we said, that elections in the political subdivisions are racially polarized. Another test, that in drawing districts in the past, we see that they have been drawn so as to enhance opportunities for discrimination against the minority group. Examples of that would be drawing districts real large so that minority group gets lost in them, for example.

Another example of a circumstance that you look at is the use of processes that deny the minority group access, such as candidate-slating processes. Blacks were very unlikely to be put on a slate with whites. Look at the extent to which the minority group bears the effects of discrimination in the way it has been forced to live, as evidenced by education, employment, health, indicators of that kind. Or look at the extent to which members of a minority group have been elected to public office in the jurisdiction. Those are the tests from our 1982 amendment of the Voting Rights Act.

To show you how those tests applied in a particular case, let me take Thornburg versus Gingles, a North Carolina case. They looked at North Carolina, the situation in North Carolina in the Gingles case. This is a court of appeals case. I am sorry, this is a Supreme Court case. And they found that there had been discriminatory election related acts in North Carolina between the years 1900 and 1970, such as, understand they went all the way to 1970, such as the use of a pole tax, a literacy test, a prohibition against bullet voting where you vote for one person rather than for all six, let us say. And they said that that was an indication of discrimination. And there were a number of others.

Just let me name a few more that they found. They found that there had been historic discrimination in education, housing, employment, health services in North Carolina. They found that voting procedures such as majority vote requirement for primary elections had been used in North Carolina. Well, it has to be the majority vote. If you are in the minority, there is some indication in that atmosphere, in that part of the country, given its history, that they were not just using majority vote primaries for nothing. We have majority vote primaries all over the country where there is no history of discrimination and you might think nothing about it. But that has to be filtered through the particular history, in this case in North Carolina. And so it went.

I have, Mr. Speaker, emphasized this legal history because it is our history, the history of this body, the words of this body, the intention of this body. The amendments were done because we were dissatisfied with the Supreme Court, because the Supreme Court had misread us.

Now, unless we can straighten this out, we are going to have to give them some more instructions through yet another amendment of the Voting Rights Act. I certainly hope we will not have to do that and that they get it right this time and that we straighten out the district of the gentleman from Louisiana [Mr. FIELDS] and the several others that are under attack that you have heard about today.

Let me finally say to you, Mr. Speaker, why I think, above all, Americans would want to embrace the statute and the districts it has finally produced. How many times have I heard conservatives get up on this floor and talk about the great progress we have made so why do you people need more remedies?

Well, if you are going to talk about great progress, let us make sure we keep the progress intact and do not reverse it. Boy, what a reversal this would be. It would be a reversal in a little more than a couple years' time. But you would not want to, if you are an American, want to reverse the kind of progress I am about to detail, just a few indicators.

In 1965, when this statute was passed, there were all of 300 black elected officials in this country. Today, almost 30 years later, there are 8,015 black elected officials in this country. In 1965, in the States of the old Confederacy, in the South, there were only 87 black elected officials. By 1993, my hat is off to the new South, because we have grown from 87 black elected officials to 5,492 black elected officials in the South of the United States.

As a student and young woman, I spent some of the best days of my life in Mississippi.

□ 1740

I was sure that I would never live to see it become a civilized part of the world. Now, Mississippi has more black elected officials than any State in the Union. That makes me feel like an American, myself. I certainly would hope it would make every American feel more American.

Black voter registration in 1965 was 41 percent. It is 63 percent today. How encouraging the Voting Rights Act has been to all of us. Surely, Mr. Speaker, the gentleman from Louisiana [Mr. FIELDS] is proud of the fact that Louisiana apparently leads the Nation in black registration. Eighty-two percent of all blacks over 18 are registered in the State of Louisiana. It would be interesting to know how many of those registered after the redistricting took place.

Here is a State that only had one black, I just got him in my class two classes ago, and now it is about to have two, and Mr. Speaker, I have to say it will take a long time to really catch up to the deprivation that has gone before. While we are catching up, surely we do not want to step back. That just makes catching up ever so much more difficult.

Mr. Speaker, I have come forward, even though my own district is not endangered—my district in voter registration is, I don't know, perhaps 60 percent black, 40 percent white, it has a wonderful homogeneity in underlying philosophy—but I come forward because these new districts have made me a proud American; because I believe we ought to shout to the hilltops that this is the handiwork of this proud body, and this Congress should take whatever action is necessary to preserve these districts.

Mr. Speaker, I come forward because I see dangerous alienation in my own community, because it has taken so long to come to parity, and we are nowhere near parity yet, and because I have to have something to say to people that indicates that there is hope, and that change is coming, and I will not know what to say if these new districts are turned back and turned around.

Of course, Mr. Speaker, first and foremost, I stand with the gentlewoman from Georgia [Ms. MCKINNEY] and my other colleagues whose districts may be in danger, because I have a very personal bond with them. However, I believe this Congress has a bond with the American people that is represented by the action we took to make sure districts like this would indeed be formed, and so they have been formed. They must not be deformed and turned around.

Mr. Speaker, we cannot control what the Supreme Court does. We cannot control what courts of appeals do. However, we certainly can restate what our intentions are, and have been, and we can certainly do what we are doing this afternoon, to let the American people know what is at stake, know how far we have come, and know that we certainly do not intend at this late time in the century to turn around.

Let us all embrace these districts, let us all take pride in them, and through them, in ourselves as Americans.

Ms. MCKINNEY. I would just commend the gentlewoman from her eloquence, as usual. Let me just say that politics is not always interesting, and certainly redistricting is not the easiest subject to comprehend, but the gentlewoman has done a wonderful job in making this both interesting and understandable to the people who are with us this evening.

Mr. Speaker, I would also like to go a little further and thank the gentlewoman for her work, her life's work, on

behalf of democracy, freedom, justice, and fairness in this country, and also her work on behalf of the 11th Congressional District of Georgia. Thank you very much.

We also, Mr. Speaker, have with us another gentlewoman from Texas who is in a State whose districts are being challenged, and I yield to the gentlewoman from Texas [Ms. EDDIE BERNICE JOHNSON of Texas].

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I cannot reach the eloquence of my colleague, the gentlewoman who just completed, but I think I can bring forth a little bit of understanding as to what we are experiencing also in Texas.

Mr. Speaker, we sat for a number of years waiting to join the rest of this Nation for representation. It was a great day when the Voting Rights Act of 1965 came. When the census of 1970 came and the opportunity in 1972 came, I'm talking about the seventies, 1972, not 1700 anything, not 1800 anything, but 1972, we were able to elect the first black American from Texas to the U.S. Congress.

It was a joyous time in Texas. All of Texas celebrated. We came to the Capitol grounds and celebrated freedom and equality. Thousands and thousands of Texans came to Austin, TX, to celebrate Barbara Jordan getting an opportunity to come to the U.S. Congress.

That was not a big deal for white people. After all, they had been doing it as long as it has been a nation, and as long as it has been a Congress. However, this was an extraordinary occasion for us. Then she was followed by Mickey Leland and CRAIG WASHINGTON, and finally, Mr. Speaker, because Dallas, with a large number, a concentrated population, could not get a seat at the same time, though we had the population to do so, we were not able to get it until after the census of 1990.

It was not because the people were not voting. It was because their votes were paired off to elect others; not candidates of our choice, necessarily, but other candidates.

Mr. Speaker, in 1992, there was a second opportunity in Texas, and maybe there should have been at least five opportunities, but at least there was a second one, where the voters in the primary nominated a candidate with 93 percent of the vote, and I believe that made that candidate a candidate of choice. That candidate went on to win in the general election with almost 76 percent of the vote.

Mr. Speaker, the voters did not stop the person, but now one or two people want to take that right away from those voters who elected a candidate of their choice.

Though the approach is not considered to be one of personal attack, as has been explained over and over again, how can we explain this to young people? How can we explain this to the frustrated young population now, that we cannot understand why they do not want to stay in school, and why they do not want to follow all the rules of society, if they feel that the adult population in this country do not care what they think, how their parents vote, whether they have an opportunity?

Do you think we can instill hope? Do you think that young people of color in this country can feel that there is a nation of which they are a real part when the representatives that they can talk with, that they know understand, they do not have to guess, they do not have to wonder, they do not have to ask "What you people want," can represent them in the bodies that they watch on television, and the threat is to take them away?

I wish that we had the luxury, Mr. Speaker, to come here, vote no, and leave without thinking about it, but we do not. Most of our work takes place without coming to this floor and voting, because we are inundated with many concerns every day that become our major responsibility over and above what we were actually elected to do.

We do not have the luxury of just being a Congressperson or a State senator or a councilman. We have to be the whole show of equality, freedom, and opportunity for our people, and not just confined to our districts, but all over the country.

I get mail from all over this country pleading for help, especially in States where there are no black elected officials, especially at this level.

Young people in this country watched Thurgood Marshall become a Justice on the Supreme Court. That was a great day. This man had been one who helped all of us break down the barriers to be a part of the mainstream in this country.

□ 1750

He was somebody we could be proud of. We have not had that representation on that court since him, and I do not see it in the future. But that was an example of how we can encourage young people to have aspirations, to give them reason to stay in school, to give them reason for following the law because somebody is going to help it be fair. But when it is not going to be fair, when they do not see the fairness, when they see that they get the worst of everything, hope is injured. Hope right now has less life than it had 25 years ago, because they see less progress. Yes, we have had some, but it is being rolled back. They see the attacks. They fear the coming of a new reconstruction, just as we do. We do not feel safe. And we know that we work every day, day in and day out, to try to relieve some of the burden, to look for opportunities, to try to do it within the framework of law, to try to do it with the rules that were written before we got here. We are trying hard, because we fought for this Nation. We have more than our share of the population in every war. We are proud to be Americans. But when we come home, it is difficult to tell our young people that there is something to look forward to when we never really feel that we can grab hold to a bit of equality and hold onto it. It is fleeting. If we just slacken any pace of vigilance, it disappears. That is what we are trying to convince the people, that we are an integral part of this Nation, but it is not fair unless we be an integral part of every level of what governs this Nation. We do not want to see the negative. We are here every day working against that. But we cannot convince any young person that there is hope when there is no opportunity. We cannot just bear the responsibility without having some results. We have got to have a part of all of it. We are only looking for fairness. We have not even asked for equality, because if we had equality in Texas, for example, we would have five Members that are black in this U.S. Congress. But we are getting attacked because we have two. I do not believe that any person in cloth with any sense of fairness can turn this clock back. I fail to see the logic. I do not think it is written anywhere in any law book. I think when they decide that we do not deserve to represent people, they will write new law that has never been written, that can never be validated.

In 1971, the Congressional Black Caucus was founded. In 1992, there were 26 Members. But in January 1993, we went to 40, and the attacks started. There have been lots of articles written about the clout. We recognize that we do not control any major voting here. All we try to do is speak out on issues of what we consider to be right. That is what is being attacked. You cannot attack our numbers without attacking what we stand for, and all we stand for is justice and equality.

We speak for voices that will not be heard otherwise. All of those voices do not live in our districts, all of them do not look like us. Sometimes I wonder, what would public education do in this Nation without voices like mine speaking out? Yet my people cannot even get the equality in the distribution of the funds. It is most unfortunate that this cannot be understood. I believe strongly that if the American people stopped to recognize what we are trying to say and tried to understand what we are trying to do, that every American that finds themselves in this great Nation would agree that all of its people deserve representation.

There are so many Americans, not black Americans, not just Hispanic Americans, not just Asian Americans or Native Americans but other Americans as well that would never have

their causes expressed and advanced without a very small minority of the voices in bodies like these. I believe it was intended when the Constitution was written that all of the people in this Nation be represented. That is simply all we are asking. We have not even asked for our fair share. We have simply asked for those that we can go to the right arenas and negotiate, whether they be in State legislatures or in the courts. We have not taken up arms and held guns and shot and threatened. We have tried to go to the right arenas and use the mechanisms placed in position to govern this kind of deliberation, to get the rights we feel we deserve. That is all we are asking. We have defended this Nation. We will continue to do that. We are invested. We love this country.

But tell me, how do you explain to young people the love you have for a Nation that continues to reject you? How do we continue to explain it? How do we explain to young people that, yes, it is worth going to school when their parents go and they cannot get an opportunity even after they go?

Those are the kind of messages that we need to share with our colleagues. This is the kind of representation that we bring. We bring that message with sincerity and commitment. We sincerely believe that we have a role and we feel that the attack that is going on now to eliminate us from this body is grossly unfair and will not be tolerated.

I thank you, Mr. Speaker, for this time, and I plead to the Members on both sides of the aisle to speak out against this unfairness and let this Constitution and this country be a living document.

Ms. MCKINNEY. I thank the gentlewoman for her wonderful eloquent words and her fight on behalf of that which is right in this country.

I would like to submit for the record the remarks of President Lyndon Baines Johnson on August 6 when he discussed the triumph of the Voting Rights Act. I would just like to read a phrase from it where he said:

> They came in darkness and they came in chains and today we strike away the last major shackle of those fierce and ancient bonds. Today the Negro story and the American story fuse and blend.

Let us make sure that that continues to happen.

I would like to yield now to my friend and colleague from North Carolina, Mr. WATT.

Mr. WATT. I thank the gentlewoman from Georgia for yielding time and for organizing this important special order this afternoon to celebrate the anniversary of the 1965 Voting Rights Act.

This is an important undertaking and she and my colleague CLEO FIELDS from Louisiana are to be commended for organizing this event.

Mr. Speaker, let me talk for a few minutes about the 1965 Voting Rights Act and start by expressing my delight at the three-judge panel's decision in North Carolina this week which affirmed the configuration of congressional districts in North Carolina and once again affirmed the fact that I am the beneficiary of the 1965 Voting Rights Act.

□ 1800

As Members maybe recall, the U.S. Supreme Court had suggested that the districts in North Carolina may be subject to attack or at least subject to question because they said, and I had some trouble understanding this, that while an 80- to 90-percent white congressional district was an integrated district, a 51-percent black district was somehow akin to racial apartheid. I never understood that. It seems to me that a district that was 51 percent black and 48 percent white would be a lot more integrated than a district that was 80 percent white and 20 percent black.

So it seemed to me that the congressional districts that were majority black in North Carolina were the most integrated districts that North Carolina had, but for some reason the Supreme Court said these districts were suspect.

I am delighted that the three-judge panel has seen fit, despite the rigorous guidelines that were given by the Supreme Court, to uphold the congressional districts in North Carolina. So I want to start by expressing my appreciation to those North Carolinians and my colleagues here who stood with us in that fight.

But as you know, that fight goes on in Texas, that fight goes on in Georgia, in Louisiana, in Florida, and continues as we speak in North Carolina, because they will not rest this case at the end of the three-judge panel's decision. The case will be appealed.

So I want to spend 1 minute or 2 talking about this 1965 Voting Rights Act and the basis for it. My colleague, ELEANOR HOLMES NORTON, from the District of Colombia, talked about one of the bases for passage of the Voting Rights Act. She talked about this concept called racially polarized voting. I want to spend a little bit of time talking about this concept of racially polarized voting in plain everyday English that my colleagues and the people of America can understand, because when I talk about racially polarized voting, people look at me and say well, that should like one of those legal terms. Let me just say that racially polarized voting simply means that there is a history of white people voting for white candidates. Let me repeat that. There is a demonstrated history of white people voting for only white candidates and refusing to vote for black candidates.

What does that mean? That means if you go to North Carolina right now in the year of our Lord 1994 and you take a poll, 30 percent, 35 percent of the white citizens in North Carolina will tell you honestly under no circumstances, under no conditions would I vote for a black candidate. I do not care how good that black candidate is, I do not care if he can walk on water, I do not care, I would not consider voting for a black candidate.

Now play that out to the next level and understand that 78 percent of our population in North Carolina is white. If you have 30 percent to 35 percent of those people who say that they under no conditions will vote for a black candidate, how then in an at-large election can a black candidate ever be elected? It cannot be done, and that is what we talk about when we talk about this historical pattern of racially polarized voting. It means that the majority, who is white, because they refuse to even consider the qualifications of a black candidate would never, ever elect a black candidate.

Some of my news media friends, and some of my colleagues do not understand that, and I do not beat up on them because when they talk to me they say they do not understand this because they do not know white people who carry those attitudes. We all deny that we know people who would refuse to vote for the most qualified candidate whether that person was black or white. It is alien to our concept of fairness, and so the newspapers and the news media, my news reporter friends say oh, that cannot be so. All of my friends tell me that if the black candidate is more qualified than the white candidate they would vote for the black candidate. I say to them you go down into North Carolina and you take a poll and 30 percent to 35 percent of the population will tell you under no circumstances, regardless of how qualified, would I vote for a black candidate.

So there is a need for something that will equalize the playing field. That is all the Voting Rights Act does. All it says is draw districts in such a way, for the time being at least, that it will give a black candidate an opportunity to be elected, not an assurance, but factor out that 30 percent to 35 percent of the population so that at least a black candidate has a fighting chance of being elected.

That is all the Voting Rights Act does, gives people of color the right to select on an equal footing the candidate of their choice.

Let me play this out one more level talking about racially-polarized voting and the whole notion that somehow we should be color blind. If 30 percent to 35 percent of the population has already indicated they refuse to be color blind, even though that number is reducing gradually as time goes on because of the world in which we live, why should we wait until that 30 percent to 35 percent of the population changes its attitude before we allow black America to

have representation in the Congress of the United States? We should not have to wait for their racist attitudes to change. The voting Rights Act says we do not have to wait, we would like to give you an opportunity to serve in the Congress of the United States.

I want to submit that that is not different than what the people said in South Africa when they were setting up the government over there. Imagine, if you would, that the people of South Africa came to the United States and said we are going to set up a government in South Africa that does not guarantee the white minority representation in their government. Do you think there is any American who would not have stood up in abject outrage at that notion? They would have said, "Oh no, that's not fair." The white minority has been in control for all of these years, but when you create a new government, if it is going to be fair, if it is going to be a democratic government, you have to at least make sure that all of the people in South Africa have an opportunity to be represented in that government.

□ 1810

And we would have stood up in complete outrage if the people of South Africa had come forward with a plan that did not assure the white minority representation in their government. So why in our own country, why in our own country are so many people saying, "Why can't we just be color blind? We don't need to assure the black minority in this country representation in their government."

Can we have one standard for South Africa and a completely different standard right here in our own country?

There is nothing sinister about a Voting Rights Act. It is completely and utterly democratic. It says to our Nation that we believe in democracy, we believe in everybody having an opportunity to be represented in their government, and that is what democracy is all about, I thought.

So I want to say right now that when the time comes for the reauthorization of the 1965 Voting Rights Act next year, I do not want anybody to come and tell me all of a sudden we are going to be color blind in this country. If you are going to come and tell me to be color blind, I want you to go down to North Carolina and tell that 30 percent of the population who says, if you polled them privately, "I won't vote for somebody black," and if you do not draw districts that take that into account, then the 70 percent of the population is being color blind, but that 30 percent, I submit to you, is not being color blind.

If we are all going to play by the same set of rules, the democratic rules that give all of us the pride to stand up and say we live in a democracy, then I submit to you that we have got to reauthorize the Voting Rights Act again.

Now, some of my friends asked me, "Well, how long has this got to go on? Isn't this a transitional remedy?" Sure, it is. I would like to transition out of it tomorrow as soon as we get rid of all of these people who refuse to take qualifications rather than color into account in selecting their candidates. I am ready to phase it out.

As soon as we do not have any more discrimination in this country, we can do away with affirmative action. As soon as the polls in North Carolina show that every citizen says, "Oh, yes, I can vote for the person regardless of their color, based on their qualifications," as soon as that occurs, I am ready to phase it out.

I have got two young sons, not young sons; they both are old now, 26 and 21. I would love nothing better than to think that that day will come in my lifetime, and certainly, if not in mine, sometime during the course of theirs. But until that day, Mr. Speaker, until that day, as long as we have this racially polarized voting that I have talked about, we must, if we are going to have representative democratic government, have a vibrant and enforceable Civil Rights and Voting Rights Act.

I thank the gentlewoman for yielding time to me, and I thank her for her efforts to further the cause of not black America, not Hispanic America, but of democracy, of democracy in this country.

Ms. MCKINNEY. Mr. Speaker, I thank the gentleman from North Carolina, who has demonstrated how in the middle of a fierce and sometimes personal battle, one can remain calm and balanced, sure-footed and strong.

I would like to take this opportunity to thank the tremendous work of Judge Leon Higginbotham, Jr., who serves as special counsel to the Congressional Black Caucus.

He has written a brief for the Georgia redistricting challenge, and that brief begins with the words of Congressman George White of North Carolina, the last African American elected to Congress during reconstruction, and in his farewell address to Congress, he says:

> I want to enter a plea for the colored man, the colored woman, the colored boy, and the colored girl of this country. He asks no special favors but simply demands that he be given the same chance for existence, for earning a livelihood, for raising himself in the scales of manhood and womanhood that are accorded to kindred nationalities. This, Mr. Chairman, is perhaps the Negro's temporary farewell to the American Congress, but lest me say, Phoenix-like, he will rise up someday and come again. These parting words are in behalf of an outraged, heartbroken, bruised and bleeding, but God-fearing people, faithful, industrious, loyal people, rising people, full of potential force. The only apology that I have to make for the earnestness with which I have spoken is that I am pleading for the life, the liberty, the future happiness and manhood suffrage for one-eights of the entire population of the United States.

After George White departed from Congress, decades passed where not one African American legislator held a seat in Congress.

As I said earlier, in 1868 in Georgia, 33 were expelled for no other reason than the color of their skin. Let us not fool ourselves and think that it cannot happen again, because it can.

It is up to us. It is up to you, my friends, to stop it, and we can. Let us let freedom ring. Let us make freedom ring, and, please, let your voices be heard on Capitol Hill in support of the Voting Rights Act. Let your voices be heard in newspapers and on the radio in support of the Voting Rights Act.

And pay close attention to the state of democracy in our home areas. Support us as we fight these attempts to expel us for no other reason than the color of our skin, and next year, when the extension of the Voting Rights Act comes up, let us all support the extension and its strengthening.

CONFERENCE REPORT ON H.R. 2739

Mr. MINETA submitted the following conference report and statement on the bill (H.R. 2739) to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations for fiscal years 1994, 1995, and 1996, and for other purposes:

CONFERENCE REPORT (H. REPT. 103-677)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2739) to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations for fiscal years 1994, 1995, and 1996, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Federal Aviation Administration Authorization Act of 1994".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Amendment of title 49, United States Code.

TITLE I—AIRPORT AND AIRWAY IMPROVEMENT

Sec. 101. Airport improvement program.
Sec. 102. Airway improvement program.
Sec. 103. Operations of FAA.
Sec. 104. Innovative technology policy.
Sec. 105. Inclusion of explosive detection devices and universal access systems.
Sec. 106. Submission and approval of project grant applications.
Sec. 107. Preventive maintenance.
Sec. 108. Repeal of general aviation airport project grant application approval.

Sec. 109. Reports on impacts of new airport projects.
Sec. 110. Airport fees policy.
Sec. 111. Airport financial reports.
Sec. 112. Additional enforcement against illegal diversion of airport revenue.
Sec. 113. Resolution of airport-air carrier disputes concerning airport fees.
Sec. 114. Terminal development.
Sec. 115. Letters of intent.
Sec. 116. Military airport program.
Sec. 117. Terminal development costs.
Sec. 118. Airport safety data collection.
Sec. 119. Soundproofing and acquisition of certain residential buildings and properties.
Sec. 120. Landing aids and navigational equipment inventory pool.
Sec. 121. Review of passenger facility charge program.

TITLE II—OTHER AVIATION PROGRAMS

Sec. 201. Term of office of FAA Administrator.
Sec. 202. Assistance to foreign aviation authorities.
Sec. 203. Use of passenger facility charges to meet Federal mandates.
Sec. 204. Passenger facility charges.
Sec. 205. Gambling on commercial aircraft.
Sec. 206. Slots for air carriers at airports.
Sec. 207. Air service termination notice.
Sec. 208. State taxation of air carrier employees.
Sec. 209. Foreign fee collection.

TITLE III—RESEARCH, ENGINEERING, AND DEVELOPMENT

Sec. 301. Short title.
Sec. 302. Aviation research authorization of appropriations.
Sec. 303. Joint aviation research and development program.
Sec. 304. Aircraft cabin air quality research program.
Sec. 305. Use of domestic products.
Sec. 306. Purchase of American made equipment and products.
Sec. 307. Cooperative agreements for research, engineering, and development.
Sec. 308. Research program on quiet aircraft technology.

TITLE IV—EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY

Sec. 401. Expenditures from Airport and Airway Trust Fund.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Rulemaking on random testing for prohibited drugs.
Sec. 502. Transportation security report.
Sec. 503. Repeal of annual report requirement.
Sec. 504. Advanced landing system.
Sec. 505. Asbestos removal and building demolition and removal, vacant air force station, Marin County, California.
Sec. 506. Land acquisition costs.
Sec. 507. Information on disinsection of aircraft.
Sec. 508. Contract tower assistance.
Sec. 509. Discontinuation of aviation safety journal.
Sec. 510. Monroe airport improvement.
Sec. 511. Soldotna airport improvement.
Sec. 512. Sturgis, Kentucky.
Sec. 513. Rolla airport improvement.
Sec. 514. Palm Springs, California.
Sec. 515. Real estate transfers in Alaska and weather observation services.
Sec. 516. Relocation of airway facilities.
Sec. 517. Safety at Aspen-Pitkin County Airport.
Sec. 518. Collective bargaining at Washington airports.
Sec. 519. Report on certain bilateral negotiations.
Sec. 520. Study on innovative financing.
Sec. 521. Safety of Juneau International Airport.
Sec. 522. Study on child restraint systems.
Sec. 523. Sense of Senate relating to DOT Inspector General.
Sec. 524. Sense of Senate on issuance of report on usage of radar at the Cheyenne, Wyoming, airport.
Sec. 525. North Korea.
Sec. 526. Sense of Senate on final regulations under Civil Rights Act of 1964.

TITLE VI—INTRASTATE TRANSPORTATION OF PROPERTY

Sec. 601. Preemption of intrastate transportation of property.

SEC. 2. DEFINITIONS.

In this Act, the following definitions apply:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Federal Aviation Administration.

(2) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

SEC. 3. AMENDMENT OF TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

TITLE I—AIRPORT AND AIRWAY IMPROVEMENT

SEC. 101. AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 48103 is amended—

(1) by striking "Not more" and all that follows through "1993," and inserting "The total amounts which shall be available after September 30, 1981, to the Secretary of Transportation"; and

(2) by inserting before the period at the end "shall be $17,583,500,000 for fiscal years ending before October 1, 1994, $19,744,500,000 for fiscal years ending before October 1, 1995, and $21,958,500,000 for fiscal years ending before October 1, 1996".

(b) OBLIGATIONAL AUTHORITY.—Section 47104(c) is amended by striking "After" and all that follows through "Secretary" and inserting "After September 30, 1996, the Secretary".

SEC. 102. AIRWAY IMPROVEMENT PROGRAM.

(a) AIRWAY FACILITIES AND EQUIPMENT.—Section 48101(a) is amended—

(1) in paragraph (1) by striking "for" and inserting "For";

(2) in paragraph (2)—

(A) by striking "for" and inserting "For"; and

(B) by striking "$11,100,000,000" and inserting "$10,724,000,000";

(3) in paragraph (3)—

(A) by striking "for" and inserting "For"; and

(B) by striking "$14,000,000,000" and inserting "$13,394,000,000"; and

(4) by adding at the end the following:

"(4) For the fiscal years ending September 30, 1991–1996, $16,129,000,000.".

(b) CERTAIN DIRECT COSTS AND JOINT AIR NAVIGATION SERVICES.—Section 48104 is amended—

(1) in the heading for subsection (b) by inserting "FOR FISCAL YEARS 1993" after "LIMITATION";

(2) in subsection (b) by striking "each" and all that follows through "1995," and inserting "fiscal year 1993"; and

(3) by adding at the end the following:

"(c) LIMITATION FOR FISCAL YEARS 1994–1996.—The amount appropriated from the Trust Fund for the purposes of paragraphs (1) and (2) of subsection (a) for each of fiscal years 1994, 1995, and 1996 may not exceed the lesser of—

"(1) 50 percent of the amount of funds made available under sections 48101–48103 of this title for such fiscal year; or

"(2)(A) 70 percent of the amount of funds made available under sections 106(k) and 48101–48103 of this title for such fiscal year; less

"(B) the amount of funds made available under sections 48101–48103 of this title for such fiscal year.".

(c) LIMITATION ON OBLIGATING OR EXPENDING FUNDS.—Section 48108(c) is amended by striking "1995" and inserting "1996".

SEC. 103. OPERATIONS OF FAA.

Section 106(k) is amended by striking ", $5,100,000,000" and all that follows through "1995" and inserting ", $4,576,000,000 for fiscal year 1994, $4,674,000,000 for fiscal year 1995, and $4,810,000,000 for fiscal year 1996".

SEC. 104. INNOVATIVE TECHNOLOGY POLICY.

Section 47101(a) is amended—

(1) by striking "and" at the end of paragraph (9)(C);

(2) by striking the period at the end of paragraph (10) and inserting a semicolon; and

(3) by adding at the end the following:

"(11) that the airport improvement program should be administered to encourage projects that employ innovative technology, concepts, and approaches that will promote safety, capacity, and efficiency improvements in the construction of airports and in the air transportation system (including the development and use of innovative concrete and other materials in the construction of airport facilities to minimize initial laydown costs, minimize time out of service, and maximize lifecycle durability) and to encourage and solicit innovative technology proposals and activities in the expenditure of funding pursuant to this subchapter;".

SEC. 105. INCLUSION OF EXPLOSIVE DETECTION DEVICES AND UNIVERSAL ACCESS SYSTEMS.

Section 47102(3)(B)(ii) is amended by inserting after "or security equipment" the following: ", including explosive detection devices and universal access systems,".

SEC. 106. SUBMISSION AND APPROVAL OF PROJECT GRANT APPLICATIONS.

Section 47105(a)(1)(B) is amended—

(1) by striking "at least 2" each place it appears and inserting "1 or more"; and

(2) by striking "similar".

SEC. 107. PREVENTIVE MAINTENANCE.

(a) CONDITION OF ASSISTANCE.—Section 47105 is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection:

"(e) PREVENTIVE MAINTENANCE.—After January 1, 1995, the Secretary may approve an application under this subchapter for the replacement or reconstruction of pavement at an airport only if the sponsor has provided such assurances or certifications as the Secretary may determine appropriate that such airport has implemented an effective airport pavement maintenance-management program. The Secretary may require such reports on pavement condition and pavement management programs as the Secretary determines may be useful.".

(b) STUDY.—

(1) IN GENERAL.—The Secretary shall study the products used for airport pavement maintenance and rehabilitation. Such study shall consider, at a minimum, the cost and benefits of the following:

(A) A requirement that the manufacturer or installer of such products provide minimum warranties.

(B) Establishment of enhanced minimum specifications or performance standards for such products.

(C) The use of insurance or other means to improve the performance and value of such products.

(2) SOLICITATION OF VIEWS.—In conducting the study under this subsection, the Secretary shall solicit and consider the views of airport operators, manufacturers of airport pavement maintenance and rehabilitation products, installers of such products, appropriate Federal agencies, and other relevant persons.

(3) REPORT.—Not later than June 1, 1995, the Secretary shall report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives on the results of the study conducted under this subsection.

SEC. 108. REPEAL OF GENERAL AVIATION AIRPORT PROJECT GRANT APPLICATION APPROVAL.

Section 47106 is amended—

(1) by striking subsection (d); and

(2) by redesignating subsection (e) as subsection (d).

SEC. 109. REPORTS ON IMPACTS OF NEW AIRPORT PROJECTS.

Section 47106 is amended by adding at the end the following:

"(f) REPORTS RELATING TO CONSTRUCTION OF CERTAIN NEW HUB AIRPORTS.—At least 90 days prior to the approval under this subchapter of a project grant application for construction of a new hub airport that is expected to have 0.25 percent or more of the total annual enplanements in the United States, the Secretary shall submit to Congress a report analyzing the anticipated impact of such proposed new airport on—

"(1) the fees charged to air carriers (including landing fees), and other costs that will be incurred by air carriers, for using the proposed airport;

"(2) air transportation that will be provided in the geographic region of the proposed airport; and

"(3) the availability and cost of providing air transportation to rural areas in such geographic region.".

SEC. 110. AIRPORT FEES POLICY.

Section 47101(a) is further amended by adding at the end the following:

"(12) that airport fees, rates, and charges must be reasonable and may only be used for purposes not prohibited by this Act; and

"(13) that airports should be as self-sustaining as possible under the circumstances existing at each particular airport and in establishing new fees, rates, and charges, and generating revenues from all sources, airport owners and operators should not seek to create revenue surpluses that exceed the amounts to be used for airport system purposes and for other purposes for which airport revenues may be spent under section 47107(b)(1) of this title, including reasonable reserves and other funds to facilitate financing and cover contingencies.".

SEC. 111. AIRPORT FINANCIAL REPORTS.

(a) IN GENERAL.—Section 47107(a) is amended—

(1) by inserting before the semicolon at the end of paragraph (15) "and make such reports available to the public";

(2) by striking "and" at the end of paragraph (17);

(2) by striking the period at the end of paragraph (18) and inserting "; and"; and

(3) by adding at the end the following:

"(19) the airport owner or operator will submit to the Secretary and make available to the public an annual report listing in detail—

"(A) all amounts paid by the airport to any other unit of government and the purposes for which each such payment was made; and

"(B) all services and property provided to other units of government and the amount of compensation received for provision of each such service and property.".

(b) FORMAT FOR REPORTING.—Within 180 days after the date of the enactment of this Act, the Secretary shall prescribe a uniform simplified format for reporting that is applicable to airports. Such format shall be designed to enable the public to understand readily how funds are collected and spent at airports, and to provide sufficient information relating to total revenues, operating expenditures, capital expenditures, debt service payments, contributions to restricted funds, accounts, or reserves required by financing agreements or covenants or airport lease or use agreements or covenants. Such format shall require each commercial service airport to report the amount of any revenue surplus, the amount of concession-generated revenue, and other information as required by the Secretary.

(c) ANNUAL SUMMARIES.—Section 47107 is amended by adding at the end the following:

"(k) ANNUAL SUMMARIES OF FINANCIAL REPORTS.—The Secretary shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives an annual summary of the reports submitted to the Secretary under subsection (a)(19) of this section and under section 111(b) of the Federal Aviation Administration Authorization Act of 1994.".

SEC. 112. ADDITIONAL ENFORCEMENT AGAINST ILLEGAL DIVERSION OF AIRPORT REVENUE.

(a) NEW POLICIES AND PROCEDURES.—Section 47107 is further amended by adding at the end the following:

"(l) POLICIES AND PROCEDURES TO ENSURE ENFORCEMENT AGAINST ILLEGAL DIVERSION OF AIRPORT REVENUE.—

"(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this subsection, the Secretary of Transportation shall establish policies and procedures that will assure the prompt and effective enforcement of subsections (a)(13) and (b) of this section and grant assurances made under such subsections. Such policies and procedures shall recognize the exemption provision in subsection (b)(2) of this section and shall respond to the information contained in the reports of the Inspector General of the Department of Transportation on airport revenue diversion and such other relevant information as the Secretary may by law consider.

"(2) REVENUE DIVERSION.—Policies and procedures to be established pursuant to paragraph (1) of this subsection shall prohibit, at a minimum, the diversion of airport revenues (except as authorized under subsection (b) of this section) through—

"(A) direct payments or indirect payments, other than payments reflecting the value of services and facilities provided to the airport;

"(B) use of airport revenues for general economic development, marketing, and promotional activities unrelated to airports or airport systems;

"(C) payments in lieu of taxes or other assessments that exceed the value of services provided; or

"(D) payments to compensate nonsponsoring governmental bodies for lost tax revenues exceeding stated tax rates.

"(3) EFFORTS TO BE SELF-SUSTAINING.—With respect to subsection (a)(13) of this section, policies and procedures to be established pursuant to paragraph (1) of this subsection shall take into account, at a minimum, whether owners and operators of airports, when entering into new or revised agreements or otherwise establishing rates, charges, and fees, have undertaken reasonable efforts to make their particular airports as self-sustaining as possible under the circumstances existing at such airports.

"(4) ADMINISTRATIVE SAFEGUARDS.—Policies and procedures to be established pursuant to paragraph (1) shall mandate internal controls, auditing requirements, and increased levels of Department of Transportation personnel sufficient to respond fully and promptly to complaints received regarding possible violations of subsections (a)(13) and (b) of this section and grant assurances made under such subsections and to alert the Secretary to such possible violations.".

(b) WITHHOLDING OF APPROVAL OF APPLICATIONS FOR GRANTS OR PASSENGER FACILITY CHARGES; JUDICIAL ENFORCEMENT.—Section 47111 is amended by adding at the end the following:

"(e) ACTION ON GRANT ASSURANCES CONCERNING AIRPORT REVENUES.—If, after notice and opportunity for a hearing, the Secretary finds a violation of section 47107(b) of this title, as further defined by the Secretary under section 47107(l) of this title, or a violation of an assurance made under section 47107(b) of this title, and the Secretary has provided an opportunity for the airport sponsor to take corrective action to cure such violation, and such corrective action has not been taken within the period of time set by the Secretary, the Secretary shall withhold approval of any new grant application for funds under this chapter, or any proposed modification to an existing grant that would increase the amount of funds made available under this chapter to the airport sponsor, and withhold approval of any new application to impose a fee under section 40117 of this title. Such applications may thereafter be approved only upon a finding by the Secretary that such corrective action as the Secretary requires has been taken to address the violation and that the violation no longer exists.

"(f) JUDICIAL ENFORCEMENT.—For any violation of this chapter or any grant assurance made under this chapter, the Secretary may apply to the district court of the United States for any district in which the violation occurred for enforcement. Such court shall have jurisdiction to enforce obedience thereto by a writ of injunction or other process, mandatory or otherwise, restraining any person from further violation.".

(d) CIVIL PENALTIES.—

(1) GENERAL PENALTY.—Section 46301(a) is amended—

(A) in paragraph (1) by striking "or 46303" and inserting "46303, or 47107(b) (including any assurance made under such section)"; and

(B) by adding at the end the following:

"(5) In the case of a violation of section 47107(b) of this title, the maximum civil penalty for a continuing violation shall not exceed $50,000.".

(2) ADMINISTRATIVE PENALTY.—Section 46301(d)(2) is amended by striking "or 46303" and inserting "46303, or 47107(b) (as further defined by the Secretary under section 47107(l) and including any assurance made under section 47107(b))".

(3) PROCEDURES.—Section 46301(d)(7) is amended by adding at the end the following:

"(D) In the case of a violation of section 47107(b) of this title or any assurance made under such section—

"(i) a civil penalty shall not be assessed against an individual;

"(ii) a civil penalty may be compromised as provided under subsection (f); and

"(iii) judicial review of any order assessing a civil penalty may be obtained only pursuant to section 46110 of this title.".

(c) CONSIDERATION OF DIVERSION OF REVENUES IN AWARDING DISCRETIONARY GRANTS.—Section 47115 is amended by adding at the end the following new subsection:

"(f) CONSIDERATION OF DIVERSION OF REVENUES IN AWARDING DISCRETIONARY GRANTS.—

"(1) GENERAL RULE.—Subject to paragraph (2), in deciding whether or not to distribute

funds to an airport from the discretionary funds established by subsection (a) of this section and section 47116 of this title, the Secretary shall consider as a factor militating against the distribution of such funds to the airport the fact that the airport is using revenues generated by the airport or by local taxes on aviation fuel for purposes other than capital or operating costs of the airport or the local airports system or other local facilities which are owned or operated by the owner or operator of the airport and directly and substantially related to the actual air transportation of passengers or property.

"(2) REQUIRED FINDING.—Paragraph (1) shall apply only when the Secretary finds that the amount of revenues used by the airport for purposes other than capital or operating costs in the airport's fiscal year preceding the date of the application for discretionary funds exceeds the amount of such revenues in the airport's first fiscal year ending after the date of the enactment of this subsection, adjusted by the Secretary for changes in the Consumer Price Index of All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.".

(d) UNREASONABLE BURDEN ON INTERSTATE COMMERCE.—Section 40116(d)(2)(A) is amended by adding at the end the following:

"(iv) Levy or collect a tax, fee, or charge, first taking effect after the date of the enactment of this clause, exclusively upon any business located at a commercial service airport or operating as a permittee of such an airport other than a tax, fee, or charge wholly utilized for airport or aeronautical purposes.".

SEC. 113. RESOLUTION OF AIRPORT-AIR CARRIER DISPUTES CONCERNING AIRPORT FEES.

(a) IN GENERAL.—Subchapter I of chapter 471 of subtitle VII is amended—

(1) by redesignating section 47129 (and any references thereto) as section 47131; and

(2) by adding at the end the following new section:

"§47129. Resolution of airport-air carrier disputes concerning airport fees

"(a) AUTHORITY TO REQUEST SECRETARY'S DETERMINATION.—

"(1) IN GENERAL.—The Secretary of Transportation shall issue a determination as to whether a fee imposed upon one or more air carriers (as defined in section 40102 of this subtitle) by the owner or operator of an airport is reasonable if—

"(A) a written request for such determination is filed with the Secretary by such owner or operator; or

"(B) a written complaint requesting such determination is filed with the Secretary by an affected air carrier within 60 days after such carrier receives written notice of the establishment or increase of such fee.

"(2) CALCULATION OF FEE.—A fee subject to a determination of reasonableness under this section may be calculated pursuant to either a compensatory or residual fee methodology or any combination thereof.

"(3) SECRETARY NOT TO SET FEE.—In determining whether a fee is reasonable under this section, the Secretary may only determine whether the fee is reasonable or unreasonable and shall not set the level of the fee.

"(b) PROCEDURAL REGULATIONS.—Not later than 90 days after the date of the enactment of this section, the Secretary shall publish in the Federal Register final regulations, policy statements, or guidelines establishing—

"(1) the procedures for acting upon any written request or complaint filed under subsection (a)(1); and

"(2) the standards or guidelines that shall be used by the Secretary in determining under this section whether an airport fee is reasonable.

"(c) DECISIONS BY SECRETARY.—The final regulations, policy statements, or guidelines required in subsection (b) shall provide the following:

"(1) Not more than 120 days after an air carrier files with the Secretary a written complaint relating to an airport fee, the Secretary shall issue a final order determining whether such fee is reasonable.

"(2) Within 30 days after such complaint is filed with the Secretary, the Secretary shall dismiss the complaint if no significant dispute exists or shall assign the matter to an administrative law judge; and thereafter the matter shall be handled in accordance with part 302 of title 14, Code of Federal Regulations, or as modified by the Secretary to ensure an orderly disposition of the matter within the 120-day period and any specifically applicable provisions of this section.

"(3) The administrative law judge shall issue a recommended decision within 60 days after the complaint is assigned or within such shorter period as the Secretary may specify.

"(4) If the Secretary, upon the expiration of 120 days after the filing of the complaint, has not issued a final order, the decision of the administrative law judge shall be deemed to be the final order of the Secretary.

"(5) Any party to the dispute may seek review of a final order of the Secretary under this subsection in the Circuit Court of Appeals for the District of Columbia Circuit or the court of appeals in the circuit where the airport which gives rise to the written complaint is located.

"(6) Any findings of fact in a final order of the Secretary under this subsection, if supported by substantial evidence, shall be conclusive if challenged in a court pursuant to this subsection. No objection to such a final order shall be considered by the court unless objection was urged before an administrative law judge or the Secretary at a proceeding under this subsection or, if not so urged, unless there were reasonable grounds for failure to do so.

"(d) PAYMENT UNDER PROTEST; GUARANTEE OF AIR CARRIER ACCESS.—

"(1) PAYMENT UNDER PROTEST.—

"(A) IN GENERAL.—Any fee increase or newly established fee which is the subject of a complaint that is not dismissed by the Secretary shall be paid by the complainant air carrier to the airport under protest.

"(B) REFERRAL OR CREDIT.—Any amounts paid under this subsection by a complainant air carrier to the airport under protest shall be subject to refund or credit to the air carrier in accordance with directions in the final order of the Secretary within 30 days of such order.

"(C) ASSURANCE OF TIMELY REPAYMENT.—In order to assure the timely repayment, with interest, of amounts in dispute determined not to be reasonable by the Secretary, the airport shall obtain a letter of credit, or surety bond, or other suitable credit facility, equal to the amount in dispute that is due during the 120-day period established by this section, plus interest, unless the airport and the complainant air carrier agree otherwise.

"(D) DEADLINE.—The letter of credit, or surety bond, or other suitable credit facility shall be provided to the Secretary within 20 days of the filing of the complaint and shall remain in effect for 30 days after the earlier of 120 days or the issuance of a timely final order by the Secretary determining whether such fee is reasonable.

"(2) GUARANTEE OF AIR CARRIER ACCESS.—Contingent upon an air carrier's compliance with the requirements of paragraph (1) and pending the issuance of a final order by the Secretary determining the reasonableness of a fee that is the subject of a complaint filed under subsection (a)(1)(B), an owner or operator of an airport may not deny an air carrier currently providing air service at the airport reasonable access to airport facilities or service, or otherwise interfere with an air carrier's prices, routes, or services, as a means of enforcing the fee.

"(e) APPLICABILITY.—This section does not apply to—

"(1) a fee imposed pursuant to a written agreement with air carriers using the facilities of an airport;

"(2) a fee imposed pursuant to a financing agreement or covenant entered into prior to the date of the enactment of this section; or

"(3) any other existing fee not in dispute as of such date of enactment.

"(f) EFFECT ON EXISTING AGREEMENTS.—Nothing in this section shall adversely affect—

"(1) the rights of any party under any existing written agreement between an air carrier and the owner or operator of an airport; or

"(2) the ability of an airport to meet its obligations under a financing agreement, or covenant, that is in force as of the date of the enactment of this section.

"(g) DEFINITION.—In this section, the term 'fee' means any rate, rental charge, landing fee, or other service charge for the use of airport facilities.".

(b) CONFORMING AMENDMENT.—The analysis to such chapter is amended—

(1) by striking "47129" and inserting "47131"; and

(2) by inserting after the item relating to section 47128 the following:

"47129. Resolution of airport-air carrier disputes concerning airport fees.".

SEC. 114. TERMINAL DEVELOPMENT.

Section 47109 is amended—

(1) in subsection (a) by striking "subsections (b) and (c)" and inserting "subsection (b)"; and

(2) by striking subsection (c).

SEC. 115. LETTERS OF INTENT.

Section 47110(e) is amended by adding at the end the following:

"(6) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to prohibit the obligation of amounts pursuant to a letter of intent under this subsection in the same fiscal year as the letter of intent is issued.".

SEC. 116. MILITARY AIRPORT PROGRAM.

(a) MILITARY AIRPORT SET-ASIDE.—Section 47117(e)(1)(E) is amended by striking "and 1995" and inserting ", 1995, and 1996".

(b) DESIGNATION OF MILITARY AIRPORTS.—Section 47118(a) is amended—

(1) by striking "12" and inserting "15"; and

(2) by adding at the end the following: "The Secretary may only designate an airport for such grants (other than an airport designated for such grants on or before the date of the enactment of this sentence) if the Secretary finds that grants under such section for projects at such airport would reduce delays at an airport with more than 20,000 hours of annual delays in commercial passenger aircraft takeoffs and landings.".

(c) ELIMINATION OF EXTENSION OF 5-YEAR PERIOD OF ELIGIBILITY.—Section 47118(d) is amended by striking the last sentence.

(d) CONSTRUCTION OF PARKING LOTS, FUEL FARMS, AND UTILITIES.—Section 47118(f) is amended by striking "–1995" and inserting "–1996".

SEC. 117. TERMINAL DEVELOPMENT COSTS.

Section 47119 is amended—

(1) in subsection (a) by inserting "or, in the case of a commercial service airport which annually had less than 0.05 percent of the total enplanements in the United States, between January 1, 1992, and October 31, 1992," after "July 12, 1976,"; and

(2) by adding at the end the following:

"(c) NONHUB AIRPORTS.—With respect to a project at a commercial service airport which annually has less than 0.05 percent of the total enplanements in the United States, the Secretary may approve the use of the amounts described in subsection (a) notwithstanding the requirements of sections 47107(a)(17), 47112, and 47113.".

SEC. 118. AIRPORT SAFETY DATA COLLECTION.

(a) IN GENERAL.—Chapter 471 of subtitle VII is further amended by inserting after section 47129 the following:

"§47130. Airport safety data collection

"Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration may contract, using sole source or limited source authority, for the collection of airport safety data.".

(b) CLERICAL AMENDMENT.—The analysis for such chapter 471 is further amended by inserting after the item relating to section 47129 the following:

"47130. Airport safety data collection.".

SEC. 119. SOUNDPROOFING AND ACQUISITION OF CERTAIN RESIDENTIAL BUILDINGS AND PROPERTIES.

Section 47504(c) is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

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

"(2) SOUNDPROOFING AND ACQUISITION OF CERTAIN RESIDENTIAL BUILDINGS AND PROPERTIES.—The Secretary may incur obligations to make grants from amounts made available under section 48103 of this title—

"(A) for projects to soundproof residential buildings—

"(i) if the airport operator received approval for a grant for a project to soundproof residential buildings pursuant to section 301(d)(4)(B) of the Airport and Airway Safety and Capacity Expansion Act of 1987;

"(ii) if the airport operator submits updated noise exposure contours, as required by the Secretary; and

"(iii) if the Secretary determines that the proposed projects are compatible with the purposes of this chapter; and

"(B) to an airport operator and unit of local government referred to in paragraph (1)(A) or (1)(B) of this subsection to soundproof residential buildings located on residential properties, and to acquire residential properties, at which noise levels are not compatible with normal operations of an airport—

"(i) if the airport operator amended an existing local aircraft noise regulation during calendar year 1993 to increase the maximum permitted noise levels for scheduled air carrier aircraft as a direct result of implementation of revised aircraft noise departure procedures mandated for aircraft safety purposes by the Administrator of the Federal Aviation Administration for standardized application at airports served by scheduled air carriers;

"(ii) if the airport operator submits updated noise exposure contours, as required by the Secretary; and

"(iii) if the Secretary determines that the proposed projects are compatible with the purposes of this chapter."; and

(3) in paragraph (4), as so redesignated, by striking "paragraph (1) of".

SEC. 120. LANDING AIDS AND NAVIGATIONAL EQUIPMENT INVENTORY POOL.

(a) PURCHASE.—Section 44502(a) is amended by adding at the end the following new paragraph:

"(4) PURCHASE OF INSTRUMENT LANDING SYSTEM.—

"(A) ESTABLISHMENT OF PROGRAM.—The Secretary shall purchase precision approach instrument landing system equipment for installation at airports on an expedited basis.

"(B) AUTHORIZATION.—No less than $30,000,000 of the amounts appropriated under section 48101(a) for each of fiscal years 1995 and 1996 shall be used for the purpose of carrying out this paragraph, including acquisition, site preparation work, installation, and related expenditures.".

(b) COST SAVINGS ASSOCIATED WITH PURCHASE.—Notwithstanding other provisions of law or regulations to the contrary, the Administrator shall establish, within 120 days after the date of the enactment of this Act, a process through which airport sponsors may take advantage of cost savings associated with the purchase and installation of instrument landing systems, along with associated equipment, under existing or future Federal Aviation Administration contracts. The process established by the Administrator may provide for the direct reimbursement (including administrative costs) of the Administrator by an airport sponsor using grants funds under subchapter I of chapter 471 of subtitle VII of title 49, United States Code, relating to airport improvement, for the ordering of such equipment and installation or for the direct ordering of such equipment and installation by an airport sponsor, using such grant funds, from the suppliers with which the Administrator has contracted.

SEC. 121. REVIEW OF PASSENGER FACILITY CHARGE PROGRAM.

The Secretary shall conduct a review of section 158.49(b) of title 14, Code of Federal Regulations, to assess the effectiveness of such section in light of the objectives of section 40117 of title 49, United States Code, and shall take such corrective action as the Secretary determines to be necessary to address any problems discovered in the review.

TITLE II—OTHER AVIATION PROGRAMS

SEC. 201. TERM OF OFFICE OF FAA ADMINISTRATOR.

Section 106(b) is amended by adding at the end the following: "The term of office for any individual appointed as Administrator after the date of the enactment of this sentence shall be 5 years.".

SEC. 202. ASSISTANCE TO FOREIGN AVIATION AUTHORITIES.

Section 40113 is amended by adding at the end the following new subsection:

"(e) ASSISTANCE TO FOREIGN AVIATION AUTHORITIES.—

"(1) SAFETY-RELATED TRAINING AND OPERATIONAL SERVICES.—The Administrator may provide safety-related training and operational services to foreign aviation authorities with or without reimbursement, if the Administrator determines that providing such services promotes aviation safety. To the extent practicable, air travel reimbursed under this subsection shall be conducted on U.S. air carriers.

"(2) REIMBURSEMENT SOUGHT.—The Administrator shall actively seek reimbursement for services provided under this subsection from foreign aviation authorities capable of providing such reimbursement.

"(3) CREDITING APPROPRIATIONS.—Funds received by the Administrator pursuant to this section shall be credited to the appropriation from which the expenses were incurred in providing such services.

"(4) REPORTING.—Not later than December 31, 1995, and annually thereafter, the Administrator shall transmit to Congress a list of the foreign aviation authorities to which the Administrator provided services under this subsection in the preceding fiscal year. Such list shall specify the dollar value of such services and any reimbursement received for such services.".

SEC. 203. USE OF PASSENGER FACILITY CHARGES TO MEET FEDERAL MANDATES.

Section 40117(a)(3) is amended—

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

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

(3) by adding at the end the following:

"(F) in addition to projects eligible under subparagraph (A), the construction, reconstruction, repair, or improvement of areas of an airport used for the operation of aircraft or actions to mitigate the environmental effects of such construction, reconstruction, repair, or improvement when the construction, reconstruction, repair, improvement, or action is necessary for compliance with the responsibilities of the operator or owner of the airport under the Americans with Disabilities Act of 1990, the Clean Air Act, or the Federal Water Pollution Control Act with respect to the airport.".

SEC. 204. PASSENGER FACILITY CHARGES.

(a) CLARIFICATION OF APPLICABILITY.—

(1) GENERAL RULE.—Section 40117(e)(2) is amended—

(A) by striking "and" at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C)(ii) and inserting "; and"; and

(C) by adding at the end the following:

"(D) enplaning at an airport if the passenger did not pay for the air transportation which resulted in such enplanement, including any case in which the passenger obtained the ticket for the air transportation with a frequent flier award coupon without monetary payment.".

(2) LIMITATION ON STATUTORY CONSTRUCTION.—The amendment made by paragraph (1) shall not be construed as requiring any person to refund any fee paid before the date of the enactment of this Act.

(b) USE OF REVENUES AND RELATIONSHIP BETWEEN FEES AND REVENUES.—Section 40117(d) is amended—

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

(2) by striking the period at the end of paragraph (2)(C) and inserting "; and"; and

(3) by adding at the end the following:

"(3) the application includes adequate justification for each of the specific projects.".

SEC. 205. GAMBLING ON COMMERCIAL AIRCRAFT.

(a) IN GENERAL.—

(1) RESTRICTIONS.—Chapter 413 of subtitle VII is amended by adding at the end the following:

"§41311. Gambling restrictions

"(a) IN GENERAL.—An air carrier or foreign air carrier may not install, transport, or operate, or permit the use of, any gambling device on board an aircraft in foreign air transportation.

"(b) DEFINITION.—In this section, the term 'gambling device' means any machine or mechanical device (including gambling applications on electronic interactive video systems installed on board aircraft for passenger use)—

"(1) which when operated may deliver, as the result of the application of an element of chance, any money or property; or

"(2) by the operation of which a person may become entitled to receive, as the result of the application of an element of chance, any money or property.".

(2) CLERICAL AMENDMENT.—The analysis of such chapter 413 is amended by inserting at the end the following new item:

"41311. Gambling restrictions.".

(b) STUDY OF GAMBLING ON COMMERCIAL AIRCRAFT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall complete a study of—

(1) the aviation safety effects of gambling applications on electronic interactive video systems installed on board aircraft for passenger use, including an evaluation of the effect of such systems on the navigational and other electronic

equipment of the aircraft, on the passengers and crew of the aircraft, and on issues relating to the method of payment;

(2) the competitive implications of permitting foreign air carriers only, but not United States air carriers, to install, transport, and operate gambling applications on electronic interactive video systems on board aircraft in the foreign commerce of the United States on flights over international waters, or in fifth freedom city-pair markets; and

(3) whether gambling should be allowed on international flights, including proposed legislation to effectuate any recommended changes in existing law.

The Secretary shall, within 5 days after the completion of the study, submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives on the results of the study.

SEC. 206. SLOTS FOR AIR CARRIERS AT AIRPORTS.

(a) AVAILABILITY OF SLOTS.—

(1) IN GENERAL.—Subchapter I of chapter 417 of subtitle VII is amended by adding at the end the following:

"§41714. Availability of slots

"(a) MAKING SLOTS AVAILABLE FOR ESSENTIAL AIR SERVICE.—

"(1) OPERATIONAL AUTHORITY.—If basic essential air service under subchapter II of this chapter is to be provided from an eligible point to a high density airport (other than Washington National Airport), the Secretary of Transportation shall ensure that the air carrier providing or selected to provide such service has sufficient operational authority at the high density airport to provide such service. The operational authority shall allow flights at reasonable times taking into account the needs of passengers with connecting flights.

"(2) EXEMPTIONS.—If necessary to carry out the objectives of paragraph (1), the Secretary shall by order grant exemptions from the requirements of subparts K and S of part 93 of title 14, Code of Federal Regulations (pertaining to slots at high density airports), to air carriers using Stage 3 aircraft or to commuter air carriers, unless such an exemption would significantly increase operational delays.

"(3) ASSURANCE OF ACCESS.—If the Secretary finds that an exemption under paragraph (2) would significantly increase operational delays, the Secretary shall take such action as may be necessary to ensure that an air carrier providing or selected to provide basic essential air service is able to obtain access to a high density airport; except that the Secretary shall not be required to make slots available at O'Hare International Airport in Chicago, Illinois, if the number of slots available for basic essential air service (including slots specifically designated as essential air service slots and slots used for such purposes) to and from such airport is at least 132 slots.

"(4) ACTION BY THE SECRETARY.—The Secretary shall issue a final order under this subsection on or before the 60th day after receiving a request from an air carrier for operational authority under this subsection.

"(b) SLOTS FOR FOREIGN AIR TRANSPORTATION.—

"(1) EXEMPTIONS.—If the Secretary finds it to be in the public interest at a high density airport (other than Washington National Airport), the Secretary may grant by order exemptions from the requirements of subparts K and S of part 93 of title 14, Code of Federal Regulations (pertaining to slots at high density airports), to enable air carriers and foreign air carriers to provide foreign air transportation using Stage 3 aircraft.

"(2) SLOT WITHDRAWALS.—The Secretary may not withdraw a slot from an air carrier in order to allocate that slot to a carrier to provide foreign air transportation if the withdrawal of that slot would result in the withdrawal of slots from an air carrier at O'Hare International Airport under section 93.223 of title 14, Code of Federal Regulations, in excess of the total withdrawn from that air carrier as of October 31, 1993.

"(3) EQUIVALENT RIGHTS OF ACCESS.—The Secretary shall not take a slot at a high density airport from an air carrier and award such slot to a foreign air carrier if the Secretary determines that air carriers are not provided equivalent rights of access to airports in the country of which such foreign air carrier is a citizen.

"(4) PERIOD OF EFFECTIVENESS.—This subsection and exemptions issued under this subsection shall cease to be in effect when the final rules issued under subsection (f) become effective.

"(c) SLOTS FOR NEW ENTRANTS.—

"(1) IN GENERAL.—If the Secretary finds it to be in the public interest and the circumstances to be exceptional, the Secretary may by order grant exemptions from the requirements under subparts K and S of part 93 of title 14, Code of Federal Regulations (pertaining to slots at high density airports), to enable new entrant air carriers to provide air transportation at high density airports (other than Washington National Airport).

"(2) PERIOD OF EFFECTIVENESS.—Exemptions issued under this subsection shall cease to be in effect on or after the date on which the final rules issued under subsection (f) become effective.

"(d) SPECIAL RULES FOR WASHINGTON NATIONAL AIRPORT.—

(1) IN GENERAL.—Notwithstanding sections 6005(c)(5) and 6009(e) of the Metropolitan Washington Airports Act of 1986, or any provision of this section, the Secretary may, only under circumstances determined by the Secretary to be exceptional, grant by order to an air carrier currently holding or operating a slot at Washington National Airport an exemption from requirements under subparts K and S of part 93 of title 14, Code of Federal Regulations (pertaining to slots at Washington National Airport), to enable that carrier to provide air transportation with Stage 3 aircraft at Washington National Airport; except that such exemption shall not—

"(A) result in an increase in the total number of slots per day at Washington National Airport;

"(B) result in an increase in the total number of slots at Washington National Airport from 7:00 ante meridiem to 9:59 post meridiem;

"(C) increase the number of operations at Washington National Airport in any 1-hour period by more than 2 operations;

"(D) result in the withdrawal or reduction of slots operated by an air carrier;

"(E) result in a net increase in noise impact on surrounding communities resulting from changes in timing of operations permitted under this subsection; and

"(F) continue in effect on or after the date on which the final rules issued under subsection (f) become effective.

"(2) LIMITATION ON APPLICABILITY.—Nothing in this subsection shall adversely affect Exemption No. 5133, as from time-to-time amended and extended.

"(e) STUDY.—

"(1) MATTERS TO BE CONSIDERED.—The Secretary shall continue the Secretary's current examination of slot regulations and shall ensure that the examination includes consideration of—

"(A) whether improvements in technology and procedures of the air traffic control system and the use of quieter aircraft make it possible to eliminate the limitations on hourly operations imposed by the high density rule contained in part 93 of title 14 of the Code of Federal Regulations or to increase the number of operations permitted under such rule;

"(B) the effects of the elimination of limitations or an increase in the number of operations allowed on each of the following:

"(i) congestion and delay in any part of the national aviation system;

"(ii) the impact of noise on persons living near the airport;

"(iii) competition in the air transportation system;

"(iv) the profitability of operations of airlines serving the airport; and

"(v) aviation safety;

"(C) the impact of the current slot allocation process upon the ability of air carriers to provide essential air service under subchapter II of this chapter;

"(D) the impact of such allocation process upon the ability of new entrant air carriers to obtain slots in time periods that enable them to provide service;

"(E) the impact of such allocation process on the ability of foreign air carriers to obtain slots;

"(F) the fairness of such process to air carriers and the extent to which air carriers are provided equivalent rights of access to the air transportation market in the countries of which foreign air carriers holding slots are citizens;

"(G) the impact, on the ability of air carriers to provide domestic and international air service, of the withdrawal of slots from air carriers in order to provide slots for foreign air carriers; and

"(H) the impact of the prohibition on slot withdrawals in subsections (b)(2) and (b)(3) of this section on the aviation relationship between the United States Government and foreign governments, including whether the prohibition in such subsections will require the withdrawal of slots from general and military aviation in order to meet the needs of air carriers and foreign air carriers providing foreign air transportation (and the impact of such withdrawal on general aviation and military aviation) and whether slots will become available to meet the needs of air carriers and foreign air carriers to provide foreign air transportation as a result of the planned relocation of Air Force Reserve units and the Air National Guard at O'Hare International Airport.

"(2) REPORT.—Not later than January 31, 1995, the Secretary shall complete the current examination of slot regulations and shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report containing the results of such examination.

"(f) RULEMAKING.—The Secretary shall conduct a rulemaking proceeding based on the results of the study described in subsection (e). In the course of such proceeding, the Secretary shall issue a notice of proposed rulemaking not later than August 1, 1995, and shall issue a final rule not later than 90 days after public comments are due on the notice of proposed rulemaking.

"(g) WEEKEND OPERATIONS.—The Secretary shall consider the advisability of revising section 93.227 of title 14, Code of Federal Regulations, so as to eliminate weekend schedules from the determination of whether the 80 percent standard of subsection (a)(1) of that section has been met.

"(h) DEFINITIONS.—In this section and section 41734(h), the following definitions apply:

"(1) COMMUTER AIR CARRIER.—The term 'commuter air carrier' means a commuter operator as defined or applied in subpart K or S of part 93 of title 14, Code of Federal Regulations.

"(2) HIGH DENSITY AIRPORT.—The term 'high density airport' means an airport at which the

Administrator limits the number of instrument flight rule takeoffs and landings of aircraft.

"(3) NEW ENTRANT AIR CARRIER.—The term 'new entrant air carrier' means an air carrier that does not hold a slot at the airport concerned and has never sold or given up a slot at that airport after December 16, 1985, and a limited incumbent carrier as defined in subpart S of part 93 of title 14, Code of Federal Regulations.

"(4) SLOT.—The term 'slot' means a reservation for an instrument flight rule takeoff or landing by an air carrier of an aircraft in air transportation.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 417 of subtitle VII is amended by inserting after the item relating to section 41713 the following:

"41714. Availability of slots.".

(c) NONCONSIDERATION OF SLOT AVAILABILITY.—Section 41734 is amended by adding at the end the following:

"(h) NONCONSIDERATION OF SLOT AVAILABILITY.—In determining what is basic essential air service and in selecting an air carrier to provide such service, the Secretary shall not consider as a factor whether slots at a high density airport are available for providing such service.".

SEC. 207. AIR SERVICE TERMINATION NOTICE.

(a) IN GENERAL.—Subchapter I of chapter 417 of subtitle VII is further amended by adding at the end the following new section:

"§41715. Air service termination notice

"(a) IN GENERAL.—An air carrier may not terminate interstate air transportation from a nonhub airport included on the Secretary's latest published list of such airports, unless such air carrier has given the Secretary at least 45 days' notice before such termination.

"(b) EXCEPTIONS.—The requirements of subsection (a) shall not apply when—

"(1) the carrier involved is experiencing a sudden or unforeseen financial emergency, including natural weather related emergencies, equipment-related emergencies, and strikes;

"(2) the termination of transportation is made for seasonal purposes only;

"(3) the carrier involved has operated at the affected nonhub airport for 180 days or less;

"(4) the carrier involved provides other transportation by jet from another airport serving the same community as the affected nonhub airport; or

"(5) the carrier involved makes alternative arrangements, such as a change of aircraft size, or other types of arrangements with a part 121 or part 135 air carrier, that continues uninterrupted service from the affected nonhub airport.

"(c) WAIVERS FOR REGIONAL/COMMUTER CARRIERS.—Before January 1, 1995, the Secretary shall establish terms and conditions under which regional/commuter carriers can be excluded from the termination notice requirement.

"(d) DEFINITIONS.—In this section, the following definitions apply:

"(1) NONHUB AIRPORT.—The term 'nonhub airport' has the meaning that term has under section 41731(a)(3).

"(2) PART 121 AIR CARRIER.—The term 'part 121 air carrier' means an air carrier to which part 121 of title 14, Code of Federal Regulations, applies.

"(3) PART 135 AIR CARRIER.—The term 'part 135 air carrier' means an air carrier to which part 135 of title 14, Code of Federal Regulations, applies.

"(4) REGIONAL/COMMUTER CARRIERS.—The term 'regional/commuter carrier' means—

"(A) a part 135 air carrier; or

"(B) a part 121 air carrier that provides air transportation exclusively with aircraft having a seating capacity of no more than 70 passengers.

"(5) TERMINATION.—The term 'termination' means the cessation of all service at an airport by an air carrier.".

(b) CONFORMING AMENDMENTS.—The analysis of such chapter 417 is amended by inserting after the item relating to section 41713 the following new item:

"41715. Air service termination notice.".

(c) CIVIL PENALTIES.—Section 46301(a) is amended—

(1) in paragraph (1)(A) by striking "or 46303" and inserting "46303, or 41715";

(2) in paragraph (4) by inserting "(other than a violation of section 41715)" after "violation" the second and third place it appears; and

(3) by adding at the end the following:

"(5) Notwithstanding paragraph (1), the maximum civil penalty for violating section 41715 shall be $5,000 instead of $1,000.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on February 1, 1995.

SEC. 208. STATE TAXATION OF AIR CARRIER EMPLOYEES.

Section 40116(f) is amended by adding at the end the following:

"(3) Compensation paid by an air carrier to an employee described in subsection (a) in connection with such employee's authorized leave or other authorized absence from regular duties on the carrier's aircraft in order to perform services on behalf of the employee's airline union shall be subject to the income tax laws of only the following:

"(A) The State or political subdivision of the State that is the residence of the employee.

"(B) The State or political subdivision of the State in which the employee's scheduled flight time would have been more than 50 percent of the employee's total scheduled flight time for the calendar year had the employee been engaged full time in the performance of regularly assigned duties on the carrier's aircraft.".

SEC. 209. FOREIGN FEE COLLECTION.

Section 45301 is amended—

(1) in subsection (b) by striking "This section" and inserting "Subsection (a)"; and

(2) by adding at the end the following:

"(c) RECOVERY OF COST OF FOREIGN AVIATION SERVICES.—

"(1) ESTABLISHMENT OF FEES.—The Administrator may establish and collect fees for providing or carrying out the following aviation services outside the United States: any test, authorization, certificate, permit, rating, evaluation, approval, inspection, review.

"(2) FOREIGN REPAIR STATION CERTIFICATION AND INSPECTION FEES.—The Administrator must establish and collect under this subsection fees for certification and inspection of repair stations outside of the United States.

"(3) LEVEL OF FEES.—Fees shall be established under this subsection as necessary to recover the additional cost of providing or carrying out such services outside the United States, as compared to the cost of providing or carrying out such services within the United States; except that the Administrator may for such services as the Administrator designates (and shall for certification and inspection of repair stations outside the United States) establish fees at a level necessary to recover the full cost of providing such services.

"(4) EFFECT ON OTHER AUTHORITY.—The provisions of this subsection do not limit the Administrator's authority to establish and collect fees under subsection (a).

"(5) CREDITING OF PREESTABLISHED FEES.—Fees described in paragraph (1) that were not established before the date of the enactment of this subsection may be credited in accordance with section 45302(d).".

TITLE III—RESEARCH, ENGINEERING, AND DEVELOPMENT

SEC. 301. SHORT TITLE.

This title may be cited as the "Federal Aviation Administration Research, Engineering, and Development Authorization Act of 1994".

SEC. 302. AVIATION RESEARCH AUTHORIZATION OF APPROPRIATIONS.

Section 48102(a) of title 49, United States Code, is amended by striking paragraphs (1) and (2) and inserting the following:

"(1) for fiscal year 1995—

"(A) $7,673,000 for management and analysis projects and activities;

"(B) $80,901,000 for capacity and air traffic management technology projects and activities;

"(C) $39,242,000 for communications, navigation, and surveillance projects and activities;

"(D) $2,909,000 for weather projects and activities;

"(E) $8,660,000 for airport technology projects and activities;

"(F) $51,004,000 for aircraft safety technology projects and activities;

"(G) $36,604,000 for system security technology projects and activities;

"(H) $26,484,000 for human factors and aviation medicine projects and activities;

"(I) $8,124,000 for environment and energy projects and activities; and

"(J) $5,199,000 for innovative/cooperative research projects and activities; and

"(2) for fiscal year 1996—

"(A) $8,056,000 for management and analysis projects and activities;

"(B) $84,946,000 for capacity and air traffic management technology projects and activities;

"(C) $41,204,000 for communications, navigation, and surveillance projects and activities;

"(D) $3,054,000 for weather projects and activities;

"(E) $9,093,000 for airport technology projects and activities;

"(F) $53,554,000 for aircraft safety technology projects and activities;

"(G) $38,434,000 for system security technology projects and activities;

"(H) $27,808,000 for human factors and aviation medicine projects and activities;

"(I) $8,532,000 for environment and energy projects and activities; and

"(J) $5,459,000 for innovative/cooperative research projects and activities.".

SEC. 303. JOINT AVIATION RESEARCH AND DEVELOPMENT PROGRAM.

(a) ESTABLISHMENT.—The Administrator, in consultation with the heads of other appropriate Federal agencies, shall jointly establish a program to conduct research on aviation technologies that enhance United States competitiveness. The program shall include—

(1) next-generation satellite communications, including global positioning satellites;

(2) advanced airport and airplane security;

(3) environmentally compatible technologies, including technologies that limit or reduce noise and air pollution;

(4) advanced aviation safety programs; and

(5) technologies and procedures to enhance and improve airport and airway capacity.

(b) PROCEDURES FOR CONTRACTS AND GRANTS.—The Administrator and the heads of the other appropriate Federal agencies shall administer contracts and grants entered into under the program established under subsection (a) in accordance with procedures developed jointly by the Administrator and the heads of the other appropriate Federal agencies. The procedures should include an integrated acquisition policy for contract and grant requirements and for technical data rights that are not an impediment to joint programs among the Federal Aviation Administration, the other Federal agencies involved, and industry.

(c) PROGRAM ELEMENTS.—The program established under subsection (a) shall include—

(1) selected programs that jointly enhance public and private aviation technology development;

(2) an opportunity for private contractors to be involved in such technology research and development; and

(3) the transfer of Government-developed technologies to the private sector to promote economic strength and competitiveness.

(d) AUTHORIZATION OF APPROPRIATIONS.—Of amounts authorized to be appropriated for fiscal years 1995 and 1996 under section 48102(a) of title 49, United States Code, as amended by section 302 of this title, there are authorized to be appropriated for fiscal years 1995 and 1996, respectively, such sums as may be necessary to carry out this section.

SEC. 304. AIRCRAFT CABIN AIR QUALITY RESEARCH PROGRAM.

(a) ESTABLISHMENT.—The Administrator, in consultation with the heads of other appropriate Federal agencies, shall establish a research program to determine—

(1) what, if any, aircraft cabin air conditions, including pressure altitude systems, on flights within the United States are harmful to the health of airline passengers and crew, as indicated by physical symptoms such as headaches, nausea, fatigue, and lightheadedness; and

(2) the risk of airline passengers and crew contracting infectious diseases during flight.

(b) CONTRACT WITH CENTER FOR DISEASE CONTROL.—In carrying out the research program established under subsection (a), the Administrator and the heads of the other appropriate Federal agencies shall contract with the Center for Disease Control and other appropriate agencies to carry out any studies necessary to meet the goals of the program set forth in subsection (c).

(c) GOALS.—The goals of the research program established under subsection (a) shall be—

(1) to determine what, if any, cabin air conditions currently exist on domestic aircraft used for flights within the United States that could be harmful to the health of airline passengers and crew, as indicated by physical symptoms such as headaches, nausea, fatigue, and lightheadedness, and including the risk of infection by bacteria and viruses;

(2) to determine to what extent, changes in, cabin air pressure, temperature, rate of cabin air circulation, the quantity of fresh air per occupant, and humidity on current domestic aircraft would reduce or eliminate the risk of illness or discomfort to airline passengers and crew; and

(3) to establish a long-term research program to examine potential health problems to airline passengers and crew that may arise in an airplane cabin on a flight within the United States because of cabin air quality as a result of the conditions and changes described in paragraphs (1) and (2).

(d) PARTICIPATION.—In carrying out the research program established under subsection (a), the Administrator shall encourage participation in the program by representatives of aircraft manufacturers, air carriers, aviation employee organizations, airline passengers, and academia.

(e) REPORT.—(1) Within six months after the date of enactment of this Act, the Administrator shall submit to the Congress a plan for implementation of the research program established under subsection (a).

(2) The Administrator shall annually submit to the Congress a report on the progress made during the year for which the report is submitted toward meeting the goals set forth in subsection (c).

(f) AUTHORIZATION OF APPROPRIATIONS.—Of amounts authorized to be appropriated for fiscal years 1995 and 1996 under section 48102(a) of title 49, United States Code, as amended by section 302 of this title, there are authorized to be appropriated for fiscal years 1995 and 1996, respectively, such sums as may be necessary to carry out this section.

SEC. 305. USE OF DOMESTIC PRODUCTS.

(a) PROHIBITION AGAINST FRAUDULENT USE OF "MADE IN AMERICA" LABELS.—(1) A person shall not intentionally affix a label bearing the inscription of "Made in America", or any inscription with that meaning, to any product sold in or shipped to the United States, if that product is not a domestic product.

(2) A person who violates paragraph (1) shall not be eligible for any contract for a procurement carried out with amounts authorized under this title, including any subcontract under such a contract pursuant to the debarment, suspension, and ineligibility procedures in subpart 9.4 of chapter 1 of title 48, Code of Federal Regulations, or any successor procedures thereto.

(b) COMPLIANCE WITH BUY AMERICAN ACT.—(1) Except as provided in paragraph (2), the head of each office within the Federal Aviation Administration that conducts procurements shall ensure that such procurements are conducted in compliance with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a through 10c, popularly known as the "Buy American Act").

(2) This subsection shall apply only to procurements made for which—

(A) amounts are authorized by this title to be made available; and

(B) solicitations for bids are issued after the date of the enactment of this Act.

(3) The Secretary, before January 1, 1995, shall report to the Congress on procurements covered under this subsection of products that are not domestic products.

(c) DEFINITIONS.—For the purposes of this section, the term "domestic product" means a product—

(1) that is manufactured or produced in the United States; and

(2) at least 50 percent of the cost of the articles, materials, or supplies of which are mined, produced, or manufactured in the United States.

SEC. 306. PURCHASE OF AMERICAN MADE EQUIPMENT AND PRODUCTS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that any recipient of a grant under this title, or under any amendment made by this title, should purchase, when available and cost-effective, American made equipment and products when expending grant monies.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In allocating grants under this title, or under any amendment made by this title, the Secretary shall provide to each recipient a notice describing the statement made in subsection (a) by the Congress.

SEC. 307. COOPERATIVE AGREEMENTS FOR RESEARCH, ENGINEERING, AND DEVELOPMENT.

Section 44505 of title 49, United States Code, is amended by adding at the end the following new subsection:

"(d) COOPERATIVE AGREEMENTS.—The Administrator may enter into cooperative agreements on a cost-shared basis with Federal and non-Federal entities that the Administrator may select in order to conduct, encourage, and promote aviation research, engineering, and development, including the development of prototypes and demonstration models.".

SEC. 308. RESEARCH PROGRAM ON QUIET AIRCRAFT TECHNOLOGY.

(a) IN GENERAL.—Subchapter I of chapter 475 of part B of subtitle VII is amended by adding at the end the following new section:

"§47509. Research program on quiet aircraft technology for propeller and rotor driven aircraft

"(a) ESTABLISHMENT.—The Administrator of the Federal Aviation Administration and the Administrator of the National Aeronautics and Space Administration shall conduct a study to identify technologies for noise reduction of propeller driven aircraft and rotorcraft.

"(b) GOAL.—The goal of the study conducted under subsection (a) is to determine the status of research and development now underway in the area of quiet technology for propeller driven aircraft and rotorcraft, including technology that is cost beneficial, and to determine whether a research program to supplement existing research activities is necessary.

"(c) PARTICIPATION.—In conducting the study required under subsection (a), the Administrator of the Federal Aviation Administration and the Administrator of the National Aeronautics and Space Administration shall encourage the participation of the Department of Defense, the Department of the Interior, the airtour industry, the aviation industry, academia and other appropriate groups.

"(d) REPORT.—Not less than 280 days after the date of the enactment of this section, the Administrator of the Federal Aviation Administration and the Administrator of the National Aeronautics and Space Administration shall transmit to Congress a report on the results of the study required under subsection (a).

"(e) RESEARCH AND DEVELOPMENT PROGRAM.—If the Administrator of the Federal Aviation Administration and the Administrator of the National Aeronautics and Space Administration determine that additional research and development is necessary and would substantially contribute to the development of quiet aircraft technology, then the agencies shall conduct an appropriate research program in consultation with the entities listed in subsection (c) to develop safe, effective, and economical noise reduction technology (including technology that can be applied to existing propeller driven aircraft and rotorcraft) that would result in aircraft that operate at substantially reduced levels of noise to reduce the impact of such aircraft and rotorcraft on the resources of national parks and other areas.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 47508 the following new item:

"47509. Research program on quiet aircraft technology for propeller and rotor driven aircraft.".

TITLE IV—EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY

SEC. 401. EXPENDITURES FROM AIRPORT AND AIRWAY TRUST FUND.

Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 (relating to expenditures from Airport and Airway Trust Fund) is amended—

(1) by striking "October 1, 1995" and inserting "October 1, 1996";

(2) by inserting "or the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992" after "Capacity Expansion Act of 1990" in subparagraph (A);

(3) by striking "(as such Acts were in effect on the date of the enactment of the Airport Improvement Program Temporary Extension Act of 1994)" in subparagraph (A) and inserting "or the Federal Aviation Administration Authorization Act of 1994"; and

(4) by adding at the end the following new flush sentence:

"Any reference in subparagraph (A) to an Act shall be treated as a reference to such Act and the corresponding provisions (if any) of title 49, United States Code, as such Act and provisions were in effect on the date of the enactment of the last Act referred to in subparagraph (A)."

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. RULEMAKING ON RANDOM TESTING FOR PROHIBITED DRUGS.

Not later than 180 days after the date of the enactment of this Act, the Secretary shall complete a rulemaking proceeding and issue a final

decision on whether there should be a reduction in the annualized rate now required by the Secretary of random testing for prohibited drugs for personnel engaged in aviation activities.

SEC. 502. TRANSPORTATION SECURITY REPORT.

Section 44938(a) is amended by striking "December 31" and inserting "March 31".

SEC. 503. REPEAL OF ANNUAL REPORT REQUIREMENT.

Section 401 of the Aviation Safety and Noise Abatement Act of 1979 (Public Law 96–193; 94 Stat. 57) is repealed.

SEC. 504. ADVANCED LANDING SYSTEM.

Notwithstanding any other provision of law or regulation, the Administrator shall consider for approval under part 171 of title 14, Code of Federal Regulations, the new generation, low cost, advanced landing system being developed by the Department of Defense. The charter for approval of such system shall be considered and acted upon expeditiously by the Federal Aviation Administration in the region where such system is being developed.

SEC. 505. ASBESTOS REMOVAL AND BUILDING DEMOLITION AND REMOVAL, VACANT AIR FORCE STATION, MARIN COUNTY, CALIFORNIA.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated in fiscal year 1995 to the account for the Department of Transportation for facilities and equipment of the Federal Aviation Administration such amount as may be necessary to permit the Administrator to carry out asbestos abatement activities and the demolition and removal of buildings at the site of the vacant Air Force station located on Mount Tamalpais, Marin County, California. The amount authorized to be appropriated by the preceding sentence shall not exceed the Federal Aviation Administration's share of the costs of carrying out such activities, demolitions, and removals.

(b) AUTHORITY TO USE FUNDS.—The Administrator may use the funds appropriated pursuant to the authorization of appropriations in subsection (a) to carry out the abatement activities and demolition and removal described in that subsection. Such funds shall be available for such purpose until expended.

SEC. 506. LAND ACQUISITION COSTS.

Notwithstanding section 47108 of title 49, United States Code, the Secretary may approve an upward adjustment not to exceed $750,000 in the maximum obligation of the United States under an airport improvement program grant made under subchapter I of chapter 471 of subtitle VII of such title to a reliever airport after September 1, 1989, and before October 1, 1989, in order to assist in funding increased land acquisition costs (as determined in judicial proceedings) and associated eligible project costs.

SEC. 507. INFORMATION ON DISINSECTION OF AIRCRAFT.

(a) AVAILABILITY OF INFORMATION.—In the interest of protecting the health of air travelers, the Secretary shall publish a list of the countries (as determined by the Secretary) that require disinfection of aircraft landing in such countries while passengers and crew are on board such aircraft.

(b) REVISION.—The Secretary shall revise the list required under subsection (a) on a periodic basis.

(c) PUBLICATION.—The Secretary shall publish the list required under subsection (a) not later than 30 days after the date of the enactment of this Act. The Secretary shall publish a revision to the list not later than 30 days after completing the revision under subsection (b).

SEC. 508. CONTRACT TOWER ASSISTANCE.

The Secretary shall take appropriate action to assist communities where the Secretary deems such assistance appropriate in obtaining the installation of a Level I Contract Tower for those communities.

SEC. 509. DISCONTINUATION OF AVIATION SAFETY JOURNAL.

(a) IN GENERAL.—The Administrator may not publish, nor contract with any other organization for the publication of, the magazine known as the "Aviation Safety Journal".

(b) CANCELLATION OF EXISTING CONTRACTS.—Not later than 30 days after the date of the enactment of this Act, the Administrator shall cancel any existing contract for publication of the Aviation Safety Journal.

SEC. 510. MONROE AIRPORT IMPROVEMENT.

(a) AUTHORITY TO GRANT WAIVERS.—Notwithstanding section 16 of the Federal Airport Act (as in effect on the date of transfer of Selman Field, Louisiana, from the United States to the city of Monroe, Louisiana), the Secretary is authorized, subject to the provisions of section 47153 of title 49, United States Code, and the provisions of subsection (b) of this section, to waive any term contained in the 1949 deed of conveyance, or any other deed of conveyance occurring subsequent to that initial transference and before the date of enactment of this Act, under which the United States conveyed certain property then constituting Selman Field, Louisiana, to the city of Monroe, Louisiana, for airport purposes.

(b) CONDITIONS.—Any waiver granted under subsection (a) shall be subject to the following conditions:

(1) The city of Monroe, Louisiana, shall agree that, in conveying any interest in the property which the United States conveyed to the city by a deed described in subsection (a), the city will receive an amount for such interest which is equal to the fair market value (as determined pursuant to regulations issued by the Secretary).

(2) Any such amount so received by the city shall be used by the city for the development, improvement, operation, or maintenance of a public airport.

SEC. 511. SOLDOTNA AIRPORT IMPROVEMENT.

(a) AUTHORITY TO GRANT WAIVERS.—Notwithstanding section 16 of the Federal Airport Act (as in effect on December 12, 1963), the Secretary is authorized, subject to the provisions of section 47153 of title 49, United States Code, and the provisions of subsection (b) of this section, to waive any of the terms contained in the deed of conveyance dated December 12, 1963, under which the United States conveyed certain property to the city of Soldotna, Alaska, for airport purposes.

(b) CONDITIONS.—Any waiver granted under subsection (a) shall be subject to the following conditions:

(1) The city of Soldotna, Alaska, shall agree that, in conveying any interest in the property which the United States conveyed to the city by deed dated December 12, 1963, the city will receive an amount for such interest which is equal to the fair market value (as determined pursuant to regulations issued by the Secretary).

(2) Any such amount so received by the city shall be used by the city for the development, improvement, operation, or maintenance of a public airport.

SEC. 512. STURGIS, KENTUCKY.

(a) AUTHORITY TO GRANT WAIVERS.—Notwithstanding any other provision of law, the Secretary is authorized, subject to section 47153 of title 49, United States Code, and subsection (b) of this section, to waive with respect to such parcels of land, or portions of such parcels, as the Administrator determines are no longer required for airport purposes, from any term contained in the deed of conveyance dated July 13, 1948, under which the United States conveyed such property to the Union County Air Board, State of Kentucky, for airport purposes of the Sturgis Municipal Airport.

(b) CONDITIONS.—Any waiver granted by the Secretary under subsection (a) shall be subject to the following conditions:

(1) The Union County Air Board shall agree that, in leasing or conveying any interest in the property with respect to which waivers are granted under subsection (a), such Board will receive an amount that is equal to the fair lease value or the fair market value, as the case may be (as determined pursuant to regulations issued by the Secretary).

(2) Such Board shall use any amount so received only for the development, improvement, operation, or maintenance of the Sturgis Municipal Airport.

(3) Any other conditions that the Secretary considers necessary to protect or advance the interests of the United States in civil aviation.

SEC. 513. ROLLA AIRPORT IMPROVEMENT.

(a) AUTHORITY TO GRANT WAIVERS.—Notwithstanding section 16 of the Federal Airport Act (as in effect on December 30, 1957), the Secretary is authorized, subject to the provisions of section 47153 of title 49, United States Code, and the provisions of subsection (b) of this section, to waive any of the terms contained in the deed of conveyance dated December 30, 1957, or any other deed of conveyance dated after such date and before the date of enactment of this Act, under which the United States conveyed certain property to the city of Rolla, Missouri, for airport purposes.

(b) CONDITIONS.—Any waiver under subsection (a) shall be subject to the following conditions:

(1) The city of Rolla, Missouri, shall agree that, in conveying any interest in the property which the United States conveyed to the city by a deed described in subsection (a), the city will receive an amount for such interest which is equal to the fair market value (as determined pursuant to regulations issued by the Secretary).

(2) Any such amount so received by the city shall be used by the city for the development, improvement, operation, or maintenance of a public airport.

SEC. 514. PALM SPRINGS, CALIFORNIA.

(a) AUTHORITY TO GRANT WAIVERS.—Notwithstanding section 47153 of title 49, United States Code, and subject to the provisions of subsection (b), the Secretary shall grant waivers from all of the terms contained in the deed of conveyance dated September 15, 1949, under which the United States conveyed certain property to Palm Springs, California, for airport purposes. The waivers shall apply only to approximately 11 acres of lot 16 of section 13, and approximately 39.07 acres of lots 19 and 20 of section 19, used by the city of Palm Springs, California for general governmental purposes.

(b) CONDITIONS.—Any waiver granted by the Secretary under subsection (a) shall be subject to the following conditions:

(1) The Secretary shall waive any requirement that there be credited to the account of the airport any amount attributable to the city's use for governmental purposes of any land conveyed under the deed of conveyance referred to in subsection (a) before the date of the enactment of this section.

(2) The city shall abandon all claims, against income of the Palm Springs Regional Airport or other assets of that airport, for reimbursement of general revenue funds that the city may have expended before the date of the enactment of this section for acquisition of 523.39 acres of land conveyed August 28, 1961, for airport purposes and for expenses incurred at any time in connection with such acquisition, and such claims shall not be eligible for reimbursement under the Airport and Airway Improvement Act or any successor law.

SEC. 515. REAL ESTATE TRANSFERS IN ALASKA AND WEATHER OBSERVATION SERVICES.

(a) TRANSFER OF SITE IN LAKE MINCHUMINA, ALASKA.—The Administrator shall convey to the Iditarod Area School District the Federal Aviation Administration building number 106 and a reasonable amount of land to make use of the property, at Lake Minchumina, Alaska, for the purpose of providing educational facilities, under the terms set forth in Agreement No. DTFA04-93-J-82007, between the Federal Aviation Administration and the Iditarod Area School District, and such other terms as are mutually agreed on between the Administrator and the Iditarod Area School District.

(b) TRANSFER OF SITE IN FORT YUKON, ALASKA.—The Administrator shall convey to the city of Fort Yukon, Alaska, the buildings of the Federal Aviation Administration and land in Fort Yukon, Alaska (described as that portion of Lot 4, U.S. Survey 7161, within section 8, T.20 N., R.12E., Fairbanks Meridian consisting of 7.14 acres, and containing the health clinic and staff housing for the aforementioned clinic) for the purpose of providing health services, under terms that are mutually agreed on between the Administrator and the city of Fort Yukon.

(c) WEATHER OBSERVATION SERVICES.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall designate airports, as described in this section, and provide human observers at such airports to offer real time weather information to pilots by direct radio contact. Airports to be designated shall be located in a State that averaged, during the period 1989-1993, 3 or more accidents per year involving serious or fatal injury to crew or passengers on regularly scheduled flights operating single-engine aircraft under visual flight rules, and shall be designated as follows:

(1) Not to exceed 5 airports where terrain and conditions do not lend themselves to IFR operations supported solely by automated weather observing systems.

(2) Not to exceed 1 airport where an automated surface observing system is scheduled to be accepted on September 1, 1994, with such weather services to be provided until such time as the Administrator determines that the automated surface observing system is fully operational.

(3) Not to exceed 8 airports (where such weather observation services shall be on a cost-reimbursable basis) that are minor hub stations or strategic visual flight rules alternate airports at times when an observer is needed to supplement the automated weather observing system or immediately replace it in the event of failure.

SEC. 516. RELOCATION OF AIRWAY FACILITIES.

Compensation received by the United States for transfer of the San Jacinto Disposal Area by the United States to the city of Galveston, Texas, shall include compensation to be provided to the Federal Aviation Administration for all costs of establishing airway facilities to replace existing airway facilities on the San Jacinto Disposal Area. Such compensation shall include but is not limited to compensation for the replacement of the land, clear zones, buildings and equipment, and demolition and disposal of the existing facilities on the San Jacinto Disposal Area.

SEC. 517. SAFETY AT ASPEN-PITKIN COUNTY AIRPORT.

(a) NIGHTTIME OPERATIONS.—On and after November 1, 1994, nighttime operations (takeoffs and landings) at Aspen-Pitkin County Airport in the State of Colorado shall be allowed for a pilot operating under instrument flight rules or visual flight rules under parts 91 and 135 of title 14, Code of Federal Regulations, between 30 minutes after official sunset and 11 p.m., local time, as follows:

(1) A pilot may operate under instrument flight rules between 30 minutes after official sunset and 11 p.m., local time (or such other operating hours as are established uniformly for all classes of operators), only if the pilot—

(A) is granted clearance by air traffic control;

(B) is instrument-rated;

(C) is operating an aircraft that is equipped as required under section 91.205(d) of such title 14 for instrument flight; and

(D) is operating an instrument approach or departure procedure approved by the Federal Aviation Administration.

(2) A pilot may operate under visual flight rules between 30 minutes after official sunset and 11:00 p.m., local time (or such other operating hours as are established uniformly for all classes of operators), only if the pilot—

(A) is instrument rated;

(B) has completed at least one takeoff or landing in the preceding 12 calendar months at such airport; and

(C) operates an aircraft equipped as required under section 91.205(d) of such title 14 for instrument flight.

(b) COMMITMENTS OF AIRPORT OWNER OR OPERATOR.—The owner or operator of the Aspen-Pitkin County Airport shall be considered to be in compliance with the requirements of subchapter II of chapter 475 of title 49, United States Code, and not otherwise unjustly discriminatory when such owner or operator notifies the Administrator that such owner or operator—

(1) commits to modify its existing regulation to expand access to general aviation operations under such special operating restrictions as are created under subsection (a) and such conditions applicable to aircraft noise certification as are currently in effect for night operations at such airport; and

(2) commits permanently not to enforce its 1990 regulatory action eliminating the so-called "ski season exception" to its nighttime curfew.

To remain in compliance, such owner or operator shall carry out both such commitments on or before November 1, 1994.

(c) MOUNTAIN FLYING.—The Administrator shall issue a notice of proposed rulemaking on mountain flying.

SEC. 518. COLLECTIVE BARGAINING AT WASHINGTON AIRPORTS.

(a) STUDY.—The Secretary and the Secretary of Labor shall undertake a study of whether employees of airports operated by the Metropolitan Washington Airports Authority (hereinafter in this section referred to as the "Airports Authority") should be given the right to bargain collectively. The study shall consider whether the benefits of collective bargaining for employees of the Airports Authority outweighs the burdens of collective bargaining.

(b) MATTERS TO BE CONSIDERED.—In conducting the study under subsection (a), the Secretary and the Secretary of Labor shall investigate the following matters and reach conclusions as to the relevance of such matters to the question of whether employees of airports operated by the Airports Authority should be given collective bargaining rights:

(1) The employment status of employees of the Airports Authority.

(2) The wages and working conditions of firefighters and other employees at the airports operated by the Airports Authority and other airports.

(3) The collective bargaining rights of employees at the airports operated by the Airports Authority and other airports.

(4) Whether other airports are governed by Federal labor laws.

(5) The existing rights of employees of the Airports Authority to collective representation regarding the terms and conditions of employment.

(6) Any other factors that the Secretary and the Secretary of Labor consider relevant to the study.

In conducting such study, the Secretary and the Secretary of Labor shall also consider procedures for impass resolution of collective bargaining disputes that will avoid the disruption of essential public services at the Airports Authority.

(c) REPORT.—Not later than March 1, 1995, the Secretary and the Secretary of Labor shall transmit to Congress a report containing the results of the study to be conducted under subsection (a). If the study concludes that employees of the airports operated by the Airports Authority should be afforded collective bargaining rights, the report shall also include specific legislative recommendations.

SEC. 519. REPORT ON CERTAIN BILATERAL NEGOTIATIONS.

The Secretary shall report every other month to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the status of all active aviation bilateral and multilateral negotiations and informal government-to-government consultations with United States aviation trade partners.

SEC. 520. STUDY ON INNOVATIVE FINANCING.

(a) STUDY.—The Secretary shall conduct a study on innovative approaches for using Federal funds to finance airport development as a means of supplementing financing available under the Airport Improvement Program.

(b) MATTERS TO BE CONSIDERED.—In conducting the study under subsection (a), the Secretary shall consider, at a minimum, the following:

(1) Mechanisms that will produce greater investments in airport development per dollar of Federal expenditure.

(2) Approaches that would permit entering into agreements with non-Federal entities, such as airport sponsors, for the loan of Federal funds, guarantee of loan repayment, or purchase of insurance or other forms of enhancement for borrower debt, including the use of unobligated Airport Improvement Program contract authority and unobligated balances in the Airport and Airway Trust Fund.

(3) Means to lower the cost of financing airport development.

(c) CONSULTATION.—In considering innovative financing pursuant to this section, the Secretary may consult with airport owners and operators and public and private sector experts.

(d) REPORT TO CONGRESS.—Not later than 12 months after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under subsection (a).

SEC. 521. SAFETY OF JUNEAU INTERNATIONAL AIRPORT.

(a) STUDY.—Not later than 30 days after the date of the enactment of this Act, the Secretary, in cooperation with the National Transportation Safety Board, the National Guard, and the Juneau International Airport, shall undertake a study of the safety of the approaches to the Juneau International Airport.

(b) MATTERS TO BE CONSIDERED.—In conducting the study under subsection (a), the Secretary shall examine—

(1) the crash of Alaska Airlines Flight 1866 on September 4, 1971;

(2) the crash of a Lear Jet on October 22, 1985;

(3) the crash of an Alaska Army National Guard aircraft on November 12, 1992;

(4) the adequacy of NAVAIDs in the vicinity of the Juneau International Airport;

(5) the possibility of inaccurate data from Sisters Island DVOR and the possibility of confusion between Elephant Island Non-Directional Beacon and Coghlan Island Non-Directional Beacon;

(6) the need for a singular Approach Surveillance Radar site on top of Heintzleman Ridge;

(7) the need for a Terminal Very High Frequency Omni-Directional Range (Terminal VOR) navigational aid in Gastineau Channel; and

(8) any other matter that a participant in the study specified in subsection (a) considers appropriate to the safety of aircraft approaching or leaving the Juneau International Airport.

(c) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report which—

(1) details the matters considered by the study conducted under subsection (a);

(2) summarizes any conclusions reached by the participants in the study;

(3) proposes specific recommendations to improve or enhance the safety of aircraft approaching or leaving the Juneau International Airport or contains a detailed explanation of why no recommendations are being proposed;

(4) estimates the cost of any proposed recommendations;

(5) includes any other matters the Secretary deems appropriate; and

(6) includes any minority views if a consensus is not reached among the participants in the study specified in subsection (a).

SEC. 522. STUDY ON CHILD RESTRAINT SYSTEMS.

(a) STUDY.—The Secretary shall conduct a study on the availability, effectiveness, cost, and usefulness of restraint systems that may offer protection to a child carried in the lap of an adult aboard an air carrier aircraft or provide for the attachment of a child restraint device to the aircraft.

(b) STUDY CRITERIA.—Among other issues, the study shall examine the impact of the following:

(1) The direct cost to families of requiring air carriers to provide restraint systems and requiring infants to use them, including whether airlines will charge a fare for use of seats containing infant restraining systems; such estimate to cover a ten-year period.

(2) The impact on air carrier aircraft passenger volume by requiring use of infant restraint systems, including whether families will choose to travel to destinations by other means, including automobiles; such estimate to cover a ten-year period.

(3) The impact over a 10-year period on fatality rates of infants using other modes of transportation, including automobiles.

(4) The efficacy of infant restraint systems currently marketed as able to be used for air carrier aircraft.

(c) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on the results of the study conducted under subsection (a).

SEC. 523. SENSE OF SENATE RELATING TO DOT INSPECTOR GENERAL.

It is the sense of the Senate that the Inspector General of the Department of Transportation in carrying out the duties and responsibilities of the Inspector General Act of 1978 has oversight responsibilities and may conduct and supervise audits and investigations relating to any funds appropriated by the Congress and made available for any programs or operations at Washington National Airport and Washington Dulles International Airport, and that the Inspector General shall—

(1) provide leadership and coordination and recommend policies for activities designed to promote the economy, efficiency, and effectiveness of such programs and operations;

(2) act to prevent and detect fraud and abuse in such programs and operations; and

(3) inform the Secretary and the Congress about problems and deficiencies relating to the administration of such programs and operations.

SEC. 524. SENSE OF SENATE ON ISSUANCE OF REPORT ON USAGE OF RADAR AT THE CHEYENNE, WYOMING, AIRPORT.

It is the sense of the Senate that the Secretary should—

(1) take such action as may be necessary to revise the cost and benefit analysis process of the Department of Transportation to fully take projected military enplanement and cost savings figures into consideration with regard to radar installations at joint-use civilian and military airports;

(2) require the Administrator to reevaluate the aircraft radar needs at the Cheyenne, Wyoming, airport and enter into an immediate dialogue with officials of the Wyoming Air Guard, F.E. Warren Air Force Base, and Cheyenne area leaders in the phase II radar installation reevaluation of the Administration and adjust cost and benefit determinations based to some appropriate degree on already provided military figures and concerns and other enplanement projections in the region; and

(3) report to Congress not later than 60 days after the date of the enactment of this Act on the results of the reevaluation of the aircraft radar needs of the Cheyenne, Wyoming, airport and of Southeast Wyoming, and explain how military figures and concerns will be appropriately solicited in future radar decisions involving joint-use airport facilities.

SEC. 525. NORTH KOREA.

(a) FINDINGS.—(1) President Clinton stated in November 1993 that it is the official policy of the United States that North Korea cannot be allowed to become a nuclear power.

(2) The United States seeks to persuade North Korea, through negotiations, the imposition of sanctions, or other means, to act in accordance with its freely undertaken obligations under the Treaty on the Non-Proliferation of Nuclear Weapons and to abandon its efforts to develop nuclear weapons.

(3) North Korea has repeatedly threatened to withdraw from the Treaty on the Non-Proliferation of Nuclear Weapons, has resisted efforts of the International Atomic Energy Agency to conduct effective inspections of its nuclear program, and has stated that it would consider the imposition of economic sanctions as an act of war and has threatened retaliatory action.

(4) The North Korean Government has constructed and has operated a reprocessing facility at Yongbyon solely designed to convert spent nuclear fuel into plutonium with which to make nuclear weapons. Further, the existence of this facility and the development of these weapons gravely threaten security in the region and increases the likelihood of worldwide nuclear terrorism.

(5) The Secretary of Defense stated that the United States must act on the assumption that there will be some increase in the risk of war if sanctions are imposed on North Korea.

(6) It is incumbent on the United States to take all necessary and prudent action to act together with the Republic of Korea to ensure the preparedness of United States and Republic of Korea forces to repel as quickly as possible any attack from North Korea and to protect the safety and security of United States and Republic of Korea forces, as well as the safety and security of the civilian population of the peninsula.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States should immediately take all necessary and prudent actions to enhance the preparedness and safety of United States forces and urge and assist the Republic of Korea to do likewise in order to deter and, if necessary, repel an attack from North Korea.

SEC. 526. SENSE OF SENATE ON FINAL REGULATIONS UNDER CIVIL RIGHTS ACT OF 1964.

(a) FINDINGS.—The Senate finds that—

(1) the liberties protected by our Constitution include religious liberty protected by the first amendment;

(2) citizens of the United States profess the beliefs of almost every conceivable religion;

(3) Congress has historically protected religious expression even from governmental action not intended to be hostile to religion;

(4) the Supreme Court has written that "the free exercise of religion means, first and foremost, the right to believe and profess whatever religious doctrine one desires";

(5) the Supreme Court has firmly settled that under our Constitution the public expression of ideas may not be prohibited merely because the content of the ideas is offensive to some;

(6) Congress enacted the Religious Freedom Restoration Act of 1993 to restate and make clear again our intent and position that religious liberty is and should forever be granted protection from unwarranted and unjustified government intrusions and burdens;

(7) the Equal Employment Opportunity Commission has written proposed guidelines to title VII of the Civil Rights Act of 1964, published in the Federal Register on October 1, 1993, that may result in the infringement of religious liberty;

(8) such guidelines do not appropriately resolve issues related to religious liberty and religious expression in the workplace;

(9) properly drawn guidelines for the determination of religious harassment should provide appropriate guidance to employers and employees and assist in the continued preservation of religious liberty as guaranteed by the first amendment;

(10) the Commission states in its proposed guidelines that it retains wholly separate guidelines for the determination of sexual harassment because the Commission believes that sexual harassment raises issues about human interaction that are to some extent unique in comparison to other harassment and may warrant separate treatment; and

(11) the subject of religious harassment also raises issues about human interaction that are to some extent unique in comparison to other harassment.

(b) It is the sense of the Senate that, for purposes of issuing final regulations under title VII of the Civil Rights Act of 1964 in connection with the proposed guidelines published by the Equal Employment Opportunity Commission on October 1, 1993 (58 Fed. Reg. 51266)—

(1) the category of religion should be withdrawn from the proposed guidelines at this time;

(2) any new guidelines for the determination of religious harassment should be drafted so as to make explicitly clear that symbols or expressions of religious belief consistent with the first amendment and the Religious Freedom Restoration Act of 1993 are not to be restricted and do not constitute proof of harassment;

(3) the Commission should hold public hearings on such new proposed guidelines; and

(4) the Commission should receive additional public comment before issuing similar new regulations.

TITLE VI—INTRASTATE TRANSPORTATION OF PROPERTY

SEC. 601. PREEMPTION OF INTRASTATE TRANSPORTATION OF PROPERTY.

(a) FINDINGS.—Congress finds and declares that—

(1) the regulation of intrastate transportation of property by the States has—

(A) imposed an unreasonable burden on interstate commerce;

(B) impeded the free flow of trade, traffic, and transportation of interstate commerce; and

(C) placed an unreasonable cost on the American consumers; and

(2) certain aspects of the State regulatory process should be preempted.

(b) TRANSPORTATION BY AIR CARRIER OR CARRIER AFFILIATED WITH A DIRECT AIR CARRIER.—

(1) IN GENERAL.—Section 41713(b) is amended by adding at the end the following new paragraph:

"(4) TRANSPORTATION BY AIR CARRIER OR CARRIER AFFILIATED WITH A DIRECT AIR CARRIER.—

"(A) GENERAL RULE.—Except as provided in subparagraph (B), a State, political subdivision of a State, or political authority of 2 or more States may not enact or enforce a law, regulation, or other provision having the force and effect of law related to a price, route, or service of an air carrier or carrier affiliated with a direct air carrier through common controlling ownership when such carrier is transporting property by aircraft or by motor vehicle (whether or not such property has had or will have a prior or subsequent air movement).

"(B) MATTERS NOT COVERED.—Subparagraph (A)—

"(i) shall not restrict the safety regulatory authority of a State with respect to motor vehicles, the authority of a State to impose highway route controls or limitations based on the size or weight of the motor vehicle or the hazardous nature of the cargo, or the authority of a State to regulate motor carriers with regard to minimum amounts of financial responsibility relating to insurance requirements and self-insurance authorization; and

"(ii) does not apply to the transportation of household goods, as defined in section 10102 of this title.

"(C) APPLICABILITY OF PARAGRAPH (1).—This paragraph shall not limit the applicability of paragraph (1).".

(2) CONFORMING AMENDMENTS.—

(A) SECTION 41713.—Section 41713(b)(2) is amended by striking "Paragraph (1) of this subsection does" and inserting "Paragraphs (1) and (4) of this subsection do".

(B) SECTION 40102.—Section 40102(a)(35) is amended by striking "for air transportation".

(C) SECTION 10521.—Section 10521(b)(1) is amended by striking "and 11501(e)" and inserting "11501(e), and 11501(h)".

(c) TRANSPORTATION BY MOTOR CARRIER.—Section 11501 is amended by adding at the end the following new subsection:

"(h) PREEMPTION OF STATE ECONOMIC REGULATION OF MOTOR CARRIERS.—

"(1) GENERAL RULE.—Except as provided in paragraphs (2) and (3), a State, political subdivision of a State, or political authority of 2 or more States may not enact or enforce a law, regulation, or other provision having the force and effect of law related to a price, route, or service of any motor carrier (other than a carrier affiliated with a direct air carrier covered by section 41713(b)(4) of this title) or any motor private carrier with respect to the transportation of property.

"(2) MATTERS NOT COVERED.—Paragraph (1)—

"(A) shall not restrict the safety regulatory authority of a State with respect to motor vehicles, the authority of a State to impose highway route controls or limitations based on the size or weight of the motor vehicle or the hazardous nature of the cargo, or the authority of a State to regulate motor carriers with regard to minimum amounts of financial responsibility relating to insurance requirements and self-insurance authorization; and

"(B) does not apply to the transportation of households goods.

"(3) STATE STANDARD TRANSPORTATION PRACTICES.—

"(A) CONTINUATION.—Paragraph (1) shall not affect any authority of a State, political subdivision of a State, or political authority of 2 or more States to enact or enforce a law, regulation, or other provision, with respect to the intrastate transportation of property by motor carriers, related to—

"(i) uniform cargo liability rules,

"(ii) uniform bills of lading or receipts for property being transported,

"(iii) uniform cargo credit rules, or

"(iv) antitrust immunity for joint line rates or routes, classifications and mileage guides,

if such law, regulation, or provision meets the requirements of subparagraph (B).

"(B) REQUIREMENTS.—A law, regulation, or provision of a State, political subdivision, or political authority meets the requirements of this subparagraph if—

"(i) the law, regulation, or provision covers the same subject matter as, and compliance with such law, regulation, or provision is no more burdensome than compliance with, a provision of this subtitle or a regulation issued by the Interstate Commerce Commission or the Secretary of Transportation under this subtitle; and

"(ii) the law, regulation, or provision only applies to a carrier upon request of such carrier.

"(C) ELECTION.—Notwithstanding any other provision of law, a carrier affiliated with a direct air carrier through common controlling ownership may elect to be subject to a law, regulation, or provision of a State, political subdivision, or political authority under this paragraph.".

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on January 1, 1995; except that with respect to the State of Hawaii the amendment made by subsection (c) shall take effect on the last day of the 3-year period beginning on the date of the enactment of this Act.

And the Senate agree to the same.

From the Committee on Public Works and Transportation, for consideration of titles I and II of the House bill, and the Senate amendment (except secs. 121, 206, 304, 415, 418 and title VI), and modifications committed to conference:

NORMAN Y. MINETA,
NICK RAHALL,
JAMES L. OBERSTAR,
ROBERT A. BORSKI,
BOB CLEMENT,
BUD SHUSTER,
BILL CLINGER,
THOMAS E. PETRI,

From the Committee on Banking, Finance and Urban Affairs, for consideration of title VI of the Senate amendment, and modifications committed to conference:

HENRY GONZALEZ,
STEVE NEAL,

From the Committee on Education and Labor, for consideration of sec. 418 of the Senate amendment, and modifications committed to conference:

WILLIAM D. FORD,
MAJOR R. OWENS,
HOWARD "BUCK" MCKEON,

From the Committee on Education and Labor, for consideration of sec. 208 of the House bill, and modifications committed to conference:

WILLIAM D. FORD,
BILL CLAY,
PAT WILLIAMS,

From the Committee on Foreign Affairs, for consideration of sec. 415 of the Senate amendment, and modifications committed to conference:

LEE H. HAMILTON,
TOM LANTOS,
GARY L. ACKERMAN,
HOWARD L. BERMAN,
ENI FALEOMAVAEGA,
BENJAMIN A. GILMAN,
BILL GOODLING,
JIM LEACH,

From the Committee on Science, Space, and Technology, for consideration of title III of the House bill, and secs. 206 and 304 of the Senate amendment, and modifications committed to conference:

GEORGE E. BROWN, Jr.,
TIM VALENTINE,
DAN GLICKMAN,
PETE GEREN,
JANE HARMAN,
ROBERT S. WALKER,
TOM LEWIS,
CONSTANCE MORELLA,

From the Committee on Ways and Means, for consideration of title IV of the House bill, and secs. 121 and 122 of the Senate amendment, and modifications committed to conference:

SAM GIBBONS,
DAN ROSTENKOWSKI,
J.J. PICKLE,
PETE STARK,
BILL ARCHER,
PHIL CRANE,

Managers on the Part of the House.

ERNEST HOLLINGS,
WENDELL FORD,
JAMES EXON,
JOHN C. DANFORTH,
LARRY PRESSLER,

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 amendment of the Senate to the bill (H.R. 2739) to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations for fiscal years 1994, 1995, and 1996, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

1. SECTION 1. SHORT TITLE

House bill

"Aviation Infrastructure Investment Act of 1993."

Senate amendment

"Federal Aviation Administration Authorization Act of 1994."

Conference substitute

Senate amendment.

2. SECTION 101. AIP REAUTHORIZATION

House bill

Authorizes contract authority for Airport Improvement Program of $2.105 billion for fiscal year 1994; $2.161 billion for fiscal year 1995; and $2.214 billion for fiscal year 1996.

Senate amendment

Authorizes AIP contract authority of $2.05 billion for fiscal year 1994; $2.2 billion for fiscal year 1995; and $2.28 billion for fiscal year 1996.

Conference substitute

The Conference Substitute adopts the authorization levels of the House bill.

In recent years, AIP funding has steadily been reduced in the appropriations process. The Managers are concerned about the affect these lower funding levels will have on private reliever airports. In order to receive an AIP grant, airports must put up a local share, usually between 10 and 25 percent of the grant. Currently, airports can use land value as an airport's local share. Under this approach, an airport would agree to forego reimbursement from the FAA for the land the airport previously acquired itself. The amount of the reimbursement foregone is counted as the airport's local share. However, the FAA considers the amount of the reimbursement foregone to be the value of the land at the time that the airport acquired it, rather than its current value at the time the AIP grant is made. Under these circumstances, the private reliever airports present a special case, dealing with private property rights. There are but a few private reliever airports in the country that may be in such a unique position.

These private reliever airports acquired their land years ago. Consequently the value of the land, as calculated by the FAA for the purpose of the local share, is treated as only a fraction of its real value today. As a result, private reliever airports may not get the full benefit of using land for the local share. At private reliever airports, because of their limited ability to generate revenues, land valuation may be the only means to obtain financing. As a consequence, this limited land valuation may inhibit the private reliever in meeting the local share requirements for an AIP grant. These relievers provide a benefit to the national air transportation system, at least as important as public relievers, in reducing congestion at larger airports. Therefore, impediments to improving these private reliever facilities should be minimized. Accordingly, the Managers urge the FAA to reconsider carefully its policy on land value of private relievers for their local share under the AIP program.

Due to the lapse in the AIP program, new hub airports have had to move forward with multi-year capital construction programs to accommodate new increased cargo demands at airports. The Managers recommend that the FAA take these factors into consideration when awarding FY 1995 capital grants and negotiating Letters of Intent.

With respect to Title 49 U.S.C. Section 47102 (3)(E) of the Airport and Airway Improvement Act, the Managers intend relocation of radar towers to include a tower which must be relocated due to interference from a facility served by a project approved by the Secretary under this title.

3. SECTION 102. F&E REAUTHORIZATION

House bill

Authorizes funding for FAA Facilities and Equipment of $2.524 billion for fiscal year 1994; $2.670 billion for fiscal year 1995; and $2.735 billion for fiscal year 1996.

Senate amendment

No provision.

Conference substitute

The Conference Substitute adopts the funding levels of the House bill.

The Managers recognize, as does the FAA, that weather information plays a critical role in aviation safety. In addition, according to the FAA, in 1993, weather accounted for 71.8 percent of delays. The need to better detect weather systems is borne out by NTSB data which indicates that weather is cited as the cause in 20–25% of all aviation accidents. There are many systems that are used by FAA to track weather, and FAA also works with the National Weather Service to ensure that the best information is available. Systems like Low Level Windshear Alert Systems and Terminal Doppler Weather Radars (TDWRs) are designed to provide advance warnings of windshear and other potentially hazardous wind conditions. Currently, FAA is in the process of installing TDWRs at 47 sites. Ten sites already have TDWRs, but only one has been commissioned. (The first site was commissioned on July 21, 1994.) In addition, nine sites are under construction, while the remaining sites are awaiting installation. As a general matter, it takes some 18 months to install a TDWR, and an additional 4 to 6 months to commission the facility.

The TDWRs must be sited approximately 8 to 12 miles off the end of a runway. In selecting sites, the FAA has encountered a variety of problems, including wetlands replacement and other environmental issues, as well as land owners unwilling to sell the land. The FAA has worked through many of these problems. Currently, FAA anticipates that it will install and commission TDWRs at the rate of one and a half per month. TDWR technology is fully developed and the contract executed. Delivery, installation and commissioning remain to be accomplished.

The Managers want to ensure that the FAA continues to make this program a priority and that sufficient resources and personnel are available to ensure its completion. In addition, the Managers urge the FAA to accelerate areas like environmental reviews and system check out teams. Finally, the Managers request that the FAA keep the Committee on Commerce, Science, and Transportation and the Committee on Public Works and Transportation apprised of any scheduling changes in the program.

With respect to the modernization of towers the Managers direct the FAA to fully consider the tower modernization needs beyond the approximately 70 Towers currently being addressed under the restructured TCCC program. FAA shall consider the implementation of FAA-developed systems which provide enhanced functionality on a low-cost basis as a near-term complement to the restructured TCCC. The Managers believe the FAA should consider a Pilot Project involving several towers which could then be evaluated and potentially expanded to bring modernization operations to as many towers as possible. The FAA should report to the House Committee on Public Works and Transportation and the Senate Committee on Commerce, Science and Transportation on its activities in this regard.

4. SECTION 102. O&M FROM TRUST FUND

House bill

Authorizes Trust Fund to support FAA Operations subject to ceilings of 50% of the amounts made available for the AIP, F&E, and R&D programs and that total Trust Fund spending may not exceed 70% of FAA's budget.

Senate Amendment

No provision.

Conference substitute

House bill.

5. SECTION 103. FAA OPERATIONS AUTHORIZATION

House bill

Authorizes FAA Operations in the amounts of $4.576 billion for fiscal year 1994; $4.674 billion for fiscal year 1995; and $4.810 billion for fiscal year 1996.

Senate Amendment

No provision.

Conference substitute

House bill.

6. SECTION 103. MINIMUM ENTITLEMENT

House bill

The minimum entitlement in AIP program is raised from $400,000 a year to $500,000.

Senate Amendment

No provision.

Conference substitute

No provision (enacted in P.L. 103–260, April 19, 1994).

7. INTEGRATED AIRPORT SYSTEM PLANNING

House bill

Minimum funding for integrated airport system planning in the AIP program is increased from 0.5% to 0.75% of AIP program.

Senate Amendment

No provision.

Conference substitute

No provision (enacted in P.L. 103–260, April 19, 1994).

8. SECTION 116. MILITARY AIRPORT SET-ASIDE OF 2.5% OF AIP PROGRAM

House bill

Minimum funding requirements for military airports in the AIP program are extended through FY 1996. The number of airports which may be included in the program is increased from 12 to 16.

Senate Amendment

Minimum funding requirements are extended indefinitely. There is no numerical limitation on the number of airports in program. Airports to be added to the program are limited to military airports listed in reports of the Defense Base Closure and Realignment Commission. The exception to the limitation of five years participation in the program is eliminated (the exception permits airports which do not reach the small hub level to be redesignated). Eligibility for funding for repair or construction of parking lots, fuel farms, and utilities is extended indefinitely.

Conference substitute

The program is extended through FY 1996 and the number of airports which may participate in the program is increased to 15. For airports added to the program in the future, there must be a finding that development of the military airport would reduce delays at an airport with more than 20,000 hours of annual delay. The Senate provision eliminating the exception to five year limit is included. Notwithstanding the recent GAO report, the Managers expect the FAA to continue to make grants to military airports for runways, taxiways, land, and aprons. FAA should not necessarily focus on fuel farms, parking lots, and utilities, except where that is important for making the airport compatible with civilian use.

9. TERMINAL DEVELOPMENT AT SMALL AIRPORTS

House bill

Makes non-hub airports eligible for discretionary AIP funding for terminal development.

Senate Amendment

No provision.

Conference substitute

No provision (enacted in P.L. 103-260, April 19, 1994).

10. SECTION 105. EXPLOSIVE DETECTION DEVICES AND UNIVERSAL ACCESS SYSTEM

House bill

Clarifies that explosive detection devices and universal access systems are eligible for AIP funding if they otherwise meet the criteria for funding of security equipment.

Senate amendment

Same provision.

Conference substitute

House bill.

11. SECTION 104. INNOVATIVE CONCRETE

House bill

Amends the policy statement for the AIP program to establish the goal of administering the AIP program to encourage the development and use of innovative concrete and other building materials.

Senate amendment

Amends the policy statement to encourage innovative technology generally, in all Trust Fund programs.

Conference substitute

The Conference substitute merges the House bill and the Senate Amendment.

12. SECTION 115. LETTERS OF INTENT

House bill

Provides that AIP grants may be made under letters of intent in the same fiscal year that the letter is issued.

Senate amendment

Same provision.

Conference substitute

House bill.

13. SECTION 514. PALM SPRINGS

House bill

Allows the release of deed restrictions requiring specified land at Palm Springs Airport to be used for airport purposes, subject to certain conditions.

Senate amendment

Same provision.

Conference substitute

House bill.

14. FEES FOR FOREIGN REPAIR STATIONS (SEE ITEM 32)

House bill

Requires the FAA to establish a schedule of fees equivalent to the costs of certifying and inspecting foreign repair stations.

Senate amendment

No provision.

Conference substitute

Merge the House bill with the Senate amendment in Item 32.

15. SECTION 501. RANDOM DRUG TESTING

House bill

Requires the Secretary of Transportation to complete a rulemaking proceeding in 1 year to determine whether to reduce the rate of random drug testing with regard to aviation personnel. If the rulemaking is not completed on time, the rate of random drug testing is reduced by law to 25% of employees per year.

Senate amendment

No provision.

Conference substitute

The Conference Substitute establishes a 6 month deadline for the completion of a Department of Transportation rulemaking on this issue.

In February 1994, DOT issued a notice of proposed rulemaking concerning random drug testing rates, under which the testing rates for aviation and other modal industries are tied to the percentage of positive tests for persons working in the particular transportation industry. The Managers urge the Department to move forward on this rulemaking expeditiously.

16. SECTION 204. PASSENGER FACILITY CHARGES ON FREQUENT FLIERS

House bill

Provides that airports may not impose passenger facility charges (PFCs) on frequent fliers and other non-paying passengers.

Senate amendment

No provision.

Conference substitute

House bill.

17. SECTION 204. JUSTIFICATION FOR PFC

House bill

Provides that to approve a PFC, the Secretary of Transportation must find that the application includes adequate justification for each of the projects proposed.

Senate amendment

No provision.

Conference substitute

House bill.

18. SECTION 201. TERM OF OFFICE FOR FAA ADMINISTRATOR

House bill

Establishes a five year term of office for FAA Administrators appointed after enactment.

Senate amendment

No provision.

Conference substitute

House bill.

19. SECTION 120. SOUNDPROOFING RESIDENTIAL BUILDINGS

House bill

Continues an exemption permitting funding for the soundproofing of residential buildings at airports which have not completed a Part 150 study.

Senate amendment

Same provision

Conference substitute

House bill.

20. SECTION 120. SOUNDPROOFING RESIDENTIAL BUILDINGS AT AIRPORTS WHERE DEPARTURE PROCEDURES WERE CHANGED BY FAA

House bill.

Allows funding for the soundproofing of residential buildings at airports which did not do a Part 150 study, if there is increased noise at the airport caused by a revision of departure procedures that occurred in FY 1993.

Senate amendment

Same provision.

House bill.

21. SECTION 518. COLLECTIVE BARGAINING AT WASHINGTON AIRPORTS

House bill

Provides for collective bargaining for employees of the Metropolitan Washington Airports Authority, with a prohibition of strikes and lockouts, and a requirement of mandatory arbitration of disputes which are not resolved by bargaining.

Senate amendment

No provision.

Conference substitute

Requires the Secretaries of Transportation and Labor to study the issue of whether employees of the airports operated by the Metropolitan Washington Airports Authority should be given the right to bargain collectively for wages.

The Managers raised a number of questions concerning this provision during its consideration, which led to the decision to seek further information. The Managers would expect to revisit this issue upon completion of the study.

One of the specific items which is to be studied may require clarification; with respect to the "status of employees," the Managers contemplate a determination of whether airport employees are state or federal employees, or have some other status.

22. SECTION 519. REPORT ON BILATERAL NEGOTIATIONS

House bill

Requires a bimonthly report from the Secretary of Transportation on active aviation bilateral negotiations.

Senate amendment

No provision.

Conference substitute

House bill. The Managers have agreed to this provision so that the committees can be kept apprised of important developments in aviation negotiations. Currently, the Department is providing only a list of meeting dates concerning such negotiations. The report directed by the Conference Substitute requires a summary and analysis of discussions held in active negotiations and informal government consultation. Departmental views in the prospects for reaching a satisfactory agreement should also be included.

23. SECTION 206. SLOTS

House bill

Requires DOT to conduct a study of whether the high density rule should be eliminated or whether an increase in the number of operations should be permitted. The study should also include the impact of prohibiting the withdrawal of domestic slots for international service by U.S. or foreign carriers.

Provides that slot availability shall not be a factor in establishing Essential Air Service (EAS) requirements; requires the Secretary to take action to ensure that slots are available as needed for EAS communities, subject to a limit of 132 EAS slots at O'Hare; modifies requirements for retaining slots previously used for EAS, so that a slot may be retained only if it is used to provide basic EAS at another point.

Provides that the Secretary shall not take a slot from a U.S. carrier and award the slot to a foreign carrier, if U.S. carriers are not provided equal access in the foreign country involved.

Senate amendment

References an on-going DOT study of the high density rule. Requires the study to consider the impact of existing rules on essential air service and new entrants, and to consider the fairness and desirability of current rules providing for the withdrawal of domestic slots for foreign operations. Requires a rulemaking after the study is completed in November, 1994. The NPRM resulting from the study must be issued by March 1, 1995, and the final rule be June 1, 1995.

Authorizes exemptions to create additional slots at airports, other than National Airport, for Stage 3 operations, essential air service with Stage 3 aircraft, foreign air transportation with Stage 3 aircraft, and new entrants, in exceptional circumstances.

At National Airport, a carrier now holding slots may obtain an exemption to obtain another slot to operate Stage 3 aircraft if the

exemption does not increase the total number of slots at National, does not increase hourly operations at National by more than two, does not withdraw slots from any carrier, and does not increase the noise impact.

Any exemptions issued shall terminate on the effective date of the new regulations.

DOT is directed to consider eliminating weekend flights from the use-it-or-lose-it rule for slots.

Until new slot regulations are issued, the Secretary may not withdraw domestic slots at O'Hare Airport for the purpose of reallocating such slots to international service.

Conference substitute

The Substitute requires that, in determining what is basic essential air service and selecting an air carrier to provide such service, the Secretary of Transportation shall not consider as a factor whether slots at a high density airport are available for providing such service. The substitute further requires that if essential air service is to be provided from an eligible point to a high density airport, the Secretary shall ensure that the air carrier providing or selected to provide such service has sufficient operational authority at the high density airport to provide such service. The Managers believe that this will lead to the restoration of service to communities that lost it, and access to O'Hare Airport for passengers from communities that have been forced to fly to other airports.

If necessary to carry out these objectives, the Secretary shall grant exemptions to create slots for air carriers using Stage 3 aircraft or commuter air carriers, unless such exemption, will significantly increase operational delays. If the Secretary finds that an exemption would significantly increase operational delays, the Secretary shall take such action as may be necessary to ensure that an air carrier providing or selected to provide basic essential air service is able to obtain access to the required high density airport. At O'Hare Airport, the Secretary shall not be required to make slots available for essential air service if the number of slots used for such service is at least 132. The Secretary shall take final action within 60 days on an application for operational authority to provide essential air service.

As a general matter, the Managers expect the Secretary to accommodate the essential air service needs of communities by exemption rather than slot take-aways. The exemptions, of slots where necessary must be provided within 60 days of being requested by the carrier and should be at reasonable times, taking into account the needs of passengers with connecting flights.

For foreign air transportation, the Substitute provides that the Secretary may, if he finds it to be in the public interest, grant exemptions for operations to provide foreign air transportation at high density airports to air carriers and foreign air carriers. The Secretary may not withdraw a slot from an air carrier to allocate it to a foreign air carrier for foreign air transportation if the withdrawal of that slot will result in the withdrawal of a slot from an air carrier at O'Hare Airport in excess of the total number of slots withdrawn from that air carrier as of October, 31, 1993. The Secretary shall not issue exemptions or withdraw slots for the benefit of foreign air carriers whose countries deny equal access to our carriers.

The bill adopts the provisions in the Senate amendment for slots for new entrants (which include limited incumbents) and the special rules for Washington National Airport. The provisions in the bill on essential air service, foreign air transportation, and new entrants do not apply to National Airport.

For Washington National Airport, the Conference Substitute adds to the Senate amendment a requirement that any exemption may not result in an increase in a total number of slots at the airport from 7:00 a.m. to 9:59 p.m., and may not increase in any one hour operations by more than two slots. The Managers believe this section should be used in limited circumstances to meet the needs of carriers holding a limited number of slots. Carriers holding numerous slots should be able to adjust their schedules, and thus the flexibility permitted by this schedules, and thus the flexibility permitted by their section should not be available to such carriers. In addition, exemption 5133 is not adversely affected, and if circumstances warrant, the Secretary may permit changes in operations to this exemption holder. The Managers also are aware of a colloquy on June 16, 1994, during the Senate consideration of H.R. 2739 concerning exceptional circumstances. Finally the Conference Substitute merges the studies contemplated by the House bill and the Senate amendment, and includes the provision in the Senate amendment that requires consideration by the Secretary of the advisability of eliminating weekend schedules from the "use-it-or-lose-it" rule for rataining slots.

24. SECTION 108. REPEAL OF SPECIAL REQUIREMENTS FOR GENERAL AVIATION AIRPORTS ASTRIDE A COUNTY LINE

House bill

Repeals the requirement that to receive an AIP grant, a general aviation airport astride a county line must have the approval of all incorporated communities within five miles of the airport boundaries.

Senate amendment

No provision.

Conference substitute

House bill.

25. SECTION 522. CHILD RESTRAINT SYSTEMS

House bill

Requires airlines to provide a child restraint system if requested by a revenue passenger on behalf of a revenue child passenger.

Senate amendment

Requires a study of the availability, effectiveness, cost, and usefulness of a restraint system for a child in a lap, or in a child restraint system attached to the aircraft. The study shall consider the impact on passenger volume, costs to the passengers, and the fatality rate for infants using other modes of transportation.

Conference substitute

Senate amendment.

26. CONTINUATION OF LETTERS OF INTENT

House bill

No provision.

Senate amendment

Authorizes the Secretary to continue to issue Letters of Intent.

Conference substitute

No provision. The Managers have concluded that this provision is necessary. The provision has been included as a response to legislative proposals to suspend letters of intent. These proposals have not been passed. The Managers expect the FAA to continue to implement the letter of intent program.

27. SECTION 107. PREVENTIVE MAINTENANCE

House bill

No provision.

Senate amendment

Provides that no AIP funds shall be available for the replacement or reconstruction of pavement unless the sponsor has provided assurances that the airport has implemented an effective pavement maintenance/management program. Requires DOT to issue regulations, not later than one year after the date of enactment, to ensure that no product shall be used for pavement maintenance or rehabilitation unless the manufacturer of such product warrants the performance of the product.

Conference substitute

Senate provision on AIP assurance. Requires DOT to study the costs and benefits of a requirement that the manufacturer or installer of pavement maintenance and rehabilitation products provide minimum warranties of enhanced minimum specifications for such products, and of the use of insurance, or other means to improve the performance and value of such products.

28. SECTION 109. REPORT ON IMPACTS OF NEW AIRPORT PROJECTS

House bill

No provision.

Senate amendment

Provides that at least 90 days prior to the approval of a grant application to construct a new large or medium hub airport, the Secretary shall submit to the Congress a report analyzing the anticipated impact of the airport on fees charged to air carriers, air transportation provided in the geographic region of the proposed airport, and the availability and cost of providing air transportation to rural areas in such geographical region.

Conference substitute

Senate amendment.

29. SECTION 120. LANDING AIDS AND NAVIGATIONAL EQUIPMENT POOL

House bill

No provision.

Senate amendment

Requires Secretary to purchase an inventory of Instrument Landing Systems (ILS); requires spending of not less than $30 million a year for FY 1994–1996 to acquire and install these ILS.

Conference substitute

Senate amendment on the requirement of funds to be spent for ILSs. Authorizes FAA to allow airports to purchase ILSs under FAA procurement contracts.

The Managers have found that the current federal procurement processes used to acquire and install precision approach landing aids and navigation equipment, such as Instrument Landing Systems (ILS) are expensive, time consuming and inefficient. Existing constraints have resulted in higher costs, non-standard equipment, and excessive delays in the acquisition and installation of these essential landing aids which continue to impede implementation of important system safety, capacity and efficiency improvements.

In recent years, numerous actions have been initiated directing the FAA to expand and expedite the procurement of ILS equipment. Statutory mandates have been advanced to authorize improved expenditure levels for the purchase of equipment and to streamline the procurement, acquisition and installation process. Various steps have also been undertaken to encourage the purchase of ILS equipment with Airport Improvement Program (AIP) funds in an effort to augment

the cumbersome federal procurement process.

The Managers believe that additional action is warranted to satisfy substantial ongoing requirements for navigation and landing aids. This legislation mandates increased funding of no less than $30 million annually over the next three years to help accommodate the substantial new requirements that exist for ILS equipment and installation. Moreover, the legislation includes a provision that requires the Federal Aviation Administrator, within 120 days, to establish an expedited process through which airport sponsors may take advantage of cost savings associated with the purchase and installation of Instrument Landing Systems and related equipment under existing or future FAA contracts when using AIP grants.

The Managers believe that significant cost savings could result for users and the federal government; the current acquisition and installation process could be reduced substantially; and important additional safety, capacity and efficiency requirements could be met.

30. MICROWAVE LANDING SYSTEM

House bill

No provision.

Senate amendment

Prohibits spending for MLSs, except under contracts in effect on January 1, 1994.

Conference substitute

No provision. The Managers commend the Federal Aviation Administration for canceling the MLS program on June 2, 1994. The Managers concur with the decision to focus on the adoption of satellite technology.

The Managers are very supportive of FAA's aggressive approach to testing, approving, and implementing the use of Global Positioning System (GPS) for both en route and landing navigation purposes. During the transition from the current ground-based systems to a satellite system, the Managers understand a period will exist where FAA must operate and maintain satellites and ground-based systems simultaneously. However, the Managers fear that FAA must be planning to use the current ground-based systems as a permanent back-up to the satellite systems.

If FAA believes satellite navigation may not exhibit the reliability and redundancy found in the current ground-based system, perhaps GPS would not be the low cost, space saving option promised to airlines and general aviation pilots. If FAA believes GPS is reliable, but a back-up system is necessary, the Managers doubt that maintaining both GPS and a ground-based system would be cost beneficial.

FAA should provide a plan informing the House Committee on Public Works and Transportation and the Senate Committee on Commerce, Science and Transportation of its schedule for approving satellite-based navigation and its schedule for decommissioning ground-based navigation equipment.

31. SECTION 202. ASSISTANCE TO FOREIGN AVIATION AUTHORITIES

House bill

No provision.

Senate amendment

Authorizes FAA to provide safety-related training and operational services to foreign aviation authorities with or without reimbursement, if providing such services would promote safety.

Conference substitute

Senate amendment, modified to require FAA to obtain reimbursement if possible.

32. SECTION 209. FEES FOR SERVICE OUTSIDE U.S.

House bill

No provision.

Senate amendment

Allows FAA to charge higher fees to cover the cost of providing certification-type services outside the U.S., and to have such additional fees credited to FAA's treasury account.

Conference substitute

Senate amendment, merged with House bill Item 14. The manufacture and maintenance of civil aeronautical products have become worldwide enterprises. Safety regulatory efforts to keep pace with the trend of globalization can be hampered by resource constraints. Many foreign civil aviation authorities fully recover their costs for certification work performed both domestically and overseas. This provision permits the FAA to provide safety regulatory services abroad in a more responsive and timely manner.

Examining one program in particular, the Managers believe the Aircraft Certification Service should be able to offset expenditures made in support of aircraft or airline safety regulatory programs of both U.S. and foreign owned companies outside the United States. These expenditures generally represent the difference between providing the service within the United States and overseas, and include foreign travel and per diem expenses according to U.S. Government rates; time lost in travel by inspectors who would otherwise not have had to incur the lost time in foreign travel; and overhead costs associated with seeking reimbursement.

33. REVIEW OF FAA

House bill

No provision.

Senate amendment

Requires FAA to complete a review of its personnel administration, procurement process, and overall organizational structures by March 30, 1994.

Conference substitute

No provision. P.L. 103–260, enacted on April 19, 1994, requires an extensive study of options for FAA reform.

34. SECTION 503. REPEAL OF REPORT ON COLLISION AVOIDANCE

House bill

No provision.

Senate amendment

Abolishes the requirement for FAA to submit an annual report on collision avoidance systems.

Conference substitute

Senate amendment.

35. SECTION 509. AVIATION SAFETY JOURNAL

House bill

No provision.

Senate amendment

Prohibits the FAA from continuing to publish the Aviation Safety Journal.

Conference substitute

Senate amendment.

36. SECTION 207. AIR CARRIER TERMINATION NOTICE

House bill

No provision.

Senate amendment

Requires air carriers to give 60 days notice before terminating all air service at a nonhub airports. Exceptions exist for emergencies, when service has been operated for less than 180 days, and when a carrier arranges for replacement service. Allows the Secretary to exempt commuter carriers. Authorizes civil penalties for carriers failing to file adequate notice.

Conference substitute

Senate amendment modified to require 45 days notice and to limit the total amount of a civil penalty for a failure to give notice to $5,000. The civil penalty could only be a one-time fine and could not be aggregated on a per-day, per-flight or other basis. The effective date is changed to February 1, 1995.

37. SECTION 521. SAFETY OF JUNEAU AIRPORT

House bill

No provision.

Senate amendment

Requires DOT to study the safety of approaches to Juneau Airport.

Conference substitute

Senate amendment.

38. SECTION 511. SOLDOTNA AIRPORT

House bill

No provision.

Senate amendment

Allows FAA to grant a release from deed restrictions governing land use at Soldotna Airport. The city must receive the fair market value for property conveyed and must use the amounts received for public airports.

Conference substitute

Senate amendment.

39. SECTION 513. ROLLA AIRPORT

House bill

No provision.

Senate amendment

Allows FAA to grant a release from deed restrictions governing land use at Rolla, Missouri Airport. The city must receive the fair market value for property conveyed and must use the amounts received for public airports.

Conference substitute

Senate amendment.

40. SECTION 516. RELOCATION OF SAN JACINTO AIRWAY FACILITIES

House bill

No provision.

Senate amendment

Provides that the United States shall be compensated for the costs of replacing the existing airway facilities at the San Jacinto Disposal area, as part of compensation given to the United States for transfer of the San Jacinto disposal area to the city of Galveston.

Conference substitute

Senate amendment.

41. AUGUSTA WEATHER SERVICES

House bill

No provision.

Senate amendment

Directs DOT to provide weather observation services, including direct radio contact with pilots, at Augusta, Maine Airport. DOT is authorized to enter into an agreement with the Maine DOT to provide these services.

Conference substitute

No provision.

42. ECONOMIC REGULATION OF HAWAIIAN AIR SERVICE

House bill

No provision.

Senate amendment

Allows the State of Hawaii to regulate intrastate air service in Hawaii, defined as service between points in Hawaii which do not involve carrying passengers as part of a single itinerary on a single ticket for transportation beginning or ending outside the State.

Conference substitute

No provision.

43. SECTION 117. REIMBURSEMENT FOR TERMINAL DEVELOPMENT

House bill

No Provision.

Senate amendment

Allows AIP grants to pay for bond indebtedness for terminal development at a nonhub airport between January 1, 1992 and October 31, 1992. For such reimbursement the qualifications-based procurement of engineering and design services, Davis-Bacon, veterans preference, and DBE requirements are waived.

Conference substitute

Senate amendment

44. SECTION 203. PASSENGER FACILITY CHARGE (PFC) MAY BE USED TO MEET FEDERAL MANDATES

House bill

No provision.

Senate amendment

Allows PFCs to be used to fund airport compliance with certain federally required mandates to the same extent that AIP funds are allowed to be used for such purposes.

Conference substitute

Senate amendment, limited to those federal mandates related to airside development. This section is intended to expand PFC eligibility and not to reduce or eliminate the eligibility of any projects which presently can be funded under the PFC program.

The Managers are aware of the difficulties that can arise when two federal agencies are charged with responsibility for overseeing activities at a public facility. In particular, the Federal Aviation Administration's mission to ensure the safe and efficient operation of our national system of airports would appear to be at variance with the Environmental Protection Agency's (EPA) responsibility under the Clean Water Act for ensuring that those operations be conducted in an environmentally benign manner. This variance would be most apparent during winter storm events, when the need to apply substantial de-icing fluids would conflict with the need to protect the receiving waters from airport runoff.

To address this need, Public Law 102-581 made projects necessary for compliance with the Clean Air Act and Federal Water Pollution Control Act eligible for AID funding. However, there may be a need to give the funding of these projects, particularly storm water collection and bio-treatment facilities, more attention.

To help guide the Congress for further action on this matter, the Managers direct that, not later than February 1, 1995, the FAA provide the House Committee on Public Works and Transportation and the Senate Committee on Commerce, Science and Transportation with the following information in letter form.

1. A list of major airport facilities located adjacent to environmentally sensitive areas, including lakes, rivers and coastal zones and the status of their stormwater discharge permits.

2. A list of stormwater runoff collection and bio-treatment projects at those facilities which have been submitted for funding under the AIP program.

3. Recommendations on how the AIP and other programs may be improved to ensure that these projects encourage the use of less hazardous materials and receive priority consideration in the distribution of AIP funds.

45. REIMBURSEMENT FOR PAST EXPENDITURES

House bill

No provision.

Senate amendment

Allows reimbursement from AIP entitlement funds for work carried out during a two year period before a grant agreement is executed. Costs reimbursed may include interest on bonds to finance projects. Projects must be consistent with an FAA approved layout plan, and must conform to all requirements which would have applied under a grant. Projects initiated after 90 days after enactment must receive prior FAA approval. Grants may cover indebtedness incurred to initiate a project or to finance a project.

Conference substitute

No provision.

46. SECTION 118. AIRPORT SAFETY DATA COLLECTION

House bill

No provision.

Senate amendment

Provides that FAA may contract, using sole source or limited source authority, for the collection of airport safety data.

Conference substitute

Senate amendment.

47. INTERMODAL SYSTEM PLANNING

House bill

No provision.

Senate amendment

Expands eligible integrated airport system planning under AIP program to include "the role which airports play in the transportation system in a specific area." For a grant to be made to a planning agency for integrated airport system planning, all large and medium hub airports in the area must be appointed to the planning agency as soon as practicable. For a grant to be made to a planning agency, the airport must be a co-applicant, the project must substantially benefit the airport, and the grant must be in proportion to the benefits to the airport.

Conference substitute

No provision.

48. SECTION 526. INNOVATIVE FINANCING

House bill

No provision.

Senate amendment

Requires DOT to study innovative approaches for using federal funds for airport development, including loans, loan guarantees, and loan insurance.

Conference substitute

Senate amendment.

49. SECTION 117. FEDERAL SHARE FOR TERMINAL DEVELOPMENT

House bill

No provision.

Senate Amendment

Establishes the federal share for terminal development at 75% for large hub airports, 90% for all others (the regular AIP shares).

Conference substitute

Senate amendment.

50. SECTION 106. WAIVERS FOR FOREIGN AIR CARRIERS

House Bill

No provision.

Senate Amendment

Allows the Secretary to grant foreign carriers the same waiver from the Noise Act as he may grant to U.S. carriers. The waiver would permit the operation of Stage 2 aircraft between December 31, 2000 and December 31, 2003 if 85% of the carrier's fleet is Stage 3 by 1999, and if there are firm orders which will result in an all Stage 3 fleet by 2003.

Conference substitute

No provision.

51. SECTION 106. STATE SPONSORSHIP

House bill

No provision.

Senate amendment

Allows a state to sponsor an application for any group of eligible projects at several airports. Current law requires that the projects be "similar."

Conference substitute

Senate amendment.

52. SECTION 504. ADVANCED LANDING SYSTEMS

House bill

No provision.

Senate amendment

Requires FAA to consider expeditious approval of the new generation, low cost, advanced landing system being developed for Department of Defense.

Conference substitute

Senate amendment with a modification to give FAA more flexibility in the procedures used to evaluate the system.

53. SECTION 517. SAFETY AT ASPEN AIRPORT

House bill

No provision.

Senate amendment

Limits operations at Aspen Airport by general aviation and commuters during the period from 30 minutes after sunset to 11:00 p.m. to instrument operations, authorized by air traffic control. VFR operations authorized by ATC may be conducted by a pilot who has operated at least one flight at Aspen in the prior 12 months, and operates an instrument-certified aircraft. Aspen Airport must agree not to enforce the "ski season exception" to its nighttime curfew and to allow operations permitted by this provision. If Aspen meets these requirements, it may bar other general aviation flights. FAA is directed to issue an NPRM on mountain flying.

Conference substitute

Senate amendment with technical and clarifying changes. The Conference Substitute refers to the existing operating hours of Aspen Airport. The Managers understand that the hours of operation can be changed, based on changed circumstances, so long as there is no discrimination between air carriers and general aviation in the availability of these operating hours.

The Federal Aviation Administration has shown little interest in addressing the safety problems unique to mountain flying. The Managers expect the FAA to complete the Notice of Proposed Rulemaking and to work with mountain airports and pilot groups to prepare general aviation pilots for mountain flying risks.

54. SECTION 208. STATE INCOME TAX

House bill

No provision.

Senate amendment

Amends existing law limiting states which may impose income tax on flight and cabin crews to the state of domicile and any state in which the employee earns more than 50% of his compensation. The amendment provides that flight and cabin crew who are given leave to perform union duties shall be required to pay income tax only in their state of domicile and a state in which they would have performed more than 50% of their flight duties. Nothing in this section should be construed as applying to federal taxes.

Conference substitute

Senate amendment.

55. SECTION 121. PFC STUDY

House bill

No provision.

Senate amendment

Requires DOT to study the administration of the rules in the PFC program which govern the handling of PFC revenues by air carriers.

Conference substitute

Senate provision. The Substitute requires the Secretary to conduct a review of 14 CFR 158.49(b) to assess the effectiveness of this regulatory provision in light of the objectives of section 1113(e) of the Federal Aviation Act of 1958 (authorization for the imposition of passenger facility charges). The Secretary is further directed to take such corrective action as the Secretary determines necessary to address any problems discovered in the review.

The Managers direct that the study focus on two issues with respect to Section 158.49(b) as currently drafted. One is that public agencies are having difficulty reconciling anticipated PFC income with amounts actually remitted by collecting carriers. The other is that the commingling of PFCs with general carrier revenues poses a risk that if the collecting carrier becomes bankrupt, the Bankruptcy Code may permit a trustee or bankruptcy court to determine that the commingled PFCs are an asset of the bankrupt, estate rather than the public agency, despite the contrary policy stated in Section 158.49(b).

56. SECTION 502. SECURITY REPORT

House bill

No provision.

Senate amendment

The date for the annual security report FAA is required to submit is shifted from December 31 to March 3.

Conference substitute

Senate amendment.

57. SMOKE EMERGENCIES

House bill

No provision.

Require FAA to enforce its regulations on pilot vision and smoke emergencies caused by dense smoke in the cockpit on current and future aircraft. Requires a report to Congress on the enforcement of FAA regulations one year after enactment.

Conference substitute

No provision. The Senate provision was not accepted by the Managers because it is not needed to solve a safety problem in today's U.S. airline fleet, or remedy a deficiency in the Federal Aviation Administration's safety enforcement program with respect to regulations governing evacuation of smoke from the cockpit.

Much of the debate on this issue has revolved around whether the cause of certain specific accidents was due to the failure of smoke to be eliminated from aircraft cockpits. In response to an inquiry from the Committee on Public Works and Transportation, the National Transportation Safety Board, the independent agency charged with determining the probable cause of transportation accidents, stated that:

". . . Safety Board accident records failed to support the contentions that smoke in cockpits was a significant factor in accidents that involve U.S. air carriers in the 15 years [preceding] 1991. These accidents would include those mentioned in [the submitted] correspondence."

There have been no such accidents since 1991. The Board further stated that:

"[It] has no outstanding safety recommendations that address the evacuation of continuous smoke."

58. SECTION 515. REAL ESTATE TRANSFER AND WEATHER OBSERVATIONS IN ALASKA

House bill

No provision.

Senate amendment

Requires FAA to convey a building in Lake Minchumina, Alaska to the local government for educational purposes and to convey a building to local government in Fort Yukon for a health clinic. Requires FAA to employ human weather observers in a number of named cities in Alaska.

Conference substitute

Senate amendment on the buildings. On weather observers, Conference substitute directs FAA to establish real time weather information for pilots at a specified number of airports in a state with three or more accidents per year involving serious or fatal injuries on scheduled flights with single engine aircraft operating under VFR.

59. SECTION 512. RELEASE OF LAND, STURGIS AIRPORT, KENTUCKY

House bill

No provision.

Senate amendment

Allows DOT to grant a release from restrictions in a federal deed requiring property tax be used for airport purposes at Sturgis Municipal Airport. The city must receive the fair market value for the property conveyed and must use the amounts received for public airports.

Conference substitute

Senate amendment.

60–63. SECTIONS 110–113. REVENUE DIVERSION AND AIRPORT-AIR CARRIER FEE DISPUTES

These sections are intended to provide additional enforcement against illegal diversion of airport revenue and a mechanism to settle disputes involving airport fees charged or sought to be imposed on airlines. The legislation specifically refers to "air carriers and airports" throughout Title V to ensure that fee disputes only involving airports and airlines are resolved, so that the national air transportation system is not threatened with lockouts.

60. SECTION 112. REVENUE DIVERSION

House bill

Provides that an airport's use of revenues generated by the airport or local taxes on aviation for purposes other than capital or operating expenses of the airport shall be considered as a factor militating against an AIP discretionary grant.

Senate amendment

Requires the Secretary to establish, within 90 days from the date of enactment, policies and procedures to enforce grant assurances requiring airports to develop fee structures to make their operations self sustaining, and prohibiting diversion of revenues.

The new policies shall prohibit, at a minimum: revenue diversion through direct or indirect payments which exceed the value of services and facilities provided to the airport; use of airport revenues for general economic development, marketing and promotional activities unrelated to an airport; payments in lieu of taxes exceeding value of service provided; and payments to compensate for lost tax revenues exceeding stated tax rates. The policies shall provide for internal controls, auditing, and FAA personnel sufficient to monitor assurances.

If an airport sponsor violates the assurance against revenue diversion or locks out an airline which pays its fees, U.S. district courts have the authority to enjoin these violations, upon request of the Secretary. If an airport violates the assurances against revenue diversion and refuses to take corrective action directed by the Secretary, the Secretary shall not approve new AIP applications or new applications for approval of PFCs.

Civil penalties may be imposed for violations of assurances against revenue diversions. The maximum civil penalty for a continuing violation shall not exceed $50,000.

Conference substitute

1. In general. Senate amendment. House bill with exception for airports which do not spend revenues off the airport in excess of amounts spent in 1994, plus an annual increase corresponding to an increase in the consumer price index. In administering the modified House provision on revenue diversion and AIP discretionary grants, the Secretary shall consider the amount being diverted by the airport operator compared to the amount being sought in discretionary grants in reviewing the grant application.

The Conference Substitute also adds a prohibition, effective after date of enactment, against a State or subdivision collecting a new tax, fee, or charge which is imposed exclusively upon any business located at an airport or operating as a permittee of the airport, other than a tax, fee, or charge utilized for airport or aeronautical purposes. This prohibition applies only to new taxes imposed exclusively on businesses located at airports or permittees. It does not apply to general taxes on all businesses, although a state or subdivision would be prohibited from imposing a general tax that purports to apply to all businesses when in reality it applies only to airport businesses.

3. Civil Penalties. The bill provides authority for the Secretary of Transportation to impose civil penalties up to a maximum $50,000 on airport sponsors for violations of the AIP sponsor assurance on revenue diversion. The Managers intend this provision to send a strong message to airport sponsors and local and state governments to discourage and prevent unlawful diversion of airport revenues, and to strengthen DOT and FAA's ability to enforce the law. The Managers intend that the Secretary use this authority to create a strong disincentive for those who may be tempted to divert airport revenues, and to ensure that violations are corrected and that any funds that were used illegally are restored to the airport and the airport system for use for legitimate purposes. Civil penalties may not be imposed on any individual, and the Managers intend that the Secretary use this authority only as a last resort after all other means of correcting violations have failed and the airport sponsor

willfully continues to violate the law. The Managers want to make certain that the Secretary will use the authority given him in the bill to compromise civil penalties, specifically by providing the airport sponsor with a reasonable period of time, after a violation has been clearly identified to the airport sponsor, to take corrective action to restore the funds or otherwise come into compliance before a penalty is assessed.

61. SECTION 110. POLICY STATEMENT ON AIRPORT FEES

House bill

No provisions.

Senate amendment

Adds policy statements that airport rates and fees must be reasonable and used only for purposes not prohibited by the Act, that airports should be as self sustaining as possible, and that airports should not seek to create surpluses which exceed the amounts needed for the airport system, including reasonable reserves and allowance for contingencies.

Conference substitute

Senate amendment. The Managers carefully considered the issue of airport revenue surpluses. Reaching a middle ground on this aspect of airport finances was central to the consensus expressed in the Conference language on airport rates and charges.

As the Committee sets forth in Section 110 of the Bill (Declaration of Policy), a revenue surplus may be used for such normal business practices as setting aside a reserve of funds to accommodate the unevenness in receipts over time, to cover unanticipated contingencies, to achieve favorable capital financing agreements, and for other recognized purposes. Even the smallest airports typically face one or another of these operational realities, and need to maintain a revenue surplus to address them.

62. SECTION 112. AIRPORT FINANCIAL REPORTS

House bill

Airports receiving grants must submit annual reports of funds paid and services provided to other units of government.

Senate amendment

Provides that the secretary shall prescribe a format for airlines to file an annual report on airport finances, surpluses, and concession revenues.

Conference substitute

Combined House bill and Senate amendment. This legislation is not intended to bar reasonable reserves and other funds to facilitate financing and cover contingencies. To assure that revenue surpluses are not abused, the Conference Substitute takes care to assure that the amount of revenue surplus would be reported publicly each year by those airports covered by Section 112 of the bill (Airport Financial Reports). This public reporting would highlight any situation in which the surplus balance is clearly out of line with the overall financial status of the airport.

63. SECTION 113. PROCEDURE FOR FEE DISPUTES

House bill

No provision.

Senate amendment

Allows airport fees to be set by compensatory or residual methodologies. Within 90 days of enactment, the Secretary must develop new procedural regulations for complaints against unreasonable airport fees. Under these procedures, the Secretary must issue a final order within 120 days of the filing of a complaint. The case must be assigned to an ALJ, or dismissed, 30 days after it is filed. The ALJ must issue a decision 90 days after the filing of the complaint. If Secretary doesn't meet the deadline, the ALJ decision becomes final. If a case is filed, and not dismissed, fee increases shall be paid into escrow, pending final decision. If fee is paid into escrow, the airport may not "lock out" a carrier.

The section does not apply to fees under agreements, fees imposed under financing agreement before date of enactment, or existing fees which have not been challenged as of date of enactment. The section shall not adversely affect rights under existing agreements or financing covenants.

Conference substitute

The Senate provision is modified to allow airport to assure timely repayment of fees determined to be unreasonable by a letter of credit, surety bond, or other suitable credit facility.

The Managers intend these procedures to require the Secretary to act within a specific time frame. Many had sought to add a provision that would, in the event the Secretary failed to either set a dispute for hearing or dismiss a complaint, provide access to federal courts to litigate the reasonableness of an airport fee. Instead, the Managers provided a process requiring the Secretary to act. The Managers recognize the concerns raised, but at this point prefer that the Department act within the time frames set up in the Conference Substitute. However, if DOT fails to meet its obligations under the substitute, this Act is not intended to eliminate any rights of complainants to ask a court to order DOT to comply with the law. Moreover, an order dismissing a complaint on the grounds that no significant dispute exists, is an order subject to review by the Courts of Appeal of the United States as provided under Sec. 1006 of the Federal Aviation Act.

The Managers also are aware that there may be situations that involve an airport agreement with air carriers, and that airport loses a carrier, thereby triggering recalculation of fees to cover the shortfall in income. In most, if not all of these types of situations, airport agreements cover such increases. In the event an air carrier sought to challenge the fee increase (whether or not an airport has an agreement with its air carrier), the Department would be able to look at the entire picture and dismiss, if the situation warrants, such a complaint.

64. SECTION 205. GAMBLING

House bill

No provision.

Senate amendment

Prohibits transportation or use of gambling devices on any aircraft operated by a United States' air carrier or a foreign air carrier in foreign air transportation. Also requires a study of the effects on aviation safety of gambling on electronic interactive video systems on passenger aircraft. In addition, the study should evaluate the competitive effects of permitting foreign air carriers, but not United States air carriers to install, transport, and operate gambling applications on electronic interactive video system, on board aircraft.

Conference substitute

Senate provision. Requires an additional study of whether gambling should be allowed on aircraft operated in foreign air transportation, including any legislation needed to implement the resulting recommendations.

This section only prohibits air carriers from carrying gambling devices defined as devices which, when operated, can deliver money in any form (i.e., cash or credit), or property as the result of the application of an element of chance. This section does not bar airlines from carrying game machines which do not have the prohibited money or property delivering capability.

65. SECTION 505. ASBESTOS REMOVAL, VACANT AIR FORCE STATION, MARIN COUNTY, CALIFORNIA

House bill

No provision.

Senate amendment

Authorizes appropriations from the Trust Fund to FAA of such amounts as may be necessary to carry out asbestos abatement activities, and the demolition and removal of buildings at the site of the vacant Air Force station in Marin County, California. The amount from the Trust Fund shall not exceed FAA's share of the costs of carrying out such activities.

Conference substitute

Senate provision, with technical changes to delete references to Trust Fund legislation.

66. INCREASED FUNDING

House bill

No provision.

Senate amendment

Authorizes an upward adjustment in a grant to the Aurora, Illinois airport of $750,000, to fund increased land acquisition costs determined in judicial proceeding.

Conference substitute

Senate amendment.

67. SECTION 524. USAGE OF RADAR AT CHEYENNE, WYOMING AIRPORT

House bill

No provision.

Senate amendment

Expresses the sense of the Senate that DOT shall revise its cost benefit analysis to take account of projected military enplanement and cost savings with regard to radar installations at joint-use civil military airports; and that the FAA Administrator should reevaluate the airport radar needs at Cheyenne, Wyoming Airport.

Conference substitute

Senate amendment.

68. SECTION 510. MONROE COUNTY IMPROVEMENT

House bill

No provision.

Senate amendment

Authorizes FAA to grant a release from deed restrictions requiring the use of Sellman Field in Monroe, Louisiana for aviation purposes. Any proceeds from using such land for non-aviation purposes must be used for aviation purposes.

Conference substitute

Senate amendment.

69. SECTION 523. INSPECTOR GENERAL/ WASHINGTON, D.C. AIRPORT

House bill

No provision.

Senate amendment

Expresses sense of the Senate that DOT IG has oversight responsibility and may conduct audits and investigations relating to funds appropriated by Congress for programs or operations at Dulles or National Airports.

Conference substitute

Senate amendment.

70. SECTION 507. INFORMATION ON DISINSECTION

House bill

No provision.

Senate amendment

Requires DOT to publish and periodically revise a list of countries that require disinsection of aircraft landing in such countries, while passengers and crew are on board.

Conference substitute

Senate amendment. The Managers recognize the need to inform the flying public of the countries which require the use of pesticides on airplanes while passengers are aboard. The Department of Transportation has announced its intention to require U.S. and foreign airlines, and their agents, including travel agents, to inform passengers at the time they book flights whether the flight will be sprayed while passengers are aboard. To further disseminate this information, the Managers also encourage the Federal Aviation Administration, and the Department of State to provide such information to travelers through existing telephone passenger advisory services.

71. SECTION 508. CONTRACT TOWER

House bill

No provision.

Senate amendment

Requires Secretary of Transportation to take appropriate action to assist Chandler, Arizona, Aberdeen, South Dakota and other appropriate communities to obtain installation of a Level I Contract Tower.

Conference substitute

Senate amendment, without references to specific sites.

72. SECTION 525. POLICY ON NORTH KOREA

House bill

No provision.

Senate amendment

Sense of the Senate concerning North Korea.

Conference substitute

Senate provision with minor House changes.

73. OVERSIGHT

House bill

No provision.

Senate amendment

Sense of Senate seeking hearing of Whitewater matter.

Conference substitute

No provision.

74. SECTION 526. RELIGIOUS LIBERTY

House bill

No provision.

Senate amendment

Sense of Congress concerning religious liberty.

Conference substitute

Senate provision with House amendment making it a sense of the Senate.

75. KI SAWYER AIR FORCE BASE

House bill

No provision.

Senate amendment

Directs FAA Administrator to carry out on-going radar approach control activities at KI Sawyer AFB, Michigan.

Conference substitute

The Managers have agreed to drop Section 416 of the Senate passed bill. The Managers determined, based on assurances from the FAA in letters to Senator Levin and Congressman Stupak, that the needs of KI Sawyer would be met. The FAA letter specifically stated ". . . the FAA plans to completely take over and operate the existing ASR-7. FAA will install FAA approved and supportable equipment, will maintain the system, and will operate approach control services."

JOINT EXPLANATORY STATEMENT OF THE CONFERENCE COMMITTEE STATEMENT OF MANAGERS ON H.R. 2739 TITLE III AS PASSED BY THE HOUSE ON 10/13/93 AND H.R. 2739 SECTIONS 204 AND 306 AS PASSED BY THE SENATE ON 6/16/94.

The managers of the part of the House and Senate at the conference on the disagreeing votes of the two houses on provisions of the House bill H.R. 2739 submit the following joint statement to the House and Senate in explanation of the actions agreed upon by the managers regarding H.R. 2739 Title III as passed by the House and H.R. 2739 Sections 204 and 306 as passed by the Senate and recommended in the accompanying conference report. The managers agree the authorizations and explanations are as specified in House Report 103-225 and Senate Report 103-181 as applicable in addition to the material contained herein.

SECTION BY SECTION ANALYSIS—SENATE BILL H.R. 2739 SECTION 206

Present Law

No provision.

Senate Provision

This Section authorizes the FAA to enter into cooperative agreements with Federal and non-Federal entities to pursue research, engineering, and developmental activities on a cost-shared basis.

House Provision

No Provision.

Conference Agreement

The House concurs with the Senate provision. This provision will provide the FAA with the authority to enter into cooperative agreements with Federal and non-Federal entities to pursue research, engineering and development activities. Under this program, the Administration may enter into cost-sharing agreements with aviation industry consortia along with other federal agencies to jointly develop products which will benefit the travelling public. This authority could also provide an expedited mechanism to develop needed technology, to assure that all parties involved in a particular activity work together, and to leverage research dollars. The cooperative program has a focused purpose—to allow the FAA to work with industry on a number of emerging issues as the air traffic control system is modernized.

SENATE BILL H.R. 2739 SECTION 304

Present Law

No provision.

Senate Provision

This section requires the FAA and NASA to conduct a study to identify technologies for noise reduction for propeller driven aircraft and rotorcraft. The goal of the study is to determine the status of research and development in propeller and rotary wing aircraft and to determine if additional research is necessary. The section requires delivery of a report not later than 280 days after enactment of this Act. The Section also states that if the Administrators of NASA and the FAA determine that additional R&D is necessary and would contribute to the development of quiet aircraft technology, the agencies shall conduct an appropriate research program to develop safe, effective and economical noise reduction technology which can also be applicable to existing aircraft.

House Provision

No Provision.

Conference Agreement

The House concurs with the Senate provision. The Conferees emphasize the important noise research presently underway as authorized by the Section 304 of P.L. 102-581, the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992. The Conferees acknowledge that many citizens residing near airports are adversely affected by noise from propeller driven aircraft and rotorcraft. The Conferees note that the study and research authorized in this section will assist in developing the technologies necessary to minimize noise from small aircraft. The Conferees agree that none of the funds to be used to conduct this study shall be allocated from existing noise reduction programs, and that the report shall be delivered to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Science, Space, and Technology.

HOUSE BILL H.R. 2739 TITLE 3 SECTION 301

Present Law

No provision.

Senate Provision

No provision.

House Provision

Provides the short title for Title 3 of the bill.

Conference Agreement

The Senate accepts the House short title.

HOUSE BILL H.R. 2739 TITLE 3 SECTION 302

Present Law

Section 302 of P.L. 102-581 authorizes appropriations for FY 1994 under section 506(b)(2) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 48102 (a)(2)) of $297,000,000.

Senate Provision

No equivalent provision.

House Provision

Section 302 authorizes appropriations from the Airport and Airway Trust Fund for Federal Aviation Administration (FAA) research, engineering, and development as follows:

AUTHORIZATION H.R. 2820

[In thousands of dollars]

	Fiscal years—		
	1994	1995	1996
00.01 Management and analysis	11,297	12,646	14,131
00.02 Capacity and air traffic management technology	76,939	84,000	92,402
00.03 Communications, navigation and surveillance	35,675	39,242	43,167
00.04 Weather	1,908	2,098	2,307
00.05 Airport technology	7,509	8,260	9,086
00.06 Aircraft safety technology	40,175	44,192	48,611
00.07 System security technology	35,430	39,523	43,475
00.08 Human factors/Aviation medicine	27,756	31,716	34,887
00.09 Environment and energy	7,586	8,124	8,716
00.10 Innovative/Cooperative research	5,725	5,199	5,718
Total	250,000	275,000	302,500

Conference agreement

The Conferees agree to the following provisions for the FAA Research, Engineering, and Development for FY 1995 and FY 1996:

AUTHORIZATION H.R. 2820

[In thousands of dollars]

	Fiscal year—	
	1995	1996
00.01 Management and analysis	7,673	8,056

AUTHORIZATION H.R. 2820—Continued

[In thousands of dollars]

	Fiscal year—	
	1995	1996
00.02 Capacity and air traffic management technology	80,901	84,946
00.03 Communications, navigation and surveillance	39,242	41,204
00.04 Weather	2,909	3,054
00.05 Airport technology	8,660	9,093
00.06 Aircraft safety technology	51,004	53,554
00.07 System security technology	36,604	38,434
00.08 Human factors/aviation medicine	26,484	27,808
00.09 Environment and energy	8,124	8,532
00.10 Innovative/cooperative research	5,199	5,459
Total	266,800	280,140

The objectives of the FAA RE&D program, as stated in the FY 1994 RE&D plan, are:

a) reducing civil aviation fatality rate by at least 10% by 2000:

b) reducing the number of accidents attributable to weather by 20% by 2000;

c) developing advanced aircraft fire safety and crashworthiness technologies by 2005;

e) fielding a Wide-Area differential global positioning system (GPS) to provide satellite based navigation for all flight phases down to Category I precision approach minima by 1998; and

f) anticipating new threats and develop and implement new security philosophies, technologies, and systems that operate effectively with minimal interference to passengers and carriers.

P.L. 102-581 contains the authorization levels for these programs for Fiscal Year 1994.

The Conferees are aware that the funds to pay for the research programs are collected through the passenger tax of ten percent per ticket, which goes into the Airport and Airways Trust Fund. Therefore, it is appropriate that those who fly, pay for the aviation research designed to make flying even safer than it already is, which is the intent of this legislation.

Since there is an uncommitted balance of $4.4 billion in the trust fund, the increases recommended by the Committee come from unobligated tax revenues and interest. The interest alone on the cash balance which last year, including obligated and unobligated funds, was over one billion dollars. In addition, last year $1.64 billion from the trust fund, which was the result of an increase of two percent for the passenger ticket tax, went to deficit reduction. Therefore, the flying public has paid a fair share for the FAA research programs and deficit reduction.

The recommended increase in FY 1996 is directed toward increasing the activities in each of the specific program areas. The Conferees note the Airport and Airway Improvement Act (as amended by P.L. 1001-223 Section 105(b)(3)) provide authority for the transfer of funds up to 10% in any fiscal year of the amount authorized for that fiscal year, which gives the FAA flexibility to address new areas, if needed in the future. The balance of this Section describes the areas where the Conferees place special emphasis.

The Conferees note that the FAA has established a Civil Tiltrotor Advisory Committee, as required by P.L. 102-581. Some have suggested that this new technology could offer one means of addressing future capacity and delay problems. The Conferees encourage continuation of this effort.

The Aviation Centers of Excellence were established by Section 9209 of Public Law 101-508. The legislative intent of the Aviation Centers of Excellence program was that it would be a valuable means of fostering the continued advance of the aviation technology base. By partnering with institutions possessing existing expertise, selected by a peer review process that is based on the scientific merits of the potential center, the government gains significant leverage for the federal investment and access to the interdisciplinary base of knowledge that is critical to the effective continued advance of aviation technologies. The first Center was jointly established in 1993 at Rutgers University and the Georgia Institute of Technology and marked a positive beginning for this program.

Areas of research and development for which the next Center should be able to make important contributions include crashworthiness, aging aircraft, flight safety, human factors, and propulsion. Advances in these areas are important to the long-term improvement in aviation efficiency and safety. To maximize the impact of each dollar invested, the Administrator is encouraged to select an institution that has existing expertise in these areas such as the National Institute for Aviation Research at Wichita State University, North Carolina State University, Embry-Riddle Aeronautical University, Northwestern University, or other qualified universities as originally discussed in Committee Report 101-585 to accompany P.L. 101-508.

The Conferees' authorization provides funding for an additional Aviation Center of Excellence. Because of the existence of excellent ongoing university aviation research programs, FAA should not delay selecting an additional center. The Conferees would anticipate such selection during calendar year 1994.

Public Law 100-591 mandated that not less than 15 percent of FAA's research budget be directed toward long-term research projects. The definition of long-term research projects refers to those that are unlikely to result in final rulemaking within 5 years or in initial installation of operational equipment within 10 years after the date of the beginning of the projects.

The Conferees reaffirm their position that 15 percent of research funding be for long-term research projects.

Public Law 101-508 established an Aviation Research Grant program in Section 9205. The provision establishes merit review procedures for awarding of grants to universities. Section 9202 of P.L. 101-508 mandates that not less than three percent of the total research funds shall be available for university grants.

The Conferees direct FAA to continue the university grants program and to make at least three percent of the total research funds available for university grants.

Section 4 of the Aviation Safety Research Act of 1988, Public Law 100-591, requires an annual research, engineering and development plan to be prepared by the Federal Aviation Administration and submitted to Congress. The most recent version, May 1994, is both professionally done and contains extensive information.

In the research provisions of this legislation that require a report, such as Section 304(e) dealing with Cabin Air Quality, it is expected that the report will become part of the annual "Federal Aviation Administration Plan for Research, Engineering and Development."

However, the managers believe that this and future reports can be simplified, improved and more cost-effective. Therefore, we request that in the future, the report for the research plan be modelled after the FY 1995 R,E&D Budget Justification, which has the following sections:

"I. Program Description" including Budget Item Number; Project Number; Project Title; and Program Manager.

"II. Funding" including two years prior and four years beyond the budget requested. The budget being requested should be broken down into in house and contractor funding.

"III. Contractor Activities" including each contractor, the item/description and funds.

"IV. Major Budget Year Milestones."

"V. Major Prior/Current Year Accomplishments."

H.R. 2739 SECTION 303

Present law

No provision.

Senate bill

No provision.

House bill

Direct the Administrator, in consultation with the heads of other federal agencies, to establish a coordinated program to conduct research on technologies that enhance aviation competitiveness.

Conference agreement

The Conferees strongly agree that the Administrator, in consultation with the heads of other appropriate Federal agencies, establish a coordinated program to conduct research on aviation technologies that enhance U.S. competitiveness.

The Conferees direct the FAA to work jointly with other appropriate Federal agencies, to conduct research on aviation technologies that enhance aviation, provide direct and indirect industry involvement, and also focus on technology that can be used by, not transferred to, to the private sector. Candidates for joint research programs include: (1) next generation satellite communications, (2) advanced airport and airplane security, (3) environmental technologies such as noise and air pollution, (4) advanced aviation safety programs, and (5) technologies to improve airport and airway capacity. These areas were among the highest priorities presented in witness testimony and from other independent studies.

The FAA R,E&D programs contain several research efforts that have civilian and military applications. As such, the FAA has an opportunity to work with both the private sector and the defense sector to improve U.S. aviation technology and competitiveness. There are numerous examples of dual use technologies that would fall into this category. One of those with the greatest potential payoff is satellite-based radio navigation technology such as the Global Positioning System (GPS). The GPS was developed by the military, but could be utilized by the civilian aviation sector. However, many technical issues remain to be resolved before the system is 100 percent reliable.

One estimate is that a fully functional civil GPS navigation program could save the aviation industry hundreds of millions of dollars per year. Because GPS is more accurate than existing navigation systems, the savings would come from increased capacity and reduced fuel use as the result of reduced route separation standards, instrumented approaches to all runways, and optimum routing. There are several other similar examples.

It is the Conferees intent that the aviation industry, including those in the defense sector, be provided the opportunity to receive FAA grants to conduct aviation research. This program would enable the industry to make the transition from defense to the civilian markets, and accelerate the availability of useful civilian aviation technology.

The Conferees also direct the FAA and other appropriate agencies involved to develop procedures for contracts and grants that would not be an impediment to the research programs. There are instances in Federal Government programs where mandated paperwork and procedures take a significant funding portion of the research grant. The intent is to develop procedures for administering contracts and grants, including those to industry, that will not impede joint FAA-industry research programs.

Funds for this program shall come from the totals authorized in Section 302 and shall not constitute increased funding over those levels.

H.R. 2739 SECTION 304

Present law

No provision.

Senate bill

No provision.

House bill

Direct the Administrator to establish a research program in cabin air quality.

Conference agreement

The Conferees direct the Administrator, in consultation with the heads of other appropriate agencies to establish a research program to determine if any cabin air conditions currently exist on domestic aircraft that could be harmful to airline passengers and crew, and to study the risk of contracting infectious diseases during flights.

The Conferees are aware of concerns that the current practice of reducing the ratio of fresh to recirculated air in the cabin could cause the symptoms of ill health described by witnesses at House Science Committee hearings. Therefore, in the research program established, FAA is to examine the health impact of increasing the supply of fresh cabin air at levels between 50 percent fresh air and 100 percent fresh air. This represents intermediate levels between the existing procedures (50:50 mixture fresh to recirculated) and those of several years ago (100:0 fresh to recirculated). Experts have indicated that higher levels of fresh air circulation using other ratios are important to include in testing. In conducting the research program, the Committee directs FAA to work with other Agencies, including the Center for Disease Control (CDC).

The Conferees also establish the research goals of the program: (1) to determine what current cabin air conditions could be harmful to passengers and crew health; (2) to determine what changes in cabin air conditions would reduce or eliminate the risk of illness or discomfort; and (3) to conduct a long-term research program. In conducting the program, the Administrator is encouraged to examine all phases of cabin occupancy from enplanement to disembarkation, including consideration of cabin conditions while the aircraft is on the ground.

The Conferees urge the Administrator to encourage the airlines to review, monitor, and appropriately revise cabin operation to assure the comfort and protection of the health of passengers and crew. The Conferees also urge the Administrator to establish a system of reporting that would facilitate the collection of data and assist in the timely and scientific identification of possible problems to health or comfort.

The Conferees direct the FAA to work with the aviation community in carrying out the cabin air research programs and to submit a report to Congress within six months. The bill, as reported, directs that the funds to carry out the study shall come from those authorized in Section 302.

H.R. 2739 SECTION 305

Present law

No provision.

Senate bill

No provision.

House bill

This provision limits the funds authorized to be appropriated in the Act and states that these funds are not authorized to be appropriated after fiscal year 1996.

Conference agreement

The Conferees agree to accept the Senate position.

H.R. 2739 SECTION 306

Present law

No provision.

Senate bill

No provision.

House bill

This provision prohibits the fraudulent use of "made in America" labels and directs the head of each office within FAA that conducts procurement to ensure that such procurements are conducted in compliance with the "Buy American Act."

Conference agreement

The Conferees agree to accept the House language.

H.R. 2739 SECTION 307

Present law

No provision.

Senate bill

No provision.

House bill

This provision expresses the sense of the Congress that any recipient of a grant by this Act should purchase, when available and cost-effective, American made equipment and products.

Conference agreement

The Conferees agree to accept the House language.

TITLE IV. EXPENDITURES FROM AIRPORT AND AIRWAY TRUST FUND

Present law

The present Airport and Airway Trust Fund ("Trust Fund") (sec. 9502(d) of the Internal Revenue Code) authorizes amounts to be paid out of the Trust Fund for obligations incurred under the previous airport and airway authorization Acts from 1970 and 1944 (as those Acts were in effect on the date of enactment of the Airport Improvement Program Temporary Extension Act of 1994). Also, amounts are authorized to be paid out of the Trust Fund for obligations incurred under the Federal Aviation Act of 1958, as amended, which are attributable to planning, research and development, construction, or operations and maintenance of air traffic control, air navigation, communications, or supporting services for the Federal airway systems. In addition, administrative expenses of the Department of Transportation attributable to Trust Fund-related activities described above are authorized from the Trust Fund.

Amounts in the Trust Fund are available (as provided by Appropriations Acts) for making expenditures before October 1, 1995.

House bill

The House bill extends the Trust Fund expenditure authority through September 30, 1996, and allows expenditures from the Trust Fund for obligations incurred under the House bill's airport and airway authorizing Act.

Senate amendment

The Senate amendment allows expenditures from the Trust Fund for obligations incurred under the Senate amendment's airport and airway authorizing Act.

Conference agreement

The conference agreement extends the Trust Fund expenditure authority through September 30, 1996, and allows expenditures from the Trust Fund for obligations incurred under the conference agreement's airport and airway authorizing Act. The conference agreement also makes technical, conforming changes to reflect the codification of the airport and airway Acts referred to in section 9502(d) of the Internal Revenue Code.

SECTION 601—PREEMPTION OF INTRASTATE TRANSPORTATION OF PROPERTY

House bill

No provision.

Senate amendment

The Senate provision preempted State and local law regarding trucking rates, routes and services of "intermodal all-cargo air carriers". Intermodal all-cargo air carriers included: air carriers, indirect air cargo air carriers, motor carriers that are affiliated with an air carrier through common controlling ownership and motor carriers which, as principal or agent, utilize or are affiliated through common controlling ownership with, companies that utilize air carriers at least 15,000 times annually.

Conference substitute

The provision preempts State regulation of prices, routes and services by air carriers and carriers affiliated with a direct air carrier through common controlling ownership in subsection (b) and all other motor carriers in subsection (c). The purpose of this demarkation is (1) to as completely as possible level the playing field between air carriers on the one hand and motor carriers on the other with respect to intrastate economic trucking regulation, and (2) to recognize that air carrier express package delivery companies may differ in corporate form, but operate in the same manner. Thus, this provision includes carriers affiliated with a direct air carrier through common controlling ownership in a new paragraph added to Section 41713(b) of Title 49, United States Code, the former section 105 of the Federal Aviation Act. Motor carriers are deregulated with a new subsection (h) added to section 11501 of Title 49 (the Interstate Commerce Act).

Subsection (a) enumerates Congress' findings and purposes in enacting Section 601.

Subsection (b) preempts State regulation of air carriers and carriers affiliated with direct air carriers through common controlling ownership by the addition of a new paragraph (4)(A) to Section 41713(b) of Title 49, United States Code, which is the recodified former Section 105(a) of the Federal Aviation Act. Paragraph (4)(A) preempts State regulation for this entire class of carriers in an identical manner to the preemption provision passed in 1978 contained in the former Section 105.

The central purpose of this legislation is to extend to all affected carriers, air carriers and carriers affiliated with direct air carriers through common controlling ownership on the one hand and motor carriers on the other, the identical intrastate preemption of prices, routes and services as that originally contained in Section 105(a), 49 U.S.C. App. 1305(a)(1), of the Federal Aviation Act.

However, Congress has recently enacted a recodification of certain subtitles of Title 49.

This recodification has changed the language used in the original section 105. For clarity and consistency, we will follow the recodification language in amendments to both the Interstate Commerce Act and Federal Aviation Act. In substituting the word "related" for the prior word "relating" and the word "price" for the word "rates" we are intending no substantive change to the previously enacted preemption provision in Section 105 of the Federal Aviation Act and do not intend to impair the applicability of prior judicial case law interpreting these provisions. In particular, the conferees do not intend to alter the broad preemption interpretation adopted by the United States Supreme Court in *Morales* v. *TransWorld Airlines, Inc.*, 504 U.S. , 199 L.Ed. 157, 112 S.Ct 2031 (1992).

The conferees understand that in recodifying Title 49, Congress made no substantive change to the Statute. Section 1(a) of P.L. 103-272 states "[c]ertain general and permanent laws * * * are revised, recodified and enacted * * * without substantive change * * *" Furthermore, page 5 of the Report accompanying P.L. 103-272 states the following:

"As in other codification bills enacting titles of the United States Code into positive law, this bill makes no substantive change in the law. It is sometimes feared that mere changes in terminology and style will result in changes in substance or impair the precedent value of earlier judicial decisions and other interpretations. This fear might have some weight if this were the usual kind of amendatory legislation when it can be inferred that a change of language is intended to change substance. In a codification law, however, the courts uphold the contrary presumption: the law is intended to remain substantively unchanged." The following authorities affirm this principle: (For a complete list of citations, see Report to Accompany H.R. 1758, P.L. 103-272 [Report number 103-180] at 5.)

Thus, the Conferees have used the term "price, route and service" rather than "rate, route and service" in both the Aviation subtitle and the Motor Carrier subtitle. The intention in using the identical term "price" in both areas is to create uniformity in the preemptive language and to create consistency with the earlier preemption provision. The use of this term is not intended to alter any meaning or affect any judicial interpretation.

To ensure that no meaning is altered or changed by the recodification, the definition of "price" in subtitle VII that was created as part of the recodification of Title 49 has been amended to strike that definition's reference to air transportation. The conferees believe that the recodification's creation of a definition of "price" created a circumstance which would have defined the word in a manner inconsistent with its intended use and meaning in this section and therefore have made this conforming change. In doing so, the conferees intend no substantive change to existing law, just as the recodification itself is deemed to have made no substantive change in existing law. The substantive meaning and the continuity of case law continue uninterrupted and unaltered from the old section 105 of the Federal Aviation Act, through the recodified version, to the modifications made by this section.

Paragraph (4)(B) emphasizes that State authority to regulate safety, financial responsibility relating to insurance, transportation of household goods, vehicle size and weight and hazardous materials routing of air carriers and carriers affiliated with a direct air carrier through common controlling ownership is unchanged, since State regulation in those areas is not a price, route or service and thus is unaffected. (This provision is identical to the new subsection 11501(h)(2)(A) discussed below.) This list is not intended to be all inclusive, but merely to specify some of the matters which are not "prices, rates or services" and which are therefore not preempted.

The conferees do not intend the regulatory authority which the States may continue to exercise (partially identified in section 41713(b) and under section 11501(h)) to be used as a guise for continued economic regulation as it relates to prices, routes or services. There has been concern raised that States, which by this provision are prohibited from regulating intrastate prices, routes and services, may instead attempt to regulate intrastate trucking markets through its unaffected authority to regulate matters such as safety, vehicle size and weight, insurance and self-insurance requirements, or hazardous materials routing matters. The conferees do not intend for States to attempt to de facto regulate prices, routes or services of intrastate trucking through the guise of some form of unaffected regulatory authority.

There has been further concern raised that new sections 41713(b)(4)(B) and 11501(h)(2)(A) may be construed as granting States additional authority to regulate in those enumerated areas rather than simply stressing that the preemption provisions do not apply to those areas. The conferees emphasize that nothing in these new subsections contains a new grant of Federal authority to a State to regulate commerce and nothing in these sections amends other Federal statutes that govern the ability of States to impose safety requirements, hazardous materials routing matters, truck size and weight restrictions or financial responsibility requirements relating to insurance or any other unenumerated authority not preempted by these sections.

For example, if a State exercises authority over the routing of hazardous materials shipments by motor carriers, it must exercise that authority consistent with Federal standards issued on routing pursuant to Federal law governing transportation of hazardous materials (49 U.S.C. Sections 5101-5127). The intention of the conferees is solely to identify certain areas that are not preempted by the preemption provision.

New paragraph (4)(C) of Section 41713(b) states that the preemption provision added to Section 41713(b) does not modify any earlier provisions of the current Section 41713(b) or the former Section 105 of the Federal Aviation Act, including that applicable to the State of Alaska.

Subsection (c) of Section 601 preempts State regulation of prices, routes and services of motor carriers by adding a new subsection (h) to section 11501 of Title 49, United States Code. The preemption provision, new subsection (h)(1), is identical to the preemption provision deregulating air carriers and carriers affiliated with a direct air carrier through common controlling ownership and is intended to function in the exact same manner with respect to its preemptive effects. The intention is to create a completely level playing field between air carriers and carriers affiliated with a direct air carrier through common controlling ownership on the one hand and motor carriers on the other.

New subsection (h)(1) contains a parenthetical limitation which states that this section applies to motor carriers other than those carriers affiliated with a direct air carrier through common controlling ownership. This parenthetical is merely intended to ensure that no carrier affiliated with a direct air carrier through common controlling ownership would be covered by both preemption provisions.

Furthermore, neither preemption provision would preempt the ability of a State to issue a certificate or other documentation (in written or electronic form) demonstrating that the carrier complies with State requirements which are not preempted by these sections and nothing in this amendment is intended to change the application of State tax laws to motor carriers.

The conferees further clarify that the motor carrier preemption provision does not preempt State regulation of garbage and refuse collectors. The managers have been informed by the Department of Transportation that under ICC case law, garbage and refuse are not considered "property". Thus garbage collectors are not considered "motor carriers of property" and are thus unaffected by this provision.

The term motor carrier as used in new subsection (h) of section 11501 has a broad connotation. The term covers the transportation of property by motor carriers of passengers. Thus, when a motor carrier of passengers is transporting property in intrastate commerce, there is no jurisdiction by the State regulatory body over price, route or service for any of the property being transported. The latter is true even if the property is being transported in the same vehicle that moves passengers.

The term motor carrier covers contract carriers and common carriers of property. Also included in the term is a motor carrier that handles express shipments. The law also applies to private motor carriers, that is, carriers that are pursuing their own business interests or interests of any corporate affiliate.

New subsection (h)(2) emphasizes that State authority to regulate safety, financial fitness and insurance, transportation of household goods, vehicle size and weight and hazardous materials routing of motor carriers is unchanged since State regulation in those areas is not a price, route or service and thus is unaffected. This subsection is identical to section 41713(b)(4)(B), described above.

New subsection (h)(3) permits continued State regulation over four enumerated standard transportation practices in an optional manner. This section does not confer any new authority to a State, but merely confirms that these four areas are not preempted. These four areas are uniform cargo liability rules, uniform bills of lading or receipts, uniform cargo credit rules and antitrust immunity for interlining, classifications and mileage guides. This permitted State regulatory authority is limited in two respects. First, a State may only regulate in these four areas in a manner that is no more burdensome than a Federal regulation on the same subject matter. Second, none of these regulations shall apply to any carrier that does not wish to be subject to such regulations.

The purpose of new subsection (h)(3) is to permit carriers that want to follow State standard transportation practices to be subject to State-wide regulatory schemes in these four areas only. Any carrier which so chooses does not have to elect to be subject to such regulation.

New subsection (h)(3) also contains a provision that permits carriers affiliated with a

direct air carrier through common controlling ownership, which by the explicit terms of new subsection (h)(1) are not subject to the terms of that provision, to elect to be subject to State regulation in any of the four areas enumerated in new subsection (h)(3). This sentence was included to allow a carrier affiliated with a direct air carrier through common controlling ownership to be subject to State regulation in these four areas if it so chose.

Subsection (d) provides that all subsections of Section 601 will take effect on January 1, 1995, except that any regulation of motor carriers operating in the State of Hawaii preempted by subsection (c) of Section 601 shall not be affected for three years from the date of enactment. The conferees directed the difference in the effective date for the State of Hawaii at the request of the State. The State had requested the conferees to totally except Hawaii from the preemption provision based on Hawaii's unique geographic circumstance, as the only State that is non-contiguous to the mainland since the State is totally surrounded by water. Therefore, all regulation of motor carrier transportation in the State of Hawaii is regulated by the State of Hawaii. Though the conferees were not willing to except Hawaii from the preemption provisions, they were convinced that due to these special circumstances the State should have additional time before preemption goes into effect.

Background and statement of purpose

Currently, 41 jurisdictions regulate, in varying degrees, intrastate prices, routes and services of motor carriers. The jurisdictions which do not regulate are: Alaska, Arizona, Delaware, District of Columbia, Florida, Maine, Maryland, New Jersey, Vermont and Wisconsin.

Typical forms of regulation include entry controls, tariff filing and price regulation, and types of commodities carried. Not all 41 States regulate each of these aspects nor do they all regulate them in the same manner or to the same degree.

Entry controls at the State level vary from liberal to strict. Strict entry controls often serve to protect carriers, while restricting new applicants from directly competing for any given route and type of trucking business. About 26 States strictly regulate trucking prices. Such regulation is usually designed to ensure not that prices are kept low, but that they are kept high enough to cover all costs and are not so low as to be "predatory". Price regulations also involves filing of tariffs and long intervals for approval to change prices. A company which wants to change its prices often must go through a costly and lengthy hearing proceeding in each State in which it operates.

The need for section 601 has arisen from this patchwork of regulation and in a June 25, 1991 9th Circuit Court of Appeals decision (*Federal Express Corporation* v. *California Public Utilities Commission*, 936 F.2d 1075 (9th Cir., 1991), cert. denied, 112 S.Ct. 2956 (1992)) in which Federal Express challenged California's authority to regulate the company's motor carrier operations. The court found that intrastate economic regulations for motor carriers did not apply to Federal Express because it was preempted by the Airline Deregulation Act of 1978, by virtue of the fact that it is an air carrier. Although several of its competitors conduct similar operations, they are not organized as air carriers. For example, United Parcel Service remained regulated, because it is organized as a "motor carrier", putting it at a competitive disadvantage in a number of States.

In light of the inequity created by the 9th Circuit Court Decision, California enacted legislation in October of 1993, which extended the exemption enjoyed by Federal Express as a result of its court victory to its competitors that are motor carriers affiliated with direct air carriers. The California legislation denied this exemption, however, to those using a large proportion of owner-operators instead of company employees, thereby denying the exemption to Roadway Package System, even though the Roadway holding company includes an air operation. Likewise, the Texas Attorney General has applied the 9th Circuit decision to Texas and broadened it to include other intermodal air ground carriers with similar operations. The Texas Railroad Commission has accepted the Attorney General decision. However, competitors whose operations are not integrated are still regulated. Likewise, Kentucky enacted legislation in May 1994 exempting from its regulation the carriage of packages weighing less than 150 pounds, by motor carriers affiliated with either direct or indirect air carriers.

Despite the movement toward deregulation by some individual states, the conferees believe preemption legislation is in the public interest as well as necessary to facilitate interstate commerce. State economic regulation of motor carrier operations causes significant inefficiencies, increased costs, reduction of competition, inhibition of innovation and technology and curtails the expansion of markets. According to Department of Transportation estimates, preemption of State economic regulation could eventually yield $3–8 billion per year in savings. Other estimates put the savings as high as $5–12 billion. The sheer diversity of these regulatory schemes is a huge problem for national and regional carriers attempting to conduct a standard way of doing business. In hearings held on this issue, numerous examples have been cited in which rates for shipments within a state exceed rates for comparable distances across state lines. In the small package express business, companies frequently ship goods across state lines and back into the state of origin to avoid the higher rates for purely intrastate shipments. Lifting of these antiquated controls will permit our transportation companies to freely compete more efficiently and provide quality service to their customers. Service options will be dictated by the marketplace, and not by an artificial regulatory structure.

The provision is supported by the Clinton Administration. Its statement of administration policy during floor consideration of S. 1491 reads: "The Administration particularly supports the Amendment's provision which addresses the problem of inconsistent regulation of intermodal all-cargo air carriers. Enactment of this provision would be an important step in resolving conflicting laws that interfere with efficient intermodal cargo movements."

After years of official policy against intrastate motor carrier deregulation, the American Trucking Association issued a positionpaper on June 24, 1994 which stated that "ATA will no longer oppose Federal preemption of state regulation of motor carrier rates and entry based on economic factors," with some conditions that would allow regulatory protection to continue for non-economic factors, such as liability rules, antitrust immunity to publish documents, insurance, safety, leasing and cargo credit rules. The conferees have attempted to address these conditions in Section 11501 of title 49 as amended by this provision.

It is important to note that the Senate provision created some ambiguity as to which carriers would be able to avail themselves of the preemption. In the version agreed to by the conferees, it is clear that all air carriers and carriers affiliated with a direct air carrier through common controlling ownership, motor carriers and motor private carriers involved in the transportation of property are covered by the preemption. The conferees believed it was patently unfair to create a level playing field for most of the industry, while leaving an unfortunate few still bound by economic regulatory controls.

The conferees are well aware that in recent years there has been considerable litigation with respect to the status of certain carriers, specifically as to whether they are air carriers or are motor carriers, and whether they are covered by the Railway Labor Act or the National Labor Relations Act. The purpose of this section is to preempt economic regulation by the States, not to alter, determine or affect in any way whether any carrier is or should be considered either an air carrier or a motor carrier for any purpose other than this section, whether any carrier is or should be covered by one labor statute or another, or the status of any collective bargaining agreement.

During the hearing on preemption of State regulation held by the House Committee on Public Works and Transportation on July 20, 1994, concerns were raised regarding the devaluation of operating rights and its effect on motor carriers, as a result of preemption of State authority to regulate the price, route, or service for intrastate transportation. Some motor carriers have purchased or paid to acquire the authority to operate trucks in many States. These operating rights for many motor carriers, especially small carriers, are an important part of their net business assets. The conferees recognize that this will eliminate the asset value of the operating authority of those affected motor carriers.

From the Committee on Public Works and Transportation, for consideration of titles I and II of the House bill, and the Senate amendment (except secs. 121, 206, 304, 415, 418 and title VI), and modifications committed to conference:

NORMAN Y. MINETA,
NICK RAHALL,
JAMES L. OBERSTAR,
ROBERT A. BORSKI,
BOB CLEMENT,
BUD SHUSTER,
BILL CLINGER,
THOMAS E. PETRI,

From the Committee on Banking, Finance and Urban Affairs, for consideration of title VI of the Senate amendment, and modifications committed to conference:

HENRY GONZALEZ,
STEVE NEAL,

From the Committee on Education and Labor, for consideration of sec. 418 of the Senate amendment, and modifications committed to conference:

WILLIAM D. FORD,
MAJOR R. OWENS,
HOWARD "BUCK" MCKEON,

From the Committee on Education and Labor, for consideration of sec. 208 of the House bill, and modifications committed to conference:

WILLIAM D. FORD,
BILL CLAY,
PAT WILLIAMS,

From the Committee on Foreign Affairs, for consideration of sec. 415 of the Senate amendment, and modifications committed to conference:

LEE H. HAMILTON,
TOM LANTOS,
GARY L. ACKERMAN,
HOWARD L. BERMAN,
ENI FALEOMAVAEGA,
BENJAMIN A. GILMAN,
BILL GOODLING,
JIM LEACH,

From the Committee on Science, Space, and Technology, for consideration of title III of the House bill, and secs. 206 and 304 of the Senate amendment, and modifications committed to conference:

GEORGE E. BROWN, Jr.,
TIM VALENTINE,
DAN GLICKMAN,
PETE GEREN,
JANE HARMAN,
ROBERT S. WALKER,
TOM LEWIS,
CONSTANCE MORELLA,

From the Committee on Ways and Means, for consideration of title IV of the House bill, and secs. 121 and 122 of the Senate amendment, and modifications committed to conference:

SAM GIBBONS,
DAN ROSTENKOWSKI,
J.J. PICKLE,
PETE STARK,
BILL ARCHER,
PHIL CRANE,

Managers on the Part of the House.

ERNEST HOLLINGS,
WENDELL FORD,
JAMES EXON,
JOHN C. DANFORTH,
LARRY PRESSLER,

Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BOUCHER (at the request of Mr. GEPHARDT), for today, on account of official business.

Mr. CLEMENT (at the request of Mr. GEPHARDT), for today, on account of official business.

Mr. FORD of Tennessee (at the request of Mr. GEPHARDT), for today, on account of personal business.

Mr. GOODLING (at the request of Mr. MICHEL), for today, on account of attending a funeral.

Mr. DIAZ-BALART (at the request of Mr. MICHEL), for today, on account of official business.

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. DREIER) to revise and extend their remarks and include extraneous material:)

Mr. LIVINGSTON, for 5 minutes, today.
Mr. MICA, for 5 minutes, today.
Mr. GINGRICH, for 5 minutes, today.
Mr. DELAY, for 5 minutes, today.
Mr. WELDON, for 5 minutes, today.
Mr. GOSS, for 5 minutes each day, on August 8, 9, 10, 11, and 12.

(The following Members (at the request of Mr. MCCLOSKEY) to revise and extend their remarks and include extraneous material:)

Mr. MCCLOSKEY, for 5 minutes, today.
Mr. HOYER, for 5 minutes, today.
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. DREIER) and to include extraneous matter:)

Mr. SANTORUM.
Mr. GOODLING in two instances.
Mr. CRANE.
Mr. BOEHLERT.
Mr. GILLMOR.

(The following Members (at the request of Mr. MCCLOSKEY) and to include extraneous matter:)

Mr. HILLIARD in six instances.
Mr. UNDERWOOD.
Mr. BROOKS.
Mr. MANN in two instances.
Ms. ESHOO.
Ms. LLOYD.
Mr. BEVILL.
Mr. ENGEL.

(The following Members (at the request of Ms. MCKINNEY) and to include extraneous matter:)

Mr. SANDERS.
Mr. BARCA of Wisconsin.
Mr. PALLONE.
Mr. BECERRA.
Ms. PELOSI.
Mr. GOODLING.
Mr. GILMAN.
Mr. FILNER.

SENATE BILL AND JOINT RESOLUTION REFERRED

A bill and joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 617. An act to authorize research into the desalinization of water and water reuse and to authorize a program for States, cities, or any qualifying agency which desires to own and operate a desalinization or water reuse facility to develop such facilities; to the Committee on Natural Resources, the Committee on Science, Space, and Technology, and the Committee on Public Works and Transportation; and

S.J. Res. 194. Joint resolution to designate the second week of August 1994 as "National United States Seafood Week"; to the Committee on Post Office and Civil Service.

BILLS PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, bills and a joint resolution of the House of the following titles:

On August 4, 1994:

H.J. Res. 374. Joint resolution designating August 2, 1994, as "National Neighborhood Crime Watch Day";

H.R. 868. An act to strengthen the authority of the Federal Trade Commission to protect consumers in connection with sales made with a telephone, and for other purposes; and

H.R. 2457. An act to direct the Secretary of the Interior to conduct a salmon captive broodstock program.

ADJOURNMENT

Ms. MCKINNEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 20 minutes p.m.), under its previous order, the House adjourned until Monday, August 8, 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:

3647. A letter from the Secretary of the Treasury; transmitting the annual report on the operations of the Exchange Stabilization Fund [ESF] for fiscal year 1993, pursuant to 31 U.S.C. 5302(c)(2); to the Committee on Banking, Finance and Urban Affairs.

3648. A letter from the Acting Director, Office of Thrift Supervision, transmitting the 1993 annual report on enforcement actions and initiatives, pursuant to 12 U.S.C. 1833; to the Committee on Banking, Housing and Urban Affairs.

3649. A letter from the General Counsel, Department of Transportation, transmitting the views of the Department concerning H.R. 4422; to the Committee on Merchant Marine and Fisheries.

3650. A letter from the Chairman, Physician Payment Review Commission, transmitting a copy of the Commission's report on the fee update and Medicare volume performance standards for 1995, pursuant to Public Law 101-239, section 6102(a) (103 Stat. 2176); jointly, to the Committees on Ways and Means and Energy and Commerce.

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. BONIOR: Committee on Rules, House Resolution 509. Resolution providing for consideration of a joint resolution and a bill relating to most-favored-nation treatment for the People's Republic of China (Rept. 103-673), Referred to the House Calendar.

Mr. BROWN of California: Committee on Science, Space, and Technology. H.R. 4908. A bill to authorize the hydrogen and fusion research, development, and demonstration progarms and the high energy physics and nuclear physics programs, of the Department of Energy, and for other purposes (Rept. 103-674). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. H.R. 4230. A bill to amend the American Indian Religious Freedom Act to provide for the traditional use of peyote by Indians for religious purposes, and for other purposes; with an amendment (Rept.

103–675). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. H.R. 4653. A bill to settle Indian land claims within the State of Connecticut, and for other purposes; with an amendment (Rept. 103–676). Referred to the Committee of the Whole House on the State of the Union.

Mr. MINETA: Committee of Conference. Conference report on H.R. 2739. A bill to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations for fiscal years 1994, 1995, and 1996, and for other purposes (Rept. 103–677). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SPRATT:

H.R. 4906. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to limit consideration of nonemergency matters in emergency legislation; to the Committee on Rules.

H.R. 4907. A bill to reform the concept of baseline budgeting; jointly, to the Committees on Government Operations and Rules.

By Mrs. LLOYD (for herself, Mr. BOUCHER, Mr. BROWN of California, Mr. WALKER, and Mr. BOEHLERT):

H.R. 4908. A bill to authorize the hydrogen and fusion research, development, and demonstration programs, and the high energy physics and nuclear physics programs, of the Department of Energy, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. DICKS (for himself, Mr. MILLER of California, and Mr. SWIFT):

H.R. 4909. A bill to amend the Elwha River Ecosystem and Fisheries Restoration Act to provide greater flexibility in the expenditure of funds, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries, Natural Resources, and Energy and Commerce.

By Mr. ENGEL (for himself, Ms. LOWEY, Mr. GILMAN, and Mr. FISH):

H.R. 4910. A bill to designate the U.S. courthouse under construction in White Plains, NY, as the "Thurgood Marshall United States Courthouse"; to the Committee on Public Works and Transportation.

By Mr. INSLEE:

H.R. 4911. A bill to authorize extension of the time limitation for a FERC-issued hydroelectric license; to the Committee on Energy and Commerce.

By Mr. MINETA (for himself and Mr. MCDADE):

H.R. 4912. 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, Finance and Urban Affairs.

By Mr. STENHOLM (for himself, Mr. PENNY, and Mr. KASICH):

H.R. 4913. A bill to ensure that no extraneous items are included in any bill containing an emergency designation; jointly, to the Committees on Government Operations and Rules.

H.R. 4914. A bill to reform the concept of baseline budgeting; jointly, to the Committees on Government Operations and Rules.

By Mr. STUPAK (for himself, Mr. BARCIA of Michigan, Mr. CONDIT, and Mr. HORN):

H.R. 4915. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to add States to the governmental entities eligible for reimbursement for emergency removal actions and to clarify authority to take such actions at illicit drug laboratories; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

Mr. BURTON of Indiana (for himself, Mr. FLAKE, Mr. MCNULTY, Mr. BARRETT of Nebraska, Mr. GOODLATTE, Mr. BARTON of Texas, Mrs. FOWLER, Mrs. VUCANOVICH, Mr. JOHNSON of Georgia, Mr. HOKE, Mr. HOCHBRUECKNER, Mr. JEFFERSON, Mrs. MEEK of Florida,Mr. COX, Mr. DORAN, Mrs. MORELLA, Mr. MORAN, and Mr. BARRETT of Wisconsin):

H.J. Res. 398. Joint resolution to establish the fourth Sunday of July as "Parents' Day"; to the Committee on Post Office and Civil Service.

By Mr. ACKERMAN (for himself and Mr. SKAGGS):

H. Con. Res. 278. Concurrent resolution expressing the sense of the Congress regarding United States policy towards Vietnam; to the Committee on Foreign Affairs.

By Mr. MENENDEZ (for himself, Mr. DIAZ-BALERT, Ms. ROS-LEHTINEN, Mr. TORRICELLI, Mr. SMITH of New Jersey, Mr. GILMAN, Mrs. MEEK of Florida, Mr. GUTIERREZ, Mr. OBERSTAR, Mr. HASTINGS, and Mr. DEUTSCH):

H. Con. Res. 279. Concurrent resolution condemning the July 13, 1994, sinking of the "13th of March", a tugboat carrying 72 unarmed Cuban citizens, by vessels of the Cuban Government; to the Committee on Foreign Affairs.

By Mr. LANTOS (for himself and Mr. GINGRICH):

H. Res. 510. Resolution to express the condolences of the House of Representatives to the victims of recent terrorist attacks, to condemn acts of terrorism, reaffirm support for the Middle East peace process, and express the sense of the House of Representatives that the President should convene an international conference to develop more effective means to deal with the serious and growing threat of international terrorism; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

456. The SPEAKER presented a memorial of the Legislature of the State of California, relative to natural disasters; jointly, to the Committees on Banking, Finance and Urban Affairs and Public Works and Transportation.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 127: Mr. CANADY, Mr. ABERCROMBIE, Mr. DEUTSCH, and Mrs. MEEK of Florida.

H.R. 193: Mr. DELAY, Mr. FIELDS of Texas, Mr. LUCAS, Mr. PARKER, Mr. SMITH of Texas, and Mr. WILSON.

H.R. 214: Mr. COMBEST and Mr. CALVERT.

H.R. 216: Mr. COX.

H.R. 326: Mr. SCOTT, Mr. PETERSON of Florida, Mr. YOUNG of Alaska, and Mr. MURTHA.

H.R. 739: Mr. BARLOW.

H.R. 830: Mr. LUCAS.

H.R. 963: Mr. COPPERSMITH.

H.R. 1079: Ms. MOLINARI.

H.R. 1110: Mr. MCCOLLUM.

H.R. 1126: Mr. SCHIFF.

H.R. 1171: Mr. SPRATT.

H.R. 1277: Mr. MCKEON.

H.R. 1671: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1887: Mr. SCHIFF.

H.R. 1999: Mr. HALL of Texas.

H.R. 2004: Mr. DERRICK, Mr. FRANK of Massachusetts, Mr. PRICE of North Carolina, and Mr. WATT.

H.R. 2088: Mr. CALVERT and Ms. KAPTUR.

H.R. 2418: Mr. RAMSTAD.

H.R. 3293: Mr. INHOFE.

H.R. 3523: Mr. PETE GEREN of Texas and Mr. WILSON.

H.R. 3526: Ms. SCHENK and Mr. MINETA.

H.R. 3619: Mr. JACOBS.

H.R. 3739: Mr. PACKARD.

H.R. 3892: Mr. KLUG.

H.R. 3949: Mr. LIGHTFOOT, Mr. HYDE, and Mr. HAMILTON.

H.R. 3978: Mr. EMERSON and Mr. MCCANDLESS.

H.R. 3990: Mr. HERGER and Mr. LAFALCE.

H.R. 4026: Mr. HASTINGS.

H.R. 4051: Mr. BACCHUS of Florida and Mr. RAHALL.

H.R. 4198: Mr. BATEMAN.

H.R. 4345: Mr. SERRANO and Mr. JEFFERSON.

H.R. 4353: Mrs. MEYERS of Kansas.

H.R. 4410: Mr. ARCHER.

H.R. 4411: Mr. TOWNS.

H.R. 4412: Mr. PETE GEREN of Texas.

H.R. 4483: Mr. BARTLETT of Maryland.

H.R. 4517: Mr. TOWNS and Mr. KILDEE.

H.R. 4570: Mr. FOGLIETTA, Mr. KOPETSKI, Mr. CASTLE, and Mr. HASTINGS.

H.R. 4592: Mr. TALENT.

H.R. 4667: Mr. CALVERT and Mr. FINGERHUT.

H.R. 4698: Ms. SHEPHERD and Mr. ANDREWS of Texas.

H.R. 4708: Mr. PASTOR.

H.R. 4739: Mr. NEAL of North Carolina.

H.R. 4789: Mr. BORSKI.

H.R. 4791: Mr. POMBO.

H.R. 4802: Mr. JACOBS, Mr. CAMP, Mr. FROST, Mr. HASTINGS, Mrs. LLOYD, Mr. COPPERSMITH, and Mr. KLINK.

H.R. 4805: Mr. FILNER.

H.R. 4826: Mr. DORNAN, Mrs. MEYERS of Kansas, Mr. FROST, Mr. GALLEGLY, and Mr. HASTINGS.

H.R. 4831: Mr. CANADY, Mr. SHAYS, and Mr. BATEMAN.

H.R. 4858: Mr. BILIRAKIS, Mr. HASTERT, Mr. BOUCHER, Mr. LEHMAN, Mr. HALL of Texas, Mr. MCMILLAN, Mr. BLILEY, Mr. BRYANT, Ms. MARGOLIES-MEZVINSKY, Mr. GILLMOR, and Mr. MANTON.

H.R. 4883: Mr. MCHUGH, Mr. GREENWOOD, Mr. DOOLITTLE, Mr. MILLER of Florida, and Ms. MOLINARI.

H.R. 4893: Mr. SHAYS.

H.J. Res. 184: Mr. BOEHLERT, Mr. BROOKS, Mrs. COLLINS of Illinois, Mr. GILMAN, Mr. HILLIARD, Mr. JOHNSON of South Dakota, Mr. KINGSTON, Mr. LIPINSKI, Mr. LIVINGSTON, Mr. MCINNIS, Mr. MCCLOSKEY, Mr. MEEHAN, Mrs. MEEK of Florida, Mr. MICHEL, Mr. RIDGE, Mr. SHARP, Mr. SMITH of Iowa, Mr. STOKES, Mr. WASHINGTON, and Mr. WILSON.

H.J. Res. 332: Mr. GRANDY, Mr. MINGE, Mr. PETE GEREN of Texas, and Mr. SHAW.

H.J. Res. 338: Mr. MEEHAN, Mr. ROSE, Mr. QUILLEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HASTINGS, Mr. LIPINSKI, and Mr. BUNNING.

H.J. Res. 358: Mrs. ROUKEMA, Mr. MEEHAN, Mr. CALLAHAN, Mr. DINGELL, Mr. SMITH of Iowa, Mr. KLECZKA, Mr. HASTINGS, Mr. HAMILTON, Mr. MYERS of Indiana, and Mr. CLYBURN.

H.J. Res. 362: Mr. WYNN, Mr. SLATTERY, Mrs. MORELLA, Mr. VOLKMER, Mr. ACKERMAN, and Mr. HASTINGS.

H.J. Res. 381: Mr. PETE GEREN of Texas, Mr. EVANS, Mr. FRANKS of Connecticut, and Mr. HASTINGS.

H.J. Res. 385: Mr. KREIDLER.

H.J. Res. 387: Mr. ABERCROMBIE, Mr. ANDREWS of Maine, Mr. BATEMAN, Mr. BLUTE, Mr. BREWSTER, Ms. DELAURO, Mr. DEUTSCH, Mr. DIAZ-BALART, Mr. EDWARDS of Texas, Mr. FRANK of Massachusetts, Mr. JEFFERSON, Mr. KINGSTON, Mr. KOPETSKI, Mr. LANCASTER, Mrs. MINK of Hawaii, Ms. MOLINARI, Mr. MURPHY, Mr. ORTIZ, Mr. PACKARD, Mr. PASTOR, Mr. PETERSON of Florida, Mr. REED, Mr. SARPALIUS, Ms. SNOWE, Mr. STUDDS, Mr. SYNAR, Mr. TAUZIN, Mr. TAYLOR of North Carolina, Mr. THOMPSON, Mr. TORKILDSEN, Mr. WELDON, and Mr. WOLF.

H. Con. Res. 148: Mr. SENSENBRENNER.

H. Con. Res. 166: Mr. MCCOLLUM and Ms. KAPTUR.

H. Con. Res. 254: Mr. SERRANO.

H. Con. Res. 274: Mr. DERRICK, Mr. BONIOR, Mr. FLAKE, and Mr. MCNULTY.

H. Con. Res. 276: Mr. MAZZOLI, Mr. TRAFICANT, Mr. COOPER, Ms. DANNER, Ms. KAPTUR, Mr. KASICH, Mr. FRANK of Massachusetts, Mr. HALL of Texas, Mr. DEFAZIO, Mr. REGULA, Mr. SAXTON, Mr. SENSENBRENNER, Mr. STARK, Mr. COPPERSMITH, Mr. MILLER of California, Mr. DEAL, Mr. MCHALE, and Mr. EDWARDS of California.

H. Res. 247: Mr. LUCAS.

H. Res. 270: Mr. CAMP.

H. Res. 432: Mr. LANTOS.

H. Res. 472: Mr. PORTMAN, Mr. GOODLATTE, Mr. HERGER, and Mr. ISTOOK.

H. Res. 496: Mr. MCNULTY, Mr. MCCLOSKEY, Mr. MATSUI, Mr. PALLONE, Mr. ABERCROMBIE, Mr. DEUTSCH, Mr. MEEHAN, Mr. KLEIN, Ms. ROS-LEHTINEN, Mr. COOPER, Mr. BATEMAN, Mrs. BYRNE, Mr. ENGEL, Mr. FRANK of Massachusetts, Mr. MANN, Mr. KYL, Mr. SHAYS, Mr. SMITH of New Jersey, Mr. LAZIO, Mr. LEVY, Mr. BARRETT of Wisconsin, Mr. SAXTON, Mr. MILLER of California, Mr. SHAW, Mr. GUTIERREZ, Mrs. MEYERS of Kansas, Mr. SCHUMER, Mr. FOGLIETTA, Mr. LAFALCE, Mrs. SCHROEDER, Mr. HASTINGS, Mr. WILSON, Mr. EVANS, Mr. RUSH, Mr. SABO, and Mr. JOHNSON of South Dakota.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4658: Mr. HILLIARD.

H.R. 4841: Mr. HILLIARD.

PETITIONS, ETC.

Under clause 1 of rule XXII:

116. The SPEAKER presented a petition of the National Association of Attorneys General, Baton Rouge, LA, relative to State health care fraud control units; to the Committee on Energy and Commerce.

DISCHARGE PETITIONS

Under clause 3 of rule XXVII, the following discharge petitions were filed:

Petition 25, August 3, 1994, by Mr. CONDIT on House Resolution 489, was signed by the following Members: Gary A. Condit, Peter G. Torkildsen, Mel Hancock, Rod Grams, Bill Orton, John R. Kasich, Timothy J. Penny, Christopher Shays, Peter Hoekstra, John L. Mica, Bob Livingston, Peter Blute, Tom DeLay, Larry Combest, Wayne Allard, Dana Rohrabacher, David A. Levy, Robert F. (Bob) Smith, William H. Zeliff, Jr., Jay Kim, Glenn Poshard, Collin C. Peterson, Cliff Stearns, Ron Packard, Craig Thomas, Richard H. Lehman, William M. Thomas, Christopher Cox, Howard P. "Buck" McKeon, John T. Doolittle, Ken Calvert, James A. Hayes, Calvin M. Dooley, David L. Hobson, Peter J. Goss, Charles T. Canady, David Dreier, Bob Stump, Randy "Duke" Cunningham, Jack Kingston, Terry Everett, James M. Inhofe, John A. Boehner, Charles H. Taylor, Rob Portman, Duncan Hunter, Sonny Callahan, Deborah Pryce, Steve Gunderson, Frank D. Lucas, Bill Emerson, Michael D. Crapo, Pete Geren, Bill Baker, Robert S. Walker, J. Dennis Hastert, Joel Hefley, Rick Santorum, Fred Grandy, Wally Herger, Jim Kolbe, Ron Lewis, E. Clay Shaw, Jr., Don Sundquist, Jim Bunning, F. James Sensenbrenner, Jr., Amo Houghton, Bob Franks, Jay Dickey, John J. Duncan, Jr., Donald A. Manzullo, Cass Ballenger, Barbara F. Vucanovich, Scotty Baesler, Paul E. Gillmor, Alfred A. (Al) McCandless, Stephen Horn, James A. Barcia, Michael Bilirakis, Thomas W. Ewing, Dan Miller, Dan Burton, Joe Barton, Toby Roth, Spencer Bachus, Sam Johnson, Don Young, Philip M. Crane, Richard W. Pombo, Bill K. Brewster, Tillie K. Fowler, Susan Molinari, Bill Paxon, Charles W. Stenholm, William F. Clinger, Roscoe G. Bartlett, Joe Knollenberg, Fred Upton, Carlos J. Moorhead, Jim Lightfoot, Robert H. Michel, Gary A. Franks, Dan Glickman, Steven Schiff, Nancy L. Johnson, Jim Ramstad, Bob Goodlatte, Doug Bereuter, Jon Kyl, Scot McInnis, Michael Huffington, Martin R. Hoke, Dan Schaefer, Michael G. Oxley, Pat Roberts, Michael N. Castle, Bob Inglis, Joe Skeen, Olympia J. Snowe, Pat Danner, J. Alex McMillan, Dick Zimmer, Henry Bonilla, Ralph M. Hall, Nathan Deal, W.J. (Billy) Tauzin, Mike Parker, Earl Hutto, Lamar S. Smith, and James A. Traficant.

Petition 26, August 5, 1994, by Mrs. FOWLER on House Resolution 472, was signed by the following Members: Tillie K. Fowler, Wayne Allard, Jennifer Dunn, Dick Zimmer, David Dreier, Nick Smith, Howard P. "Buck" McKeon, Dan Miller, John Linder, Duncan Hunter, Peter Hoekstra, J. Alex McMillan, Charles T. Canady, Bob Franks, Susan Molinari, Stephen Horn, Lamar S. Smith, Deborah Pryce, Barbara F. Vucanovich, Randy "Duke" Cunningham, Steve Gunderson, Jay Dickey, Christopher Shays, and Porter J. Goss.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 12 by Mr. TRAFICANT on H.R. 3261: Gary A. Condit.

Petition 15 by Mr. BILIRAKIS on House Resolution 382: Bob Livingston and Jim Chapman.

Petition 19 by Mr. EWING on House Resolution 415: John Edward Porter.

Petition 23 by Mr. TAUZIN on H.R. 3875: Jennifer Dunn and Toby Roth.

EXTENSIONS OF REMARKS

DONATION OF PAY COLA

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 5, 1994

Mr. GOODLING. Mr. Speaker, shortly after the 103d Congress convened, I announced that I would not accept the cost-of-living-adjustment [COLA] provided to Members of Congress elected to the 103d Congress that went into effect January 1, 1993. I state that instead of accepting the pay raise, I would donate the amount of that COLA to individual volunteers in my congressional district.

In the past, I also gave away any increases in salary effective during a sitting Congress. I believe salary increases should only take effect after an intervening election. I donated those increases to local organizations in support of literacy programs, home heating assistance and for other charitable purposes.

Even though the 1993 COLA was announced before the 1992 election and took effect afterward, I did not think the 102d Congress, as a whole, earned a salary increase. I contacted the House Sergeant at Arms and was informed, however, that I was required to accept the salary increase. I also explored the option of returning the funds to the Department of the Treasury. There was no guarantee that it would be used to reduce the deficit and as long as we have a deficit, it certainly could not be counted toward retirement of the national debt. Therefore, any amount returned to the Department of the Treasury would simply go into the general fund, and quite possibly would be spent in another Member's congressional district.

Consequently, I decided to donate the COLA to people in my own congressional district. I chose to give the money to individual volunteers who truly make a difference in the lives of those in need. I requested nominations for deserving individuals and was very heartened by the tremendous response I received. There are many fine individuals in the 19th district whose compassionate deeds often go unnoticed and this was one way to provide a degree of recognition to these caring and committed individuals.

As of the end of July 1994, I had exceeded the amount I had pledged to give for the 103d Congress. I have sent checks to 66 individuals, charitable organizations or charitable causes in the 19th Congressional District. I greatly appreciate the interest and assistance in this endeavor by the citizens in south-central Pennsylvania and I hope it provided some deserved recognition for dedicated volunteers as well as some assistance for worthy causes and needy individuals.

A TRIBUTE TO JOHN L. KENNEDY

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 5, 1994

Mr. HILLIARD. Mr. Speaker, I submit the following statement in honor of the distinguished life and legal contributions of the late attorney John L. Kennedy.

John L. Kennedy was a 1964 graduate of Morehouse College and a 1969 graduate of the Harvard University School of Law. He pursued an impressive legal career for 25 years in his native home of Atlanta, GA.

Attorney Kennedy was one of the first African-American attorneys hired as an associate by a large Atlanta firm, Alston, Miller & Gaines. After having served 2 years with this firm, he established his own law firm in 1971, which was named Kennedy, Bussey & Sampson. Kennedy later became a founding partner of Thomas, Kennedy, Sampson & Petterson, which soon prospered and became one of America's largest and most successful African-American law firms.

Attorney Kennedy was the managing partner of 14 lawyers. He was "a lawyer's lawyer", and a pioneer in the legal profession for African-American attorneys. John Kennedy's speciality was commercial and residential real estate closings and general corporate work.

Kennedy's law firm of Thomas, Kennedy, Sampson & Patterson was recognized in August 1993 by Black Enterprise magazine as one of the leading minority firms in the country. Attorney John L. Kennedy shall long be remembered as a mentor to many minority lawyers in Atlanta, GA.

Kennedy was a former member of the Georgia Board of Public Safety; a former deputy assistant State attorney general; a member of the Board of Directors of the Federal Public Defender Program; and he also served on the board of Mutual Federal Savings & Loan Association of Atlanta. He was named "Man of the Year in Law" by Morehouse College in 1992. He served as president of the Gate City Bar Association in 1975.

John L. Kennedy is survived by his loving wife and daughter, Brenda Kennedy and Carol, as well as by his brother, attorney Melvin Kennedy of Oakland, CA.

Had John lived, he would have celebrated his 30th year class reunion with fellow classmates of Morehouse College on May 20, 1994. John will be greatly missed, however, the legacy he leaves behind shall preserve an indelible impression for all of us who came to know him.

ACCESS TO MEDICAL TREATMENT ACT

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 5, 1994

Mr. PALLONE. Mr. Speaker, during the coming weeks the health reform debate will move on to the House floor and we will be faced with decisions that will have resounding consequences for all Americans. In this historic process we cannot lose sight of who we came here to serve—the people.

What I have heard loud and clear from my constituents is that they want freedom of choice in health care. Mr. Speaker, whatever reform we enact, must guarantee all Americans the freedom to choose not only their doctor but also the form of treatment they want to pursue. Hundreds of my constituents have written to me, stopped me on the street, or spoken to me at town meetings about their desire to seek alternative health treatments.

Many of my constituents seek chiropractic care or see a nutritional specialist and no reform that we enact should infringe on their right to pursue this type of care. That is why I have cosponsored the Access to Medical Treatment Act (H.R. 4696). The bill gives individuals the right to obtain alternative treatments that have not been approved by the FDA from licensed professionals, such as medical doctors, chiropractors, osteopaths, or naturopaths. Currently, many practitioners who recommend or perform unapproved, nonharmful therapies may face the loss of their licenses or worse.

H.R. 4696 is not intended to strip the FDA of its authority to regulate the safety and efficacy of most drugs in the country. The bill's purpose is to allow increased opportunities for the trial of alternative, non-FDA approved treatments that may generate effective new approaches to treating illness, and to increase access to alternative, nonharmful therapies.

The FDA would remain solely responsible for maintaining the safety and efficacy of drugs, and the bill would require full disclosure to patients of the contents and possible side effects of treatments. Also, the strict claims section of the bill mandates that patients are notified that the drug or treatment has not been proven safe or efficacious by the Federal Government. The medical treatment also must have no evidence of causing an adverse impact on an individual's health. If a treatment is found to be harmful, it must be reported to the Secretary of Health and Human Services and it cannot be used again.

Many in the traditional medical community and in the FDA have been slow to recognize the beneficial effects of some alternative treatments, such as acupuncture, naturopathy, or nutrition therapy. Some have even gone as far as too characterize anything nontraditional as

"quackery." I firmly believe that especially in cases where traditional medicine has shown to be ineffective, patients should have access to alternative treatments.

As our country becomes more health conscious and more individuals take an active role preserving their good health, we cannot afford to deny people access to safe and effective health care. Mr. Speaker, I fully support this legislation and hope we do not take a step backward when it comes to using legitimate treatments that have existed for thousands of years.

HONORING WINZELER STAMPING CO. ON THE OCCASION OF ITS 75TH ANNIVERSARY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 5, 1994

Mr. GILLMOR. Mr. Speaker, it gives me great pleasure to rise today and pay tribute to my good friend, Bob Winzeler, and his Montpelier, OH based manufacturing company, the Winzeler Stamping Co., on the occasion of its 75th anniversary.

Mr. Speaker, Ohio is justifiably proud of its manufacturing tradition. Made in Ohio can be seen on products throughout the world, and is synonymous with solid craftsmanship. For 75 years, Winzeler Stamping Co. has enhanced to this reputation.

The company was started in 1919 by Dan Winzeler. During these early years, he concentrated on hardware for the furniture industry, and, in fact, many of the firm's first products are still produced today.

Through the years, Winzeler has expanded and improved its product line. Under the direction of Bob Winzeler, new relationships have been established with companies such as Cummins Engine, General Motors, and the Ford Motor Co. By consistently delivering quality products on time, Winzeler is recognized by these customers as a leader in the industry. Today, the Winzeler Stamping Co. provides products to over 500 customers around the world. Markets served include automotive, heating and air-conditioning, lawn and garden and furniture.

It is an honor to take this time to recognize a locally based company because they are the heart of America's economy. As the Winzeler Stamping Co. celebrates its 75th year of service, I ask my colleagues to join me in congratulating the employees for their past achievements and encourage them to continue to hold themselves to the high standards customers, in Ohio and around the world, have come to expect.

CONGRATULATIONS TO DR. DANIEL KANTER AND DR. MARY SUTTON DAY

HON. DAVID MANN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 5, 1994

Mr. MANN. Mr. Speaker, on August 13, 1994, Dr. Daniel Kanter and Dr. Mary Sutton, physicians in the city of Boston, will officially form a union and merge.

Drs. Kanter and Sutton have recognized the long-term strategic value of a fully integrated healthcare delivery system because it results in lower costs from combined buying power and from the reduction in overhead due to the sharing of services.

Even though they are both highly trained specialists, they recognize the need for engaging in family practices which by their nature tend to serve the community through the creation of infant satellite facilities.

Mr. Speaker, this Nation needs examples of public-spirited healthcare professionals willing to accept one another without exclusions for preexisting conditions and who agree to provide long-term care and comfort for each other without imposition of new taxes or entitlements.

Mr. Speaker, and Members of the House, please join me in congratulating Dr. Daniel Kanter and Dr. Mary Sutton Day and in wishing them good luck and good health as they begin their lives together.

H.R. 4908—THE HYDROGEN, FUSION, AND HIGH ENERGY AND NUCLEAR PHYSICS AUTHORIZATION ACT OF 1994

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, August 5, 1994

Mrs. LLOYD. Mr. Speaker, today, I am pleased to introduce a bill entitled "The Hydrogen, Fusion, and High Energy and Nuclear Physics Authorization Act of 1994." This is a bill that is focused squarely on the 21st century and the growing needs for energy that are sure to arise.

By the year 2050, most demographers agree there will be 10 billion people living on this planet, and their needs for energy will be three times greater than our energy use today. One need only observe the growth in the east Asian countries of Korea, Taiwan, and Singapore, and the economic boom in China, to realize that the energy needs of these emerging economies will increase dramatically. Surely other areas of Asia and Eastern Europe will likewise experience economic growth in this same timeframe, as will the countries in Africa and Latin America.

Clearly, we cannot, as a world community, rely on fossil fuels to sustain this vast increase in energy demand. The environmental consequences alone of such an increase would be untenable. We must begin now to undertake and sustain the long-term development of other forms of energy that will help meet this growing demand without seriously damaging our environment.

In the Energy Policy Act of 1992, we focused on the development and demonstration of near-term technologies such as solar power and energy efficiency. This bill provides direction and guidance to carry out the development of two energy sources, hydrogen and fusion. Hydrogen has the potential to be developed and deployed in the midterm, the next 20 years. It can be applied to a variety of uses such as transportation, power generation, and heating and cooling. It can be essentially environmentally benign.

Fusion is a long-term development program which we hope will have its impact on commercial power production four or five decades ahead. Part of the United States program for fusion development will be an international collaborative effort, including Europe, Japan, and Russia, to make fusion power a reality. The scientific and technical challenges are immense, and the road will be long and hard; but the payoff is enormous. Fusion power can provide the world with an environmentally benign source of energy that will be virtually unlimited.

This bill authorizes and provides direction for the General Sciences Program of DOE, namely, high energy physics and nuclear physics. This provides for research and development and planning for the large hadron collider to provide our scientists the opportunity to participate in international cooperative scientific experiments.

The final part of this bill also takes steps to put in place the tools and programs to develop the human capital in the form of the scientific and engineering talent we will need to meet our energy needs as well as other challenges in the next century. The bill provides for direction and coordination for the University Research Reactor Program and the related educational programs. This will make it possible to upgrade the facilities and programs to educate and train engineers for fields such as materials science, chemistry, and biotechnology. Without these engineers, we will be unable to solve the problems we will face in the 21st Century.

It is important that we not be lulled into a sense of false security regarding our energy and environmental situation. The recent glut in the oil and gas markets has led many to believe that our energy problems are solved. But, the long-term trends throughout the world are clear, and their implications are ominous. This is the calm during which we must prepare ourselves for the storm that lies ahead. This bill takes an important step in that preparation.

TRIBUTE TO DR. VICTOR DEPRATTI

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 5, 1994

Mr. FILNER. Mr. Speaker and my colleagues, I rise today to pay tribute to a hero in my district who helps his community day after day, week after week, year after year. This man is Dr. Victor DePratti, chief executive officer and medical director of the San Diego Blood Bank.

Under Dr. DePratti's leadership, the San Diego Blood Bank has grown from a small and crowded operation in a 50-year-old home into a major regional blood center, serving 33 hospitals in San Diego, Imperial, and southern Riverside counties.

But Dr. DePratti's leadership and the reach of the blood bank have gone beyond the local level. The blood bank has participated in many

national studies, including one that helped to develop the screening test for Hepatitis B.

Under his direction, the San Diego Blood Bank continues to be at the forefront of blood banking technology. It was one of the first blood centers in the Nation to establish an apherisis department, for the donation of platelets to burn victims and leukemia patients.

We all know the importance of blood banks in America. I myself have been a blood donor for many years. It is one of the ways that I can keep giving something of myself to help others.

I salute Dr. DePratti for his hard work, dedication, and tenacity. He is an excellent example of the impact that one person can make in their community. I thank him for his efforts in making certain that the San Diego area has a safe and reliable blood supply.

SALUTE TO THE 61ST NATIONAL CONVENTION OF THE ASSYRIAN AMERICAN NATIONAL FEDERATION

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 5, 1994

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to and in recognition of the 61st National Convention of the Assyrian American National Federation which will take place September 1 through 5 in San Jose, CA. As the only Member of Congress of Assyrian descent, I am proud to have this distinguished event taking place in Santa Clara County, part of which I have the privilege to represent.

My father, Fred Georges, who emigrated to the United States as a youngster, taught me about my cultural heritage as I grew up in Connecticut. Thanks to him and my relatives, I learned how to speak the Assyrian language, a form of Aramaic which scholars call "neo-Syriac," and absorbed the history of my people. I came to appreciate the richness of Assyrian culture, as well as the lives Assyrians led in Iran, Iraq, Syria, and Lebanon. Assyrian immigrants have come to the United States in search of a better life and have made their homes and have established businesses in New York, Illinois, Michigan, California, and Connecticut.

Assyrian-Americans are hard working, patriotic citizens who have created a supportive organizational network for themselves while making major contributions to the communities in which they live. Many, like my father, are successful small businesspeople.

I pay special tribute to Adam Benjamin, the first Assyrian-American Member of Congress, who represented Gary, Indiana for many years after having worked as an Assyrian community leader in the 1950's and 1960's, most notably as the editor of the Assyrian Star, the official publication of the Assyrian American National Federation.

The federation for which Rep. Benjamin worked was established in 1933 to create unity among Assyrians, preserve their heritage, and represent them in the United States. The fact that the AANF is holding its 61st annual national convention is proof of how successful the organization has been in its mission.

On Labor Day weekend, over 4,000 Assyrians will arrive in San Jose. They will come from across the United States, Canada, Europe, Australia, and the Middle East to renew their commitment to Assyrian traditions, causes, and ideals. For 5 days, they will participate in a wonderful series of programs concentrating on culture, art, athletics, children and youth development, business seminars, and tours. At the end of that time, they will leave having rejuvenated their faith in their heritage and their future.

It is with no small amount of pride that I note that this convention is being hosted by the Assyrian American Association of San Jose, a nonprofit organization dedicated to promoting the cultural, educational, and social activities of Assyrians in the Bay Area and the South Bay. This remarkable group provides classes in Assyrian language, history, art, folklore, and dance. It is also involved with the Assyrian Nineveh Choir, weekly Atour TV broadcasts, and a wide array of sports activities. No one can question the contributions which the Assyrian American Association of San Jose has made to the local Assyrian community, and I am pleased that Assyrians from around the world will be able to appreciate the tremendous work which it performs.

Mr. Speaker, the 61st National Convention of the Assyrian American National Federation is an event worthy of commendation and celebration for Assyrians and all Americans. I ask my colleagues to join me in saluting the entire Assyrian-American community, the Assyrian American National Federation, and Assyrians from around the globe who are delegates and attendees at the 61st National Convention.

HONORING THE LIFE AND WORK OF CESAR CHAVEZ

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 5, 1994

Mr. NADLER. Mr. Speaker, on Monday, August 8, President Clinton will honor the late Cesar Chavez with this Nation's highest civilian award, the Presidential Medal of Freedom. It is an appropriate tribute to a man who dedicated his life to the struggle for justice and dignity for the people who produce America's food.

Born in Arizona in 1927 to Mexican immigrant parents, Cesar Estrada Chavez and his family moved to California, where they found work as migrant farmworkers during the Great Depression. In the 1960's, Cesar Chavez led the first successful effort to organize migrant farmworkers, moving from farm to farm, combining the nonviolent teachings of Mohandas Ghandi and the organizing techniques of Saul Alinsky.

When Cesar Chavez emerged as a leading organizer of the farmworkers in 1965, migrant farmworkers earned only $1.40 an hour, with no benefits. Working conditions in the fields were terrible, sanitation was substandard, and, most importantly, the growers refused to recognize the right of the farmworkers to bargain collectively.

The history of labor relations in this country was changed forever when the United Farm Workers of America called for a boycott against California table grapes to protest the growers' antilabor tactics and the abhorrent conditions under which the farmworkers labored. The strike was an astonishing success. By mobilizing the conscience of the American people behind direct action, the boycott resulted in millions of dollars in losses to the growers. An estimated 17 million Americans stopped buying table grapes in solidarity with the UFW. On July 30, 1970, the grape growers signed a landmark contract with the UFW. In 1975, thanks in large measure to Cesar Chavez's work, the California Legislature passed the first collective-bargaining law in the continental United States for farmworkers.

Cesar Chavez also fought to protect the environment and the health of workers and consumers. Fighting a national epidemic of pesticide poisonings and cancer among farmworkers, Cesar Chavez alerted the Nation to this growing health menace and organized a consumer boycott to protest the poisoning of the Nation's food supply and of the people who pick our crops. The United Farmworkers documented clusters of birth defects in farming communities and cancer rates among the children of farmworkers more than a thousand times the national average. In 1991, largely in response to the UFW campaign, the Environmental Protection Agency announced that it would take steps to crack down on the use of parathion, a commonly used crop pesticide.

Mr. Speaker, too often we forget that this Nation was built on the courage and tenacity of common citizens who exhibit uncommon determination and ability in the face of injustice. Cesar Chavez was one such individual—a man who came from the fields of California to lead a movement of workers and consumers that changed this country.

It is fitting that this man, who Robert Kennedy called one of the heroic figures of our time, should be recognized with our Nation's highest honor. I am pleased to join the millions of Americans drawn by Cesar Chavez to the fight against injustice in honoring him. The struggle he so ably led remains unfinished. Let us all honor his memory and his accomplishments by continuing that work.

Viva La Huelga. Viva La Causa.

HONORING DAVID F. WESTERBECK

HON. DAVID MANN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 5, 1994

Mr. MANN. Mr. Speaker, I rise today to recognize David F. Westerbeck, senior vice president, secretary, and general counsel at the Union Central Life Insurance Co., in Cincinnati, OH. Today marks Mr. Westerbeck's 20th anniversary with the Union Central Life Insurance Co.

Mr. Westerbeck is a graduate of the University of Cincinnati, College of Arts & Science (1967) and Law (1972). He began his career at UCL in 1974 and, through the years, has

assumed additional management responsibilities. He is currently responsible for the office of the general counsel, office of the secretary, corporate public relations, human resources, and home office services which comprises home office building, internal audit, purchasing, corporate mail center, corporate food services, and business resumption planning.

David Westerbeck is active in church, civic, charitable, and industry organizations within the community. His memberships include: American Bar Association, Ohio State Bar Association, Cincinnati Bar Association, American Council of Life Insurance [ACLI], Association of Ohio Life Insurance Companies [AOLIC], Association of Life Insurance Counsel [ALIC], and Health Insurance Association of America [HIAA]. He actively supports the local schools and parish as well as the Boy Scouts of America. At UCL he is currently the political action director and the chair for this year's United Way fund drive.

Except for 2 years, in which he lived and worked in Indiana, Mr. Westerbeck has been a life-long resident of Cincinnati. He and his wife of 27 years, Sandy (nee Colonel), have three children, twin sons, Eric and Mark, a daughter, Sarah, a daughter-in-law, Jenny, and a grandson, Andrew. In nonwork hours he enjoys golf, his garden, and time with his grandchild.

Mr. Speaker, and Members of the House, I ask you to join me in recognizing David F. Westerbeck as he celebrates this milestone with the Union Central Life Insurance Co.

GUAM THANKS ADM. EDWARD K. KRISTENSEN

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, August 5, 1994

Mr. UNDERWOOD. Mr. Speaker, Rear Adm. Edward K. Kristensen has come a long way since becoming an ensign in June 1965. I am sure that at sea in your early days aboard the U.S.S. *Norfolk,* the U.S.S. *Wilkinson,* and the U.S.S. *England,* moments like this ceremony were not at the forefront of your mind. Yet, I am equally sure, that those who knew you then expected no less.

You've run a "tight ship" here on our island, just as you commanded the U.S.S. *Waddell* and the U.S.S. *Lake Champlain* later in your career. And what a career you've enjoyed with the Navy. In 1983 you won the VADM James Bond Stockdale Award for outstanding leadership, went on to earn the Legion of Merit, the Meritorious Service Medal, with gold starts, Navy Commendation Medal, Navy Marine Corp Expeditionary Service Medal, and various unit and campaign ribbons.

I'm happy to note that the tradition of excellence will continue. With your loving and charming wife Suzanne C. "Sam" Samsel, you have a son, Erik, who is now attending the Naval Academy. Good luck, Erik.

When you came to Guam in April 1992, little did you know that the summer would be full of activity. Typhoon activity that is. In August 1992, you provided tremendous assistance to the people of Guam in restoring vital services to both the civilian and military communities on the island. You directed the construction of the tent city named Omar, after the typhoon which triggered the need to house over 2,000 homeless people. You helped reopen bridges and schools. We are forever grateful.

One year later, an 8.1 Richter scale earthquake hit our island home. Again, under your direction, technical expertise was provided to the Government of Guam. You showed your compassion and concern for the people of Guam.

On island issues facing us, when I called for the Guam Land Conference process, you responded with a "can do" attitude. You initiated the Guam Land Conference session held on Guam in January 1994. I know that you wanted to find more excess land to be returned to the people of Guam, and the study concluded there was more excess land.

The Micronesian Games and the Golden Salute our 50th anniversary commemoration of the liberation of Guam were superb events, which showcased our island. Again, Admiral, I salute you for your dedication and service. Many of those under your command helped with the Games, and the athletic facilities at U.S. Naval Air Station were made available for our events. We enjoyed your maximum support for the Golden Salute, but we knew we could count on you.

We are grateful for your assistance, your leadership and your honesty. You have demonstrated a rare ability to deal with difficult public issues. You have carried out your duties in a manner which has brought goodwill to the Navy and you exemplify the best that the military services has to offer this country.

Admiral, the people of Guam will continue to count on you as you continue in your career. You are now one of our alumni. So, anchors away, and may the wind always be at your back.

HEALTH CARE NEEDS ACTION

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 5, 1994

Mr. HILLIARD. Mr. Speaker, I rise to address the crucial matter of national health care reform. The American people are waiting for our action.

There is no one so low in our Nation that he or she doesn't deserve the best health care that can be achieved. There is no one so poor or so evil, that he or she doesn't deserve to be healthy. There are people whose productivity as workers is less than it should be, due to preventable medical problems, whether physical or mental. There are people who are criminals who would not be criminals if they could get the treatment they need. There are people who are addicted to alcohol or to other drugs, legal or illegal, who can become free, if there is health care for all. There are people who limp through life who will be able to dance if there is affordable health care for them in this Nation. There are families which will remain whole if there is health care for all.

The only way to achieve a healthy Nation is through universal health care—91 percent of the American people is not enough—95 percent or 97 percent is not enough. As long as any American is not covered, we are all less. As long as any American is not healthy, our Nation is not healthy. As long as one American goes without treatment, every American suffers. This is one Nation, one people. I firmly believe that if Abraham Lincoln were standing here tonight, he would call for health care "of the people, for the people, by the people."

Health care "of the people" means that it comes from us all as a Nation, as a right, as one of the great blessings that come with being an American.

Health care "for the people" means that it must be for all, and designed for the health of the people, not the wealth of the elite.

Health care "by the people" means that we must pay for it as a people, not leaving it up to the weakest to stand aside, less than a full American, broken, sick, poor, afflicted.

In the Seventh District of Alabama live some of the poorest and most down-trodden of Americans. Whether in the inner city of Birmingham, or on the worn-out farms of the black belt, they are also some of the best people of this Nation. These people, many of whom receive no medical care, or inferior and inadequate medical care, are the very people who brought freedom to this Nation with the civil rights movement. Many of the great victories of the civil rights movement came in my district. These people, with all their afflictions from poverty, from discrimination, from poor education, and from inadequate access to health care, are a living monument to freedom for the entire world. In my district, the words of "we shall overcome" were first sung. If health care is not universal, it will discriminate disproportionately against my people.

Therefore, in their names, and in the names of all Americans free because of the heroes who make up my constituency, let us pass universal health care reform. If we do so, we as a Nation can sing together, "we have overcome, we have all overcome."

OUR FORGETFUL ELECTORATE

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 5, 1994

Mr. BROOKS. Mr. Speaker, I want to commend David Broder for his thoughtful column of August 3, 1994, entitled "Our Forgetful Electorate." One year ago, this Congress passed President Clinton's budget and economic plan in the face of overwhelming Republican opposition. Since that date, our economy has achieved a 2.5-percent inflation rate, a 6-percent unemployment rate, and an increasing economic growth rate that's been adding 200,000 new jobs a month. This is an important editorial review of our economy. President Clinton was right last year to propose his economic plan and Congress was right in passing his budget. We have a healthy economy and it's due in large measure to President Clinton's forthright leadership. I recommend this column to my colleagues and I'd like to place it in the RECORD at this point.

If one of the defects in the workings of our democracy is the lack of accountability for

members of Congress, the voters are much more to blame than the politicians. Memories are just too short.

In the 1992 election, for example, far more members of Congress were punished for their overdrafts in the House bank than for their votes on the resolution authorizing the use of force in the 1991 Persian Gulf showdown with Saddam Hussein. I thought—and wrote—back then that the Democratic Party would and should be held accountable for the fact that large majorities of its members in both the House and Senate opposed authorizing offensive action against Iraq when President Bush sought Congress' approval.

Democratic leaders predicted then that not one of their incumbents would be defeated for opposing the war, and they were right. But the voters were wrong to ignore the signal. The Democrats' institutional failure to recognize what was—even before the lightning military victory—a clear-cut case of justified use of force was significant. Even though Albert Gore Jr., as a senator, supported Bush's action and Bill Clinton, as a governor, implied that was also his view, the government they head—reflecting the waverings of their party—has failed to set forth any clear criteria for the manner, time, place and conditions for U.S. military intervention. Thus, the confusion of U.S. policy in the past 18 months in Bosnia, Somalia, Korea, Haiti and other hot spots around the globe was foreshadowed by the Democrats' dithering on the gulf.

Whatever voters do, the press has a responsibility to keep score on which party was right and which was wrong on big policy questions. The biggest one since Clinton became president occurred a year ago this week, with the passage of his budget and economic plan. The party lines were drawn even more sharply than on the Persian Gulf War; every single Republican in the House and Senate opposed that budget. They not only opposed it, they denounced it.

Senate Minority Leader Bob Dole (R–Kan.) called it a "terrible bill. . . . It's not good for the economy, and it's going to be terrible for small business." "We have a sick economy," said Sen. Kay Bailey Hutchison (R–Texas), "and now we're bleeding it."

Sen. Alfonse M. D'Amato (R–N.Y.) was particularly scathing on the final day of Senate debate. He set up a blank chart, which he said listed all the real deficit reductions in the bill, and, imitating a carnival barker, bellowed, "Step right up, ladies and gentlemen, with Magical Bill and his band of liberal magicians. . . . Smoke and mirrors!"

It was much the same the day before, when the House voted, Rep. Bill Archer (R–Texas), who would be chairman of the Ways and Means Committee in a Republican Congress, said, "The president claims the vast majority of these taxes will hurt only the rich, and that is baloney. . . . Americans know these new tax increases are job-killing poison for the economy."

Rep. Richard Armey (R–Tex.), chairman of the House Republican Conference and the top Republican on the Joint Economic Committee, said, "Taxes will go up. The economy will sputter along . . . and the deficit will reach another record high. . . . It is a recipe for disaster."

And Rep. Newt Gingrich (R–Ga.), in line to be speaker if the House goes Republican, said, "If I were only a Republican partisan, I would hope that this tax increase bill would pass by one or two votes so that every Democrat who voted yes would bear the responsibility for a massive tax increase and the job-killing recession it will lead to."

The budget did pass the House by two votes, the Senate by one. And where are we now? A year later, unemployment is at 6 percent, a 3½-year low. Inflation in the last year has been averaging 2.5 percent, as low as it ever gets. After spurting in the last quarter of 1993, following passage of the budget, the economy has been growing at a steady pace, between 3 percent and 4 percent, for the past six months. It has been adding more than 200,000 net new jobs a month.

Business investment in new plants and equipment—a key to future productivity and wage increases—rose 13.4 percent over the past year. Last year saw the largest number of new business incorporations since World War II. According to the Congressional Budget Office, the federal deficit for the current fiscal year has been cut from $291 billion (the estimate when Clinton came in) to $223 billion; the deficit for next year, from $284 billion to $171 billion. The higher income taxes of which the Republicans warned were paid this year by 1.2 percent of those filing—the wealthiest 1.4 million—exactly as the administration had insisted. Millions more of the working poor had their taxes cut, raising them above the poverty line.

None of this proves that the Democrats will be right next time on the economy any more than the Persian Gulf vote proved they will always be wrong on national security matters. But it is foolish to ignore politicians' records. If we want accountability, we have to remember what they said and how they voted.

CARING PROGRAM FOR CHILDREN

HON. RICK SANTORUM

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 5, 1994

Mr. SANTORUM. Mr. Speaker, as we debate the future of health care in America, we must constantly search for innovative solutions. Today, I want to draw our attention to one unique solution that was first developed in Pittsburgh and has been successfully reproduced in 23 States.

I am referring to the Caring Program for Children, a Blue Cross of Western Pennsylvania and Pennsylvania Blue Shield Health Care Program for children living in the families of the working poor. Initiated in 1985, it became the Nation's first private health insurance plan serving children of low-income families. The Caring Program provides free primary health care coverage, including immunization and well-child visits, doctor office visits when a child is sick, outpatient diagnostic tests, emergency medical and accident care, outpatient surgery, dental care, vision care, and hearing services at no cost to the children or their families. Prescription drugs are also available with a $5 copayment.

The widespread outpouring of community support for this efficiently operated delivery system has enabled the Caring Program to help over 30,000 children since 1985, with all funds contributed being matched dollar for dollar by Blue Cross and Blue Shield. Between 1989 and 1993, the Caring Team Campaign, developed by the Caring Program, has enlisted 130 local schools and 7 major corporations and raised $984,000—including the matching funds—to further the drive. All money raised through a school district goes directly to the primary health care of a child in the school's community as Blue Cross/Blue Shield donates all administrative expenses. In this way the campaign has been able to help nearly 5,000 children in the past 5 years.

The achievements of the Key Club at Springdale Junior/Senior High School, in my congressional district, are exceptionally noteworthy. The Springdale Key Club, sponsored by Mrs. Rose Petroff, has raised a total of $26,000 for the Caring Program, including over $6,000 in 3 of the last 4 years. The money raised by Springdale alone, combined with Blue Cross/Blue Shield's matching funds, has provided 330 children with primary health care coverage at no cost to their families.

Springdale's efforts truly have been amazing, as it is a small school with only 600 students and just 20 Key Club members. This exceptional group of students was recognized when the Caring Program was featured on a recent NBC Nightly News segment. Springdale's students have also been honored by the State of Pennsylvania and Key Club International and recognized by the Pittsburgh Steelers. Springdale principal Michael A. Panza is correct in noting, "This shows what the efforts of a few committed people can accomplish."

As the national spotlight intensifies on health care, we must recognize, that no matter what reforms we pass, government alone cannot reach everyone. We must depend on community and private involvement like the exemplary efforts of Springdale Junior/Senior High School and the Caring Program for Children. Endeavors such as these must now receive our careful attention. As Mike Panza concludes, "We have started our [health care] battle in Springdale and we are winning." Thank you, Blue Cross of Western Pennsylvania/Pennsylvania Blue Shield and Springdale, for leading the way.

THE CENTENNIAL OF HILLBURN'S VOLUNTEER FIRE DEPARTMENT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 5, 1994

Mr. GILMAN. Mr. Speaker, on Saturday, October 1, 1994, the Hillburn Volunteer Fire Department in Rockland County, NY, will be celebrating its centennial. I invite my colleagues to join with us in congratulating the officers and members of this historic organization on marking this milestone.

The Hillburn Volunteer Fire Department began as a series of meetings led by E.H. Terwilliger. At those meetings, committees were established for the purposes of setting up the fire department, raising money for its maintenance, and providing benefits for its members.

Despite the initial doubts of the community regarding its validity and importance, the Hillburn Fire Department was incorporated into the Hillburn village organization in April of 1904 under the leadership of its first chief, F.W. Snow. The department established its headquarters in an occupied portion of the

barn belonging to the Rampo Wheel and Foundry Co.

Having been accepted into the community, the Hillburn Fire Department began a tradition of fundraising picnics and balls, making $80.46 at its first picnic. Those popular events continue today to be an important means of raising money for maintenance and for equipment of this volunteer organization.

The late 1890's also brought about many efforts to improve the department's efficiency. After several false alarms, the department finally established a successful system in July 1896 that is still in use today. In order to quicken its responses to alarm calls, the department instituted a fire apparatus with horses harnessed to it. This mobile unit was the first of many important steps toward the use of our modern-day fire engines.

Perhaps the most important event in the history of the Hillburn Volunteer Fire Department occurred on August 19, 1899. As a commemorative gesture for their 50th wedding anniversary, Olive and William Snow bequeathed a plot of land and a construction grant to be used for the establishment of "The Hillburn Hall"—a building to be used by the fire department and rented out for other functions. After a few years of meetings, discussions, and arguments, a suitable plot of land adjacent to the property of Henry Becraft was decided upon. Construction of The Hillburn Hall began on July 24, 1905. This original structure is part of the building that exists today. The Hillburn Volunteer Fire Department has expanded its headquarters resulting in a hall today that can seat 550, as well as including various meeting rooms, an apparatus room, dining room, bowling alley, and janitor's quarters.

Mr. Speaker, the fire department, which established itself against the expectations of the entire community, serves today as a pillar of the village of Hillburn. It is both an important service and social organization that demonstrates the value of public service at the most fundamental level. The generations of volunteers who have valiantly protected their community are to be commended for their selfless dedication. As an inspiration to all residents of the village of Hillburn, and especially its youth, the Hillburn Volunteer Fire Department is also a reminder of the importance of volunteer work and community cooperation.

Mr. Speaker, Jerome Taylor, centennial chairman, and Sandi Jeanette, publicity chairperson, have diligently worked to plan a memorable centennial celebration. Accordingly, I invite my colleagues to join with me in commending the Hillburn Volunteer Fire Department upon their celebration of a successful 100 years, and in congratulating all its members and officials as they embark upon their second century of service.

THURGOOD MARSHALL UNITED STATES COURTHOUSE, WHITE PLAINS, NY

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 5, 1994

Mr. ENGEL. Mr. Speaker, today I will introduce, in conjunction with my colleagues Representatives LOWEY, GILMAN, and FISH, legislation which will designate the U.S. courthouse under construction in White Plains, NY, as the "Thurgood Marshall United States Courthouse", a modest tribute to an extraordinary defender of human rights.

Thurgood Marshall spent a lifetime dedicated to the protection of individual and civil rights. Long before he became the first African-American justice, he earned his place in history from the other side of the bench and has often been cited as the greatest lawyer in the 20th century. As chief counsel for the NAACP Legal Defense and Education Fund, Marshall successfully argued before the Supreme Court in 1954, resulting in the historic ruling, Brown versus Board of Education, which declared racially segregated public schools as unconstitutional.

Then, in 1961, Marshall accepted an appointment from President Kennedy to the U.S. Court of Appeals for the Second Circuit. Subsequently, he received a nomination to the Supreme Court in 1967 from President Johnson. During his tenure on the Supreme Court he vigilantly continued to defend individual rights, protecting minorities and the under-privileged, and supporting affirmative action and abortion rights, while opposing the death penalty.

Naming the White Plains courthouse in memory of Justice Marshall will serve a meaningful purpose for the residents of Westchester County. The courthouse will provide a tangible symbol of Marshall's important legacy, while serving as an important reminder of the solemn principles of law and justice which will be defended within its walls.

Finally, I would like to thank the African American Federation of Westchester, the White Plains-Greenburgh branch of the National Association for the Advancement of Colored People, Greg Smith, president and CEO of the ADF, White Plains Common Council Member William Brown, Jr., Paul Redd, editor of the Westchester County Press, and Ernest D. Davis and Herman Keith of the Westchester County Board of Legislators for their assistance in this important project. I urge my colleagues to join me in cosponsoring this legislation.

UNIVERSITY OF ALABAMA MOOT COURT TEAM SUBMITS BEST BRIEF IN THE WORLD

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 5, 1994

Mr. BEVILL. Mr. Speaker, as you know, Alabama is a State that has provided this Nation with a number of outstanding attorneys. We currently have several serving in Federal office, the most notable being Senator HOWELL HEFLIN, former Chief Justice of the Alabama Supreme Court. Alabama has also produced a distinguished member of the U.S. Supreme Court in Justice Hugo L. Black. Mr. Speaker, Alabama has done it again.

This year, the University of Alabama International Law Moot Court Team has been recognized for writing the best brief in the Jessup International Law Moot Court Competition. I want to commend the 1994 team members.

They include, Ms. Jamie Manasco, responsible oralist, of counsel; Mr. John Gilliland, respondent oralist, of counsel; Ms. Christa Hayes, who is from my district, applicant oralist, of counsel; Mr. David Overstreet, applicant oralist, of counsel; Ms. Paige Carpenter, of counsel; Sonya Powell, team manager; and team advisors, Dean Kenneth Randall and Frank Kaprio, attorneys at law. These are names to remember because these young men and women have illustrious careers ahead.

Of special note are the accomplishments of John Gilliland and Jamie Manasco who received the Baxter Award for writing the best respondent brief in the competition.

These young men and women are from across the State of Alabama and the country. They have once again demonstrated the outstanding quality of legal education available in our State. Their triumph in international competition is something that the entire United States can enjoy. I wish to offer them congratulations for their ability and dedication. The law profession can use more outstanding individuals such as these. I look forward to hearing more about the accomplishments of these winners as they leave the university and enter the profession.

103D CONGRESS: A PRODUCTIVE YEAR

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 5, 1994

Mr. HILLIARD. Mr. Speaker, I am proud to say that this 103d Congress has had one of the hardest working and productive sessions in the history of this august body. For the previous 12 years, the specter of gridlock haunted these halls, and very little was accomplished because the two previous administrations refused to join together with us for the betterment of the Nation.

However, during this session, we have produced a solid record of accomplishments. We began last year by passing the Family and Medical Leave Act (H.R.1) which guarantees unpaid leave to workers who need time off to care for a sick child or relative; the motor voter bill (H.R. 2) which expands opportunities for all Americans to participate in the political process; the National Service Act (H.R. 2010) which will help to open the doors of college opportunity for all Americans; and dozens of other pieces of major legislation, such as: education reform, the budget resolution, veterans benefits, and others. Now, we must move toward major health care reform which will guarantee that every American will have health care that can never be taken away.

TO COMMEMORATE THE 1 YEAR ANNIVERSARY OF THE FAMILY AND MEDICAL LEAVE ACT

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 5, 1994

Ms. PELOSI. Mr. Speaker, I rise today to commemorate the 1 year anniversary of the effective date of the Family and Medical Leave Act. I would also like to thank Congresswoman PATRICIA SCHROEDER for organizing recognition of the first anniversary of this important legislation.

The Family and Medical Leave Act has relieved many American workers with families of the burden of having to choose between caring for an ailing child or parent and losing their job. Unfortunately, many employees remain unaware of their rights, and many employers have failed to develop leave policies and grievance procedures.

Still, the Labor Department has reported that the measure has been successful with 90 percent of complaints filed under the act resolved to the employee's satisfaction, and there's been no evidence that the act has been burdensome to employers, as predicted by the act's opponents.

With the changing composition of our Nation's work force, family and medical leave legislation to help workers balance work and family responsibilities was long overdue. I am grateful that President Clinton signed this into law.

TRIBUTE TO PROF. LOUIS W. STERN

HON. PETER W. BARCA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 5, 1994

Mr. BARCA of Wisconsin. Mr. Speaker, I rise today to congratulate Prof. Louis W. Stern of Northwestern University's Kellogg Graduate School of Management for receiving the AMA/Erwin Distinguished Marketing Educator Award for 1994.

Mr. Stern will be honored on Sunday, August 7th in a ceremony conducted by the American Marketing Association at their conference in San Francisco. This honor has only been awarded for the past 10 years.

Louis Stern is known as the father of modern channels research having introduced the concepts of power and conflict to marketing channels. He has written 9 books and 85 articles encompassing marketing management, behavioral sciences, and law.

He served as a consultant to the Federal Trade Commission, IBM, Ford, Kodak, Xerox, and General Electric among others and has testified before House committees on antitrust matters.

I congratulate Professor Stern for his many accomplishments.

IN RECOGNITION OF THE 100TH ISSUE OF NASA TECH BRIEFS

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 5, 1994

Mr. BECERRA. Mr. Speaker, as a member of the House Science, Space, and Technology Committee, I want to recognize Associated Business Publications and offer my congratulations on the anniversary of its 10-year partnership with NASA and the publication of its 100th issue of NASA Tech Briefs.

Most of us recognize that technology is the key to economic growth, creating jobs, building new industries, and improving our standard of living.

How can we encourage the development of new technologies? By building a partnership between government and industry, labor, and academia. Fortunately, there is an excellent example of this public-private partnership taking place today which I would like to call to your attention.

Ten years ago, NASA was looking for a way to improve its ability to transfer technology to the American public and save money. Associated Business Publications answered the call. Together, ABP and NASA joined forces to publish NASA Tech Briefs at no cost to the American taxpayer.

Since 1985, ABP has increased the circulation of NASA Tech Briefs by 173 percent, making it one of the largest engineering magazines in the world. Translating the language of research into the speech of the marketplace, ABP was streamlining a government process long before the call for reinventing government was ever sounded.

This successful joint venture between government and small business is one way in which NASA is meeting its mandate to transmit technological innovations to the American public. ABP has saved taxpayers over $12 million in paper, printing, and postage costs.

Each issue contains briefs describing practical and commercially promising new ideas developed under NASA's auspices. This year alone, NASA/ABP expect to circulate over 1,000 briefs. Over the past 10 years, nearly 7,500 innovations have been featured in these issues.

Readers who are interested in a specific subject request a detailed technical support package. ABP and NASA receive thousands of comments annually from readers detailing how they have used ideas in the magazine to solve problems, save time and money, develop new or improved products, and create new jobs.

For most people, space technology seems about as removed from our lives as astronauts walking on the Moon. But in reality, average Americans can—and do—derive priceless benefits from inventions designed for use in aeronautics and space projects. Studies have shown that for every $1 spent on NASA research and development, $8 are returned to the U.S. economy. NASA Tech Briefs is one important medium that helps to spread the word about technology available from NASA to the private sector.

Mr. Speaker, there are many examples that demonstrate how NASA technology is relevant to the lives of all Americans. I would like to share just a few of these examples with you.

Cool vest: For those suffering from multiple sclerosis, the slightest rise in body temperature can exacerbate fatigue and poor coordination. But thanks to a new cooling vest originally designed for NASA astronauts and recently highlighted in NASA Tech Briefs, those with multiple sclerosis are finding new relief.

Heart equipment: A man suffering from a coronary artery problem learned in the March 1992 issue of NASA Tech Briefs about a new NASA-derived laser angioplasty technology available for the treatment of his condition. On June 3, 1992, he became the seventh patient to successfully undergo the surgery.

Arm prosthetics: While working in Africa, Sandra Rossi lost her hand in a crocodile attack. Rossi sought help from NASA after her father read in NASA Tech Briefs about the prosthesis work underway at Marshall Space Flight Center in Huntsville, AL. Fourroux Orthotics and Prosthetics of Huntsville fitted Rossi's replacement hand with a socket that allows her to connect five simple but practical arm attachments. The arm attachments, which allow her to pick up tiny objects, were made with surplus materials from Marshall Space Flight Center's model shop.

Associated Business Publications has a proven record in the field of technology transfer. Its relationship with NASA provides a paradigm which other Federal agencies should consider adopting to ensure efficiency and success in all our work. We must always strongly encourage government-to-industry cooperation, and we must applaud the people at Associated Business Publications on a job well done. America needs more efforts like those of ABP to turn our goals into reality.

SALUTE TO ORISKANY'S VOLUNTEERS

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 5, 1994

Mr. BOEHLERT. Mr. Speaker, Oriskany, a small village in Oneida County, NY, derives its name from the Iroquois word meaning, the "place where the road is submerged." Its unique story would suffer the same fate if not for the heroic efforts of its local volunteers.

In 1991, the State of New York closed the Oriskany Battlefield, the site of the bloodiest encounter of the Revolutionary War. Undeterred, local volunteers formed an Oriskany Battlefield Committee, and with their own scant resources, created a partnership to maintain it.

They not only cut the lawns and staff the visitor center, but guard against the taking of artifacts. They've also enlisted the assistance of professionals worldwide to apply the latest technology to discover the battlefield's hidden secrets and stories.

Their work is groundbreaking, and offers other communities across America a blueprint for reviving heritage, instilling community pride, discovering diverse local talents, and working together to create economic growth and new opportunities.

The group, composed of government officials, Oneida Indians, historians, teachers, engineers, veterans, and others, firmly believes that this important piece of Americana should not die in neglect and misunderstanding. It's too important not to preserve for future generations and the survival of democracy.

This Saturday, on August 6, the volunteers are commemorating the battle with a solemn wreath laying ceremony. The public is also welcome to participate in the day's activities, which include: Iroquois dances and story telling, an encampment, and an exchange of gifts honoring the Oneida Indian Nation and the sacrifices of the people of the valley.

The Battle of Oriskany is so important to us today because it reveals the savage and brutal face of America's first civil war.

On the 6th of August 1777, the local militia and its Oneida Indian allies gathered at General Herkimer's home and marched to relieve the siege at Fort Stanwix. The fort was under heavy attack by the British and their Tory, Indian, and Hessian allies. The militia was ambushed on the military road that wound through the narrow forested ravine at Oriskany by a cleverly concealed enemy detachment. In this epic battle on the frontier, brothers, neighbors, and clansmen annihilated each other in relentless, desperate hand to hand combat.

The battle was significant, representing the breakup of the Iroquois Confederacy, the eventual expulsion of British forces from New York, and continuous suffering and privation as most of the area's population was either dead or displaced by war's end.

By working with the local Northern Frontier Project, the volunteers have been able to better understand and share the story of the region's government.

They've managed to work with local colleges and universities to host town meetings and collect data. They've promoted the revival of their stories by providing opportunities for local storytellers, historians, film makers, and authors. They've relied on national and foreign military intelligence to produce creative mapping and archaeology of the battlefield without disrupting the site. They've also worked with foreign embassies, the State of New York, and many others to discover the truth about a battle that decimated almost half of an 800-man militia.

As a result, the group has produced substantial new scholarship and is forcing a new interpretation of the course of the battle. They've shared their findings with the National Park Service, which is now planning an intensive study of the site to help the community chart options to protect and enhance the battlefield, and develop initiatives to make a closer association between the area's many historic sites. This may attract tourism and economic development to help revive the area's communities in transition.

The volunteers are mobilizing all their resources, defending their way of life, and preserving memories that might otherwise be lost forever. They're finding that this work is exciting and infectious, and providing new opportunities for the future. Their efforts are inspiring and vital to all who cherish democracy and the values and attitudes upon which our Nation was formed—and upon which it must survive.

The volunteers are: Sandy Lupa of Westmoreland; Joe Robertaccio of Utica; Don Rothdiener of Oriskany; Chief Robert Callahan and the Oriskany Police Department; Francis Smith of Oriskany; Gregory Smith of Whitesboro; Dennis Smith of Whites Town; Douglas Rondeau of Whitesboro; Robert Cieslak of Yorkville; Frank Picente of Utica; Robert Henley of Oriskany; Robert Matteson of Rome; Alan Sterling of Klockville; Jon Austin of Rome; Douglas Singleton of Rome; Don Benson and the Oriskany Masonic Lodge; the Rome Moose Lodge; Lorena Jensen of Remsen; William Barry Sr. of Whitesboro; The Town Board of Whites Town; Ed Kupiec of Barneveld; the Gregory Williams family; Anthony Tommell of Westmoreland; Gary Warshefski of Rome; Terry Road of Utica; Assemblyman Dave Townsend; Senator Bill Sears; and all those others who have given of their time and energy to help preserve and protect the battlefield and its memory.

RETIREMENT OF VICTOR POOLE

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 5, 1994

Mr. HILLIARD. Mr. Speaker, I rise today to commend a man who has labored for over three decades for the cause of better education in Alabama, Mr. Victor Poole of Hale County. Mr. Poole has recently announced that he is soon to retire from the seat he has held as a member on Alabama's State Board of Education since 1963.

Those of us who believe in a strong, independent, public education system will sorely miss Mr. Poole's presence on our State school board. Although quiet in his manner, Mr. Poole has always been steadfast in his resolve to improve Alabama's public education system. Through his efforts, Alabama's educational system has expanded its coverage to assist our working class men and women by the establishment of Alabama's 2-year postsecondary colleges.

Even though Victor Poole will be leaving the board, I hope that his philosophy for a strong and independent public school system will remain in attendance for many more years. I am speaking of a belief that all the people of our State, black and white, young and old, men and women, rich or poor, will have the basic right to pursue their educational goals as far as their abilities will take them. On behalf of the U.S. Congress, I wish to thank Victor Poole for his tireless work and diligence for the betterment of our children's education.

PAUL HARVEY'S HOMECOMING

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 5, 1994

Mr. CRANE. Mr. Speaker, they say you can never go back.

And for many that is true.

Things are not what they used to be and no amount of trying is going to make them exactly the way they were. Times have changed, people have come and gone, lifestyles have undergone transformation, and whole regions have altered their very face.

Trying to turn the clock back will not turn the tables on change. But taking a stroll down memory lane, revisiting our old haunts, and getting in touch with our past can help us adjust to it.

Plus, it can be a very rewarding learning experience.

For me, recalling the days of my youth, growing up in the Midwest, brings back a whole host of fond memories—of a family so dear; of an era so different, of a world less complex, and of a particular window to that world.

Back in those days, there were no TV's to watch or computers to access if you wanted to find out what was going on in places near and far. If you wanted to hear the latest, you turned on your radio and tuned into your favorite newscaster, in my case, Paul Harvey.

Then, as now, Paul Harvey gave his listeners the best of the news and "the rest of the story." And he did it in a way that made you feel right at home and right in touch with the basic, fundamental values that have made America great.

Over the years, I have often wondered how Paul Harvey came by that knack. Now, having read a speech he gave not long ago about his own trip down memory lane to the place he first called home, I have a better idea. And I am both the richer and the wiser for it.

With the thought that my colleagues might likewise wish to benefit, I insert Paul Harvey's April 2, 1994, speech in Tulsa, OK at this time.

The speech follows:

HOMECOMING

Over my shoulder a backward glance.

The world began for Paul Harvey in Tulsa, Oklahoma.

Ever since I have made tomorrow my favorite day. I've been uncomfortable looking back.

My recent revisit reminded me why. The Tulsa I knew isn't there anymore. And the memories of once-upon-a time are more bitter than sweet.

Of the lawman father I barely knew.

The widowed mother who worked too hard and died too soon. And my sister Frances.

Tulsa was three graves side-by-side.

Recently I came face-to-face with the place where a small Paul Harvey's mother buttoned his britches to his shirt to keep them up and it down.

Tulsa is a copper penny which a small boy from East Fifth Place placed on a trolley track to see it mashed flat.

It's slingshot made from a forked branch aimed at a living bird and the bird died and he cried and he is still crying.

That little lad was seven when he snapped a rubber band against the neck of the neighbor girl and pretty Ethel Mae Mazelton ran home crying and he, lonely, had wanted only to get her to notice him.

Somehow he blamed Tulsa for the war which took his best friend, Karold Collis * * *

And classmate Fred Mrarkgraff * * *

And never gave them back.

In Tulsa, Oklahoma, he learned the wages of sin smoking grapevine behind the garage and getting a mouthful of ants.

Longfellow Elementary school is closed now; dark.

Tulsa High is a business building.

The old house at 1014 is in mourning for the Tulsa that isn't there anymore.

It was in that house that a well-meaning mother arranged a surprise birthday party when he was sixteen; invited his school friends, including delicate Mary Betty French without whom he was sure he could not live.

He hated that party for revealing to her and to them his house, so much more modest than theirs.

Tulsa is where the true love of his life waved goodbye to the uniform that climbed aboard a troop train.

She was there waiting when he got back but they could not wait to say goodbye to Tulsa.

Tulsa was watermelon picnics in the backyard and a small Paul blowing taps on his Boy Scout bugle over the fresh grave of a dead kitten.

Tulsa, Oklahoma used to be the fragrance of honeysuckle on the trellis behind the porch swing.

Mowing for a quarter neighbors' lawns that seemed then so enormous.

Only Tulsa's delicious tap water is as it was.

That and the schoolteachers * * *

Miss Harp and

Miss Smith and Isabelle Ronan. These I am assured are still there somewhere—reincarnated.

In a sleek jet departing Tulsa's vast Spartan Airport at midnight, I closed my eyes and remembered * * *

When Spartan was a sod strip * * *

And a crowd gathered * * *

And a great tin goose landed * * *

And Slim Lindbergh got out * * *

And a boy, age nine, was pressing against the restraining ropes daring to foretaste fame—and falling in love with the sky.

No * * *

The Tulsa I knew isn't there anymore. But it's all right.

A new Tulsa is.

I'll not be afraid to go home again.

I have made friends with the ghosts.

FURTHER EXPLANATION OF LEGISLATIVE INTENT OF SECTION 1621

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Friday, August 5, 1994

Mr. SANDERS. Mr. Speaker, I would like to include the following material as further explanation of the legislative intent of "Section 1621—Encouragement of Fair Labor Standards" of the "Foreign Operations Appropriations Conference Report":

BACKGROUND AND EXPLANATION OF NEED FOR WORKER RIGHTS PROVISION IN THE FISCAL YEAR 1995 FOREIGN OPERATIONS APPROPRIATIONS ACT

The various multilateral financial institutions already attach various conditions to their loans. For example, the Inter-American Development Bank and the World Bank currently require borrowing countries routinely to charge their industrial loan clients the prevailing interest rates that are reflected in financial market conditions, to remove barriers to new international investment, and to lower tariffs.

Why then shouldn't the contracts made by the multilateral financial institutions also require the borrowing countries and industrial establishments that receive loans and credits to adopt and enforce laws to ensure the free exercise of internationally-recognized worker rights for their workers, especially when the borrowing countries have legally obligated themselves under international and national laws to uphold and protect these fundamental rights?

At present, the multilateral financial institutions make no effort to monitor the worker rights policies and labor practices of the industries and host countries being financed. Even if worker rights violations and abusive labor practices were to be discovered, the lending institutions have no remedies now without worker rights provisions in the loan contracts.

In short, the African Development Bank and Fund, the Inter-American Development Bank, the World Bank, and all of the other multilateral financial institutions currently have binding rules with respect to the protection of investment capital and private property rights, but anything goes with respect to human rights in general and internationally recognized worker rights in particular.

This says much more about the badly distorted priorities at work now with respect to international lending and the current operations of the multilateral financial institutions than it does about their logic or our shared values. Now is the time to begin to redress such unbalanced, bizarre reasoning and skewed priorities.

RATIONALE FOR REQUIRING THAT INTERNATIONAL FINANCIAL INSTITUTIONS TO CONDITION THEIR ASSISTANCE UPON INTERNATIONAL RESPECT AND ENFORCEMENT OF INTERNATIONALLY RECOGNIZED WORKER RIGHTS

(1) The U.S. must underscore the crucial importance of building international respect for fundamental worker rights as an essential building block of broad-based, sustainable development (i.e. why single out worker rights from other human rights?).

First of all, there has been a general human rights "voice and vote" directive for the U.S. representatives in the multilateral financial institutions on the books for several years seemingly without much effect. So it is time to go further to achieve real change.

Second, there is a clear and uniquely economic relationship between the free exercise of fundamental worker rights or the lack thereof and the climate for investment. That relationship also transcends national borders.

Third, it is also true that the systematic denial of basic worker rights and the suppression of minimum labor standards require an authoritarian regime. Consequently, a threshold concern for internationally recognized worker rights will invariably lead to greater concern for the overall character of any national government.

Fourth, international development policy, including its lending and investment dimensions, must be viewed as a whole—as a seamless web involving economics, the environment, politics, social relations, and human rights.

(2) What is meant by internationally recognized worker rights is clearly defined under both international and U.S. laws.

First, during the Reagan Administration, the U.S. State Department clearly spelled out the definition of internationally recognized worker rights for purposes of reporting to the Congress and enforcing various U.S. laws. Appendix B of the U.S. State Department Annual Human Rights Country Reports spells out in detail for everyone's understanding what is meant by this terminology. (Copy attached.)

Second, the statutory definition of internationally-recognized worker rights mirrors basic worker rights and labor standards spelled out in the bedrock conventions of the International Labor Organization [ILO], which was established in 1919.

As a matter of law, any country that belongs to the ILO and has ratified an ILO convention is legally bound to implement national laws to carry out the purpose of that particular ILO convention. More basic than that, more than 160 countries belong to the ILO and with that membership comes de facto acceptance of freedom of association for all workers. It is noteworthy to look at international law and the record of international acceptance of these rights as stated in the fundamental ILO conventions.

With regard to freedom of association, at least 110 countries (including Gabon, Bulgaria, China, and Singapore) have ratified Convention #11 (1921) dealing with the right of association. More than 100 countries have also ratified Convention #87 (1948) pertaining to the freedom of association (including Chad, Hungary, Russia, and Haiti) and protection of the right to organize.

With respect to the right to organize and bargain collectively, 120 countries (including Bangladesh, Indonesia, and Romania) have ratified Convention #98 (1949) pertaining to the right to organize and bargain collectively.

On forced labor, 115 countries (including Angola, Malaysia, and Thailand) have ratified Convention 105 (1957) calling for the abolition of forced labor.

Regarding the establishment of a minimum age for the employment of children, 75 countries (including Albania, Ivory Coast, and Singapore) have ratified Convention #5 (1919) fixing an age of 14 years as a minimum age to cover wage earners.

Clearly, even if countries have not ratified these ILO conventions, there is no misunderstanding as to what constitutes internationally recognized worker rights.

Third, the first four elements of the official definition of internationally recognized worker rights are straightforward and self-explanatory. The fifth element (acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health) is very deliberately phrased more flexible to allow taking into account a country's level of economic development in its application.

(3) There are ample precedents in current U.S. law for linking respect for internationally recognized worker rights to trade, aid, and investment policies. In fact, a first precedent vis a vis a multilateral financial institution for such worker rights linkage was enacted in 1988 when the U.S. joined the Multilateral Investment Guarantee Agency [MIGA]

During the past decade, seven different laws have been enacted to link respect for internationally recognized worker rights to different facets of U.S. bilateral and multilateral trade policies.

1983—Added to eligibility criteria for countries wishing to participate in the Caribbean Basin Initiative [CBI I];

1984—Added to mandatory and discretionary eligibility criteria for countries to be eligible for duty-free tariff treatment under the Generalized System of Preferences [GSP];

1985—The Overseas Private Investment Corporation [OPIC] prohibited from insuring/assisting projects in any country that denies internationally recognized worker rights;

1988—Provisions added to the Omnibus Trade Act of 1988 to treat as an actionable unfair trade practice the systematic denial of internationally recognized worker rights by any trading country as a means of gaining competitive advantage in international trade;

* * *—U.S. stipulates as a condition for joining the Multilateral Investment Guarantee Agency (MIGA) that that new international agency which is associated with the World Bank not insure/support projects in countries that do not extend internationally recognized worker rights to their workers;

—Worker rights provisions made a principal U.S. negotiating objective for the GATT;

1990—Strengthened worker rights provisions in the mandatory and discretionary eligibility criteria for countries to be eligible for the revised Caribbean Basin Initiative (CBI II);

1992 and 1993—Prohibition enacted in the Foreign Operations Appropriations Act blocking all executive agencies dispensing any form of foreign assistance from supporting any project in any recipient country that contributes to the violation of internationally recognized worker rights in that country.

(Pending in 1994)—Same prohibition on any foreign assistance activities as enacted in 1992 and 1993.

(4) The U.S. is not attempting to impose our labor standards and worker rights on the rest of the world with this amendment. Rather we are as matter of policy urging that the multilateral financial institutions and borrowing countries they assist adhere to the fundamental worker rights and labor standards they have legally bound themselves to uphold under international and their own national laws.

While the U.S. may not have ratified many of the ILO conventions that underpin the statutory definition of internationally recognized worker rights, every one of those rights and labor standards is legally protected by our Constitution or by U.S. statute and bolstered by extensive case law. There is nothing hypocritical about legislating such linkages because we are requesting that other nations protect the same internationally recognized worker rights that we have also committed ourselves to under a combination of international and national laws.

CONCLUDING ARGUMENT

The vital question we must ask ourselves is this: whether the increasingly heated contest among all nations for investment capital from the multilateral financial institutions and elsewhere in the 1990s and beyond ought to be subject to binding rules to protect and enforce the fundamental rights of workers as is already the case for investors, corporate managers, and entrepreneurs?

Now is the time for the U.S. to get serious and begin conditioning our continued participation in further replenishments of the resources of the African Development Bank and Fund, the Inter-American Development Bank, and all other multilateral financial institutions on a fundamental commitment by these institutions (1) to review borrowing country respect for internationally recognized worker rights; and (2) to require respect for these rights as an integral part of any assessment of a country's economic performance.

This is good human rights policy. Promoting international respect for worker rights affirms a U.S. commitment to ethical values in the way nations and people should interact. In effect, working people everywhere should be treated with human dignity and not contempt.

This is good investment and lending policy. Public support for an open investment system is increased and the appeals of isolationism and protectionism are reduced when workers are not pitted against one another in dog-eat-dog competition that rewards only the overseers of the exploited.

This is good foreign policy as the U.S. strives to encourage the formation of democratic traditions and institutions for freedom-loving people throughout the world. Political, civil, and worker rights are indivisible. Show me a society that protects the free exercise of worker rights and I will show you a society on the path to more democratic rule.

Finally, this is a good international development policy in an era of global economic integration. The time has come to recognize that actively promoting international respect for fundamental worker rights is a critical ingredient for boosting global purchasing power and, therein, will be discovered a crucial catalyst for achieving sustainable real growth for developing and developed countries alike in the 21st century.