SENATE—*Thursday, November 2, 1995*

The Senate met at 9:30 a.m., and was called to order by the Honorable CONRAD R. BURNS, a Senator from the State of Montana.

The PRESIDING OFFICER. The morning prayer will be recited by the Senate Chaplain, Lloyd John Ogilvie.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

The prophet Isaiah asks some very penetrating questions that put everything in order:

Who has directed the Spirit of the Lord, or as His counselor taught Him? With whom did He take counsel, and who instructed Him? Who taught Him in the path of justice? Who taught Him knowledge, and showed Him the way of understanding?—Isaiah 40:12–14.

Gracious Father, we humbly fall on the knees of our hearts as we answer these questions. You alone are the ultimate source of wisdom, knowledge, and guidance. Forgive us when we use prayer to try to manipulate Your will. It is not for us to instruct You, make demands, or barter for blessings. We confess our total dependence on You not only for every breath we breathe, but every creative or ingenious thought we think. You are the Author of our vision and the instigator of our creativity.

So we begin this day with thanksgiving that You have chosen us to be leaders. All our talents, education, and experience have been entrusted to us by You. The need before us brings forth the expression of supernatural gifts You have given us. We thank You in advance for Your provision of exactly what we will need to serve You and our Nation this day. By the power of the Holy Spirit. 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. THURMOND].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 2, 1995.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CONRAD R. BURNS, a Senator from the State of Montana, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

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

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12 noon, with Senators permitted to speak therein for up to 5 minutes each.

Under the previous order, the Senator from Alaska [Mr. MURKOWSKI] is recognized to speak for up to 20 minutes.

PROGRAM

Mr. MURKOWSKI. Mr. President, the leader has asked me to communicate this news to the Senate this morning. I am told that there will be a period for the transaction of morning business until 12 noon.

Following morning business, the majority leader has stated that it will be his intention to begin consideration of S. 1372 regarding the Social Security earnings limit.

The Senate may also be asked to begin consideration of the legislative branch appropriations bill during today's session.

As usual, all Senators should anticipate rollcall votes throughout the day and possibly well into the night.

THE ARCTIC NATIONAL WILDLIFE REFUGE LEASE SALE

Mr. MURKOWSKI. Mr. President, there is, in the reconciliation bill passed, in both the Senate and the House, an item known as ANWR, the Arctic National Wildlife Refuge lease sale. There have been many views, versions, and interpretations of just what this is all about. I think it is appropriate that a Representative from Alaska, again, highlight the facts concerning this very important issue relative not only to the reconciliation package, where it is anticipated to result in a lease sale of about $2.6 billion, but its contribution to the national energy security interests of our country.

Mr. President, let me attempt to put the issue in an understandable perspective relative to the size of the area that we are concerning ourselves with and the actual footprint anticipated.

First of all, there is a bit of a misnomer associated with ANWR, the Arctic National Wildlife Reserve. I hope the Chair can see this chart. Perhaps I should put it up a little higher. This does a pretty good job of describing the area in question. ANWR itself covers, basically, this top area, which is the coastal plain, about 1½ million acres; there is this wilderness area in green here, about 8 million acres. It covers the Arctic National Refuge—this portion here, which is in an area that is in refuge. That is about 9 million acres. It covers this up in the Arctic coastal plain. This is 1.5 million acres. The point is that the Refuge is about the size of the State of South Carolina.

When we talk about allowing an oil lease sale, there are a lot of misconceptions relative to just what the footprint will be. As I have indicated, the wilderness area, the green area, is not in jeopardy. That has been put in a wilderness status by Congress permanently, and that was initiated back in 1980.

The area of the refuge, which is the color orange—roughly 9 million acres—was also set aside in a permanent refuge in 1980. This area in yellow, the small area at the top, consists of 1½ million acres. That is the 1002 area that was left out of the permanent designations in 1980 by Congress for Congress to address the appropriateness of allowing oil and gas leases in the area.

So what we have here is, out of the 19 million acres, an area of 1½ million acres where the Congress is now making a determination on whether or not a lease sale should take place. This little area up here, as you see in the red or maroon color, is Kaktovik. That is an Eskimo village. The proposal is to lease 300,000 acres out of the 19 million acres of ANWR. In reality, it is 300,000 acres out of the coastal plain, a very small area. People have indicated that the Canadian border is right in here—that this area has virtually never had a footprint in ANWR. Obviously, that is incorrect. There is an Eskimo village. There is a radar site at Barter Island. Two abandoned radar sites are along the coast. So there has been a footprint, but it has been very negligible.

Geologists tell us that this is the most likely place in North America where a major oil discovery might take place. We really do not know whether the oil is there, and you do not know where to look for it; and when you look for it, you usually do not find it. When you look for it in Alaska and find it, you better find enough because of the cost of developing and transporting the oil.

It is rather curious to note that on this chart we have the area to the west, Prudhoe Bay. Prudhoe Bay, as most

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

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Members know, has been supplying this Nation with 25 percent of its total crude oil production for the last 18 years. The significance of Prudhoe Bay is that, while it has continued to flow at a rate much higher than predicted, and the recovery is much higher today, that field is in decline.

Production has been as high as 2 million barrels a day. Today it is down to 1.5 million barrels a day. As a consequence, we are importing more oil from overseas sources.

To give you an idea, Mr. President, and many Members really do not reflect on this, but in 1973 we had an oil embargo in this country—the Arab oil embargo—and the significant thing at that time, we were 36 percent dependent on imported oil—36 percent.

Today, our Nation is just a little over 50 percent dependent on imported oil. For those of you who have perhaps forgotten, in 1990 we had a war in the Persian Gulf. That was a war over oil. It was also an environmental catastrophe in Kuwait. You recall the burning of the oilfields.

Now, earlier this year, our Department of Commerce put out a report that said the national energy security interests of the United States were as risk as a consequence of our increased dependence on imported oil. Several years ago there was a great deal of discussion in the Nation relative to the increased dependence on imported oil, and there were those who suggested we would have to take steps—positive steps—to decrease our dependence on imported oil if we ever approach 40 or 45 percent dependence on imports. Here we are today at 50 percent.

We hear a lot about our trade deficit. We are buying more overseas than other nations are buying from the United States. It is interesting to look at the makeup of that. Roughly half is our trade deficit with Japan. Mr. President, the other half is the cost of imported oil.

Now, about 25 to 30 years ago when they were contemplating whether to open Prudhoe Bay, they made the initial discovery. They had a question of how to transport the oil to market. Some may recall the *Manhattan*, a U.S. tanker that had been reinforced to move through the ice through the fabled Northwest Passage, taking the oil from Prudhoe Bay, AK, over the top of the world, but they found the ice conditions were such it was an impractical alternative and proceeded to initiate the Trans-Alaska Pipeline—an 800-mile pipeline from Prudhoe Bay to Valdez.

It proved to be one of the engineering wonders of the world. It withstood bombs. It withstood dynamite. It withstood rifle shots. It withstood earthquakes. There was a bad accident in Valdez with the *Exxon Valdez* when it went aground, but certainly it had nothing to do with the integrity of the pipeline.

What we have here is a situation where the arguments used against this were very vocal—national preservation, environmental groups said this would be a hot pipeline. The oil comes out of the ground hot. You were putting the pipeline in permafrost, permanently frozen ground; therefore, you will melt the ground from the heat of the pipeline; that will cause the pipeline to break.

What about the animals, the caribou, the moose? Are they going to cross the pipeline? You will have an 800-mile fence across Alaska. Clearly, that was not the case. The pipeline did not thaw the ground.

As a matter of fact, many of the moose and caribou feed upon the pipeline because there is more vegetation. As the Acting President pro tempore from Montana is very much aware, any heat in an area where you have vegetation causes the grass to grow. We have the animals browsing in the spring on top of the buried pipeline because the grass grows more profusely in those areas.

The point is, the same arguments used against opening up the ANWR, or arctic oil reserve, are the same arguments used 25 years ago. They were predicting doom. You could not do it safely.

What about the people of the area? We have the Inupiat Eskimos in Point Barrow, Wainwright. The Eskimos were concerned because there was a question about their dependence on subsistence. What would happen to the caribou? Here is a picture, Mr. President, an actual picture of a very small portion of the central Arctic herd. Can you see the caribou? There are lots of them. They are all real. There are males and females. You see the pipeline in the background, and you see an oil rig under drilling. Once this area is drilled, this rig will be removed. Clearly, you see they are compatible.

Now, the Eskimos were fearful this development would harm the caribou and their dependence on subsistence. They are, today, advocates of opening up the Arctic oil reserve because they have seen for themselves, they have satisfied themselves that this activity has provided them with another alternative to subsistence. That is, jobs. They have jobs in huge areas of northern Alaska where jobs did not exist any before. They have a choice of jobs or subsistence.

Today, Point Barrow—at the top of the world, you can cannot go any further north—without a doubt, has the finest schools in the United States, without exception. They have indoor recess areas. They have been able to do this because they have the taxing capability, they have a revenue stream from the oil activities. They have jobs.

There is a concern being expressed by a group of our Native people in Alaska called the Gwich'ins, and this chart shows what this issue is all about, involving another caribou herd. The caribou herd that moves in this general area of the Porcupine River is called the Porcupine caribou, named for the Porcupine River that flows in and out of Canada and affects the villages of Arctic Village and Venetie.

The particular native people in this area are not the Eskimos of the North Slope but are very dependent on the Porcupine caribou herd for their livelihood and subsistence. This is the line that separates Canada from the United States up at the top of the world. This caribou herd is about 165,000.

As far as caribou are concerned, in Alaska we have 34 herds. We have about 990,000 caribou in the 34 herds. Two-thirds of the herds are increasing in numbers and 15 percent are in decline, and the rest are relatively stable. The herds fluctuate.

As the Senator from Montana well understands, they can overgraze their particular area and their numbers decline. There can be a concentration of predators in an area and numbers decline. There can be hard winters and the numbers decline.

This particular herd is the Porcupine caribou herd—about 152,000 animals. The people that are dependent on this herd are the Gwich'ins, and they are in Canada and Alaska. Three quarters of them are in Canada and the rest are in the villages of Venetie and Fort Yukon. They are fearful they will lose this subsistence dependence as a consequence of activity associated with the lease-sale development and hopefully discovery.

I point out, Mr. President, a footprint is pretty small. The proposed lease sale in the Arctic oil reserve—this is a term I use—because it differentiates from the 19 million acres of ANWR, the actual area under consideration, the 300,000-acre lease sale out of the 1.5 million is pretty small in comparison to the entire area.

But the facts are, these caribou migrate in from Canada, come up into this area, and many of them calve. They calve where they calve; not in one spot, necessarily. It depends on the winter. Sometimes very few of them calve in America. They calve in Canada. But they come out here by preference, if they can, because they come to the coastal areas where the wind blows and there are fewer flies and mosquitoes and it is just a lot more pleasant.

As a consequence, the question is, can we have development compatible with migration?

If the Prudhoe Bay case is any evidence, we think we can. But what we are anxious to do is work with the Gwich'ins on both the Canadian and Alaskan side to form an international caribou management system to ensure that these animals are not disturbed.

The theory behind that would be that development, in the sense of exploration, drilling and so forth—which occurs in the wintertime, I might add—would not take place during the calving time, which is 3 to 4 weeks during the early summertime. So we can address that adequately. But that is one of the major issues that is used to suggest that the Porcupine caribou herd is at risk by this development.

Interestingly enough, these dots on the Canadian side represent sites of actual drilling for oil that took place in the 1970's. It is interesting to note also that there is a highway here, the Dempster Highway in Canada. It goes from near Dawson up to Fort McPherson. These caribou in their migration cross that highway. The Canadian Government did not see fit to do an environmental impact statement when they built that highway on the effect it would have on the caribou. The reality is it had very little if any effect, just as any activity in the coastal plain will have very little if any effect. We can take steps to ensure that it does not have an effect.

The argument that the Porcupine caribou herd is in jeopardy because of this activity is a bogus argument. It is a bogus argument fostered by some of the national preservation, environmental groups, that look upon this issue as a cause celebre. It generates membership, it is idealistic, it generates dollars. The American people cannot see for themselves just what kind of a footprint there would be. The American people cannot communicate, if you will, with the Eskimo people, as to what the advantages have been for them with the associated development and employment in their area.

I might add, for those who are not familiar with this area, because of the permafrost in these areas it is almost impossible to have underground utilities. So the tradition in these villages is no running water. The water is hauled in. There are no sewage facilities. You have what you call honey buckets. The honey bucket man comes around two or three times a week and you dump your honey bucket in the honey bucket wagon. A lot of people do not know that in many parts of rural Alaska that is the standard way of life.

As a consequence of having a tax base, these villages are getting running water, they are getting sewage capability, things that we take for granted and have never questioned. But if you do not step in another man's shoes and appreciate how he lives, you will never know what it is like—not to have running water and sewage.

Mr. President, I ask unanimous consent for another 10 minutes.

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

Mr. MURKOWSKI. Mr. President, as a consequence, the merits of this, what this means to the people of the area, are significant. The people in the area, the Eskimo people, are speaking for themselves and they are speaking against the interests as enunciated by the Gwich'ins, who are very much opposed to this.

I visited one of the Gwich'in villages, Arctic Village. I was up there in August. I was also in Venetie. I went into the meeting hall in Arctic Village and was cordially hosted. They had a big poster, a Hollywood poster of the buffalo. The sign under the poster said, "Don't let happen to the Porcupine caribou herd what happened to the buffalo." Mr. President, they were out to shoot the buffalo and that is what they did. This activity has nothing to do with going out and shooting the Porcupine caribou. The caribou are very adaptable, unless you run them down with a snow machine or begin shooting them and so forth. So, as a consequence, there is absolutely no suggestion that this herd is going to be affected by this activity.

The Eskimos have invited the Gwich'ins to come up to Barrow, at their expense, to see for themselves what the alternative advantages are for jobs, tax base, and so forth. Unfortunately, there are tremendous pressures by the environmental groups that are funding, through the Gwich'in Steering Committee, ads in the New York Times and other efforts in opposition to this. We have also seen, unfortunately, the Secretary of the Interior, who is very much opposed to this development, side with the Gwich'ins.

The Gwich'ins are a relatively small population in Alaska, somewhere in the area of 400 to 500 people at most. Most of the Gwich'ins live in Canada. Of course, Canada is a competitor of the United States, a competitor to Alaska in the sense that Canada supplies a lot of energy to the world, a lot of energy to the United States. So the official position of the Canadian Government is very much opposed to the development of energy in Alaska because they see us as a competitor against their market which provides energy into the United States—gas, oil from Alberta, and so forth. As far as the Porcupine caribou herd and the dependence on that, about 300 to 400 animals are taken each year by the Alaskan Gwich'in people, about 4,000 by the Canadian Gwich'in people.

So, this is the environmental issue: Whether or not this area can be opened safely without harming the Porcupine caribou herd and the Gwich'in people.

To suggest that American technology and ingenuity cannot open up this area and do it safely is really selling short America. This pipeline was one of the construction wonders of the world. Prudhoe Bay is the best oilfield in the world. You may not like oilfields, but it is the best. The environmental oversight, permitting requirements are higher than anywhere else in the world. It is suggested by industry that they can have a very small footprint in this coastal plain, if allowed to initiate drilling. People have said, "Senator, you are from Alaska. Obviously you have a position on this issue. How do you know that? How do you know that footprint is going to be small?"

About 8 years ago we came out and found another field adjacent to Prudhoe Bay called Endicott. That came on production as the 10th largest producing field in the United States, at about 110,000 barrels a day. Today it is the seventh largest at nearly 130,000 a day. They put a little island offshore here. And the footprint is 56 acres—56 acres.

Mr. President, this area is 19 million acres, as I said. The coastal plain up here is 1.5 million acres. We are talking about a 300,000-acre lease sale. Industry tells us now that their footprint, if the oil is there, can be as little as 2,000 acres. Four or five years ago industry said our footprint might be 12,500 acres. Do you know what 12,500 acres is? It is like the Dulles International Airport complex if the rest of the State of Virginia were a wilderness.

Remember, this area we are talking about is as big as the State of South Carolina. So to suggest that this footprint is going to jeopardize the coastal plain, is going to jeopardize the porcupine caribou herd, is absolutely a fabrication of reality.

This is an important issue for the Nation just as Prudhoe Bay was because Prudhoe Bay has been contributing 25 percent of the total crude oil produced in the United States for the last 18 years. It is in decline. What do we replace it with? More imported oil? Export more jobs? And $57 billion dollars is the cost of imported oil. We have an opportunity, and the opportunity is now because this issue is in the reconciliation package.

There has been tremendous pressure on the White House on this issue. But not once has the White House addressed the national security interests. What has happened in the Mideast, Mr. President? What has happened with Libya, our friend Qadhafi? We all know Saddam Hussein, Iraq, and what is going on in Iran today, and the threat against Israel's national security. The Mideast is going to have a crisis. It is just a matter of time. We have heard from a number of statesmen. Larry Eagleburger, former Secretary of State, Schlesinger—many, many others saying do not put all your eggs in one basket. That Middle East situation is going to explode, and our increased dependence on that market is going to result in the United States being held hostage because of our increased dependency on imported oil.

Mr. President, this would be the largest single job producer in North America. It would not cost the Federal Government 1 cent. There is no subsidy.

There is no appropriation. The private sector will bid this in at an estimated bidding price to the Federal Government, the State of Alaska, at $2.6 billion.

In addition, there is approximately $80 million or more that is anticipated as a revenue stream to be contributed to refuge maintenance in our national parks and refuges. And as a consequence of the increased need for these facilities, I would like to see more funding put in for our parks and other areas.

I appreciate the extension of time. Let me just make a couple of more points because I do not see other Members who wish to speak at this time.

There is some suggestion that this is going to have an effect on the polar bear. Anyone in Alaska can tell you the polar bear do not den in ANWR. They do not on land. They den at sea on the Arctic ice. You talk about the polar bear. We do not allow the polar bear to be hunted by Caucasians. You cannot take a polar bear in Alaska unless you are a Native. You can only take it for subsistence. You cannot take a hunter out for hire. In Canada, you can take a $10,000 bill, and you can go out and shoot a polar bear; anybody.

So we are taking care of our polar bear. We are taking care of our renewable resources.

So the environmental community is selling America short on our technology. And I would look forward to an extended debate on the factual realities associated with this issue because what we have seen is rhetoric, rhetoric, rhetoric, rhetoric, rhetoric; no factual information of any kind.

Mr. WELLSTONE. Mr. President, will the Senator yield?

Mr. MURKOWSKI. I would be happy to yield for a question without losing my right to the floor.

Mr. WELLSTONE. I thank my colleague from Alaska.

I wanted to ask the Senator. In the committee I had an amendment which said that if we go forward with oil drilling in the Arctic Refuge there ought to be at least an environmental impact statement that is filed. Can the Senator explain why he disagrees with that? I know in fact we have not had one since 1987. Much has changed since then, and the Secretary stated that an environmental impact statement will be necessary for each new lease sale. This is certainly a new lease sale. Even if you are for drilling in ANWR, I think there is a big argument against it. It is not rhetoric. Why will the Senator at least not be willing to go forward with environmental impact statement?

Mr. MURKOWSKI. As the Senator from Minnesota knows, there are different views. The Senator is coming from the point of view of an obstructionist. We had an environmental impact statement prepared for the first lease sale. The application of updating that is certainly appropriate. But to suggest we have to go back and start the process over means you are simply putting it off, and as a consequence we will simply import more oil from overseas.

So this is just another obstructionist proposal because we have already had an adequate EIS. If you are going to bury this thing, then you have to take the responsibility for it.

The Senator from Alaska simply is fed up with these arguments that have no foundation. They are simply obstructionist views, and as a consequence it is not relevant.

Mr. WELLSTONE. Will the Senator yield?

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

Mr. MURKOWSKI. I thank the Chair, and wish the President a good day.

Mr. WELLSTONE addressed the Chair.

The ACTING PRESIDENT pro tempore. Under the previous order, time is set aside for Mr. HATCH to speak for up to 15 minutes.

Mr. WELLSTONE. I wonder whether the Senator from Utah would be willing to give me 2 minutes.

Mr. HATCH. I need the full 15 minutes.

I will be happy to yield 1 minute. I yield a minute to the Senator from Minnesota

Mr. WELLSTONE. I thank my colleague.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Mr. WELLSTONE. I say to my colleague from Alaska that I would have been pleased to go on with this debate. I think the national environmental law requires an environmental impact statement. It is not obstructionism to say so. I think for the vast majority of the people in the country, First, they do not believe on environmental grounds, or on energy grounds, that we need to do oil drilling which could threaten the pristine wilderness area, a real treasure for this Nation; and, Second, I think people believe, if you are going to go forward with it, you at least ought to be willing to file an environmental impact statement so we can know what in the world it is going to do. We had the *Exxon Valdez* oil spill. A lot has happened since 1987. That is not, I say to my colleague, obstructionism for me to come to the floor and to make that clear.

I thank the Senator from Utah.

Mr. MURKOWSKI. Mr. President, the environmental impact statement was completed in 1987, and it took 5 years to complete. There were full public hearings and extensive studies. The record speaks for itself.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. This would have been an interesting debate for me too. I have to say that with the debate around here this has been studied, and it has been unbelievable. We had all the same bizarre and extreme claims with regard to the caribou up there, and now we have more caribou and more wildlife than ever before. Alaska is just such a vast place. Maybe it is time we started thinking about the country, and about how we can stay independent and have national security.

Mr. WELLSTONE. I think my colleague should give me a minute to respond.

Mr. HATCH. I would like to finish my other statement. I would like to shift. I just had to make that comment because I hear this all the time, and I get kind of tired of it.

DRUG SENTENCING

Mr. HATCH. Mr. President, in the past month there has been much discussion about penalties for crack cocaine and about whether we should lower them. Of course, on Tuesday, President Clinton signed legislation preventing reduced sentences for crack cocaine from taking effect. That was the responsible course of action to take, and he should be commended for taking it.

So I was disturbed to read, in Saturday's New York Times that:

> * * * in Miami, some Federal prosecutors say they have chosen not to charge some crack suspects because they believe the punishment they will face is unduly harsh. [NY Times, October 28, 1995]

I am sure most Senators will agree that those who violate the law must be vigorously prosecuted. Congress enacts the laws and penalties, and the Justice Department enforces them. I have written to the Attorney General asking whether there is any evidence that crack prosecutions—or any other type of prosecutions—are being foregone because Federal prosecutors feel the penalties are too harsh.

The Times's unattributed statement is also troubling in light of the fact that Federal drug prosecutions have slipped more than 12 percent since 1992—from 25,033 in 1992 to 21,905 in 1995.

I want to take a couple of minutes to reinforce the reasons why this body voted unanimously to block reductions in crack sentences, especially since the Washington Post has been attacking President Clinton for signing the legislation [President Clinton and Crack, Nov. 2, 1995].

Some basics: penalties for crack are currently two to six times higher than for a comparable quantity of powder cocaine—not 100 times longer as some have imagined.

Crack use is associated with the explosion in the most horrifying cases of child abuse in recent years. And while drug addiction has long been a path to prostitution, crack has created what on the street is called the "freak

house" phenomenon, where female crack addicts gather to trade sex for their next $5 piece of crack.

Crack dealers are notorious for their remorseless killings.

Crack is a much more powerful psychoactive agent than powder cocaine.

According to the U.S. Sentencing Commission, the typical dealer is caught selling 109 grams of crack—the equivalent of 3,000 rocks.

The Sentencing Commission tells us that crack defendants are more likely to have carried a weapon than other traffickers, and are more likely to have had an extensive criminal record at the time of arrest.

No one, to my knowledge, disputes these basic facts. No one claims that those who are convicted are innocent.

It is true that some low-level crack dealers are being arrested. Yet, very few Federal crack defendants are low-level, youthful, and nonviolent. According to the U.S. Sentencing Commission, of the 3,430 crack defendants convicted in 1994, there were just 51 youthful, small-time crack offenders with no prior criminal history and no weapons involvement.

In other words, despite all the rhetoric, just 1 crack defendant out of 67 qualifies as youthful, nonviolent, and low-level. Incidentally, under the so-called safety valve provision of last year's Crime Act, cases similar to the 51 are now eligible for specially lenient sentences.

We have a situation where, unfortunately, opponents of the sentencing regime are dismissing the facts. That is regrettable, especially so since the victims of the crack trade are so overwhelmingly concentrated among the minority residents of our inner cities.

For a blunt assessment of crack's effects in the inner city, listen to T. Willard Fair, president and CEO of the Urban League of Greater Miami:

> [Crack dealers] sell death to my community. They undermine the peace and harmony of my community by virtue of what they choose to do.

Crack is not the only problem we are facing, of course. Today, a major national survey is being released by PRIDE—a parents' group headquartered in Atlanta. PRIDE has found dramatic increases in drug use among kids. Cocaine is up. Hallucinogens are up.

Marijuana use is up 111 percent in grades 6–8. It is up 67 percent in grades 9–12. One in three high school seniors now smokes marijuana. This confirms reporting from other sources that in 1994, the number of high-school kids smoking pot hit 2.9 million—nearly 1.3 million more than in 1992.

This chart shows the fruits of our newly permissive attitude toward drugs. Among 9–12th graders, marijuana use is up for the 3d straight year, from 16.4 percent of students back in the 1991–92 school year to 28.2 percent of students.

Like many of my colleagues, I am also concerned at the Clinton administration's misguided policy of focusing on hard-core drug addicts—people who are very difficult to rehabilitate.

I am not saying we should not, but our limited funds ought to be going to these first-time youthful offenders that we have a chance of rehabilitating, not for people who we have virtually no chance of rehabilitating.

One key indicator of the success or failure of such a policy is the number of emergency room admissions, because many emergency room cases involve addicts and burned-out users. There is a survey instrument that studies such cases, and many Members of Congress will have heard of it—the Drug Abuse Warning Network, better known as DAWN.

Members may be surprised to learn that the numbers for DAWN have been unaccountably late this year. That is right: The numbers for the first half of 1994, which should have been released months ago, are now 16 months old.

In past years, these numbers have always been released in April. The 1993 numbers were released on April 11, 1994. The 1992 numbers were released on April 23, 1993. The 1991 numbers were released on December 18 of the same year—less than 5 months after the survey data had been collected.

It is my understanding that the administration had planned to finally release this data on Friday. It is further my understanding that the data will show a large upswing in the use of cocaine and methamphetamine.

Unfortunately, the American people will have to wait a few more days for this information. You see, the administration has postponed the release of this data until next Tuesday, which just so happens to be the day elections are being held in Virginia, New Jersey, Kentucky, Louisiana, and Mississippi. In other words, to get past the election, or at least that is what it appears to be.

Voters in these states will not learn of this evidence of failed leadership until after election day. What does this tell the American people about the Clinton Administration's drug policy?

And why do we have to wait 16 months for this information when we know from past experience that we can get it in less than 5? It is intolerable that the Congress has to wait over a year for vital information on the present state of our drug problem.

The administration is aware of the seriousness of this problem. According to the Attorney General:

> The latest surveys confirm that despite some recent gains, drug use in the United States is clearly on the upswing once again. The social consequences—of drug use—cannot be reduced of affected by enforcement efforts until our society changes its more tolerant attitude toward drugs. . . .

Mr. President, the Attorney General called it exactly right. We are not going to get anywhere on this problem until we start to change attitudes again. The job of changing attitudes belongs to all of us in positions of national leadership. It also belongs to the President.

I have previously indicated that I think President Clinton is AWOL—absent without leadership—in the war on drugs. Senator DOLE and Senator GRASSLEY have already been vocal on this issue, on the need to bring national attention to bear on just how bad the situation has become. We need to revitalize the drug war. In coming months, I will be calling on a number of my colleagues to join in this effort.

I am concerned. By working together, I believe we can reclaim this lost ground. Just look at this chart, "Rate of Youthful Marijuana Use." And we all know that once they start using marijuana, many of them will start trying harder drugs like cocaine, ultimately heroin, and so on. In grades 9 through 12, the PRIDE survey shows that we had a low here at 16.4 percent in 1991 and 1992, and from that day on it has gone up to where it is 28.2 percent.

Keep in mind, almost all these kids, a high percentage of these kids are going to try harder drugs because they think it is a fun thing to do after trying marijuana. Marijuana use is up, and it means the other harder drug usage will be up as well.

I wonder what this particular DAWN survey will say, but we will not have the privilege of knowing it until after the election this year.

We have a number of very important elections coming on that Tuesday.

No matter which way you look at it, you have to be alarmed by this problem of more and more kids grades 9 to 12 using marijuana every year since 1992.

Frankly, there is not much leadership in trying to stop them from doing so. Mr. President, I am concerned about these problems. I hope the administration is concerned. It is about time that they get concerned about these problems. We have to do what is right here. We have to do what is right, and do what is in the best interests of our kids and of our grandchildren and the future of our country. We have to start getting very, very tough on drug use in this country.

And for us and this administration to take the limited funds that are available, and use them for hard-core drug addicts, instead of these kids that need the help now that have a chance of being rehabilitated, I think, is basically immoral. If we have enough money left over, sure, I am willing to throw it down the drain by trying to help the hard-core drug addicts as well. And occasionally you will get one that will do a little bit better in treatment, but it is almost none who come

through that process who are hard-core drug addicts. It is very, very uphill.

Frankly, with the limited funds we have, we ought to be using them to help those kids who need it and are likely to quit using drugs after the rehabilitation period starts.

Mr. President, I hope that the President and others will do more about this issue. We have all got to do more about this issue, and I am going to continue to speak out until I see some changes in this administration and some changes in our government as a whole. I hope that we will all cooperate in trying do this because this is not a Republican/Democrat thing and not a pro-administration, anti-administration thing.

These are facts that have to be brought out. Hopefully the administration just does not understand, and once they do, will start doing more about it. And hopefully the President will use his bully pulpit to start fighting these things that are destroying America, financing crime and murders throughout this society, and killing our kids and their futures well into the future.

I thank the Chair, and I yield the floor.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER (Mr. KYL). The Senator from Kentucky is recognized for 10 minutes under the previous order.

(The remarks of Mr. MCCONNELL pertaining to the introduction of S. 1378 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER. Under the previous order, the Senator from New Mexico is recognized for up to 20 minutes.

Mr. BINGAMAN. Thank you, Mr. President.

THE IMPORTANCE OF FEDERAL INVESTMENTS IN RESEARCH AND DEVELOPMENT

Mr. BINGAMAN. Mr. President, I rise this morning to call the Senate's attention to a report that was released yesterday by the Council of Economic Advisors. The report is entitled, "Supporting Research and Development to Promote Economic Growth: The Federal Government's Role."

This report eloquently makes the case for the enormous positive impact which Federal investments and research and development have in promoting economic growth and providing greater opportunities for our children and for future generations. Most of the debate we have had, Mr. President, about this budget this year has focused on whether particular cuts or reductions or particular tax increases have been fair to one group or another in our country. For example, are the Medicaid cuts too deep? Are the Medicare cuts too deep? Should we be putting an additional financial burden on students in schools? Should Congress be scaling back the earned-income tax credit on low- and moderate-income families while cutting taxes for those who are better off?

But another important part of the debate, the budget debate, needs to be about the impact of what is proposed in this budget on the long-term economic growth of the country. And that is the issue that I would like to focus on here this morning.

The report that was released yesterday by the Council of Economic Advisors makes several crucial points that the congressional majority needs to understand as it embarks on what I see as a disastrous course of slashing Federal civilian research investments by the year 2002. Let me just read a couple sentences from the report.

It says:

> Increasing the productivity of the American workforce is the key to higher living standards and stronger economic growth in the future. Evidence indicates that investments in research and development have large payoffs in terms of growth. . . . Indeed, investments in—research and development—are estimated to account for half or more of the increase in output per person. Maintaining or increasing this country's research and development effort is essential if we are to increase the rate of productivity growth and improve American living standards.

The report finds that "many studies have demonstrated that investments in research and development yield high returns to investors and even higher returns to society." The report points out that it is this difference between the returns capturable by a single firm or an individual and the returns to the society as a whole that leads the private sector to underinvest in research and creates the need for public investment in research and development.

Mr. President, this is a need that has been recognized throughout this Nation's history, going back to the first Treasury Secretary of this country, Alexander Hamilton. The report points to the $30,000 that was appropriated in 1842 to build a telegraph between Washington, DC, and Baltimore, to demonstrate the feasibility of Samuel Morse's new technology.

It points to the 1862 Morrill Act, and that is an act, of course, that has benefited each of our States—Government funding of agricultural research. It points to the enormous benefits that have flowed from the expansion of Federal research investments following World War II pursuant to the vision that Vannevar Bush described in his report "Science: The Endless Frontier," which was submitted to President Truman in June 1945 at the end of the war.

Yet, there are some very disturbing charts in this report. The first of these charts I want to refer my colleagues to is a chart of nondefense research and development expenditures as a percentage of gross domestic product. What you can see here is that the United States has been lagging behind Japan and Germany in its nondefense research expenditures as a percentage of gross domestic product for more than two decades.

The yellow line is the United States. Japan is now substantially above both the United States and Germany in its investment in research and development, nondefense research and development, as a percentage of its gross domestic product.

This second chart indicates Federal investments, U.S. investments in nondefense research and development and shows very clearly that they have been declining substantially since the 1960's as a percentage of gross domestic product. You can see from the period 1961 to 1996, there was a short period there in the early sixties where there was a substantial increase during the heyday of the space program. It began to come down. It has continued its downward trend, as a general matter, until today, and it is scheduled in this proposed GOP budget for a substantial additional decline in the next several years. That Federal research investment, as this chart shows, will plummet during the next several years.

As the report that was issued yesterday points out, this is a greatly different plan of action from what governments in other parts of the world are doing, particularly Japan and Germany, who are our main rivals economically and technologically. Those countries around the world are seeking to follow the example of the United States, to emulate the successful American model of the last century, just at the same time that we, as a nation, seem bent on abandoning that model or wrecking it. The Council of Economic Advisers' report points out that the Japanese Government recently announced its plans to double its research and development spending by the year 2000.

We have a chart here that I think is a very important chart for people to focus on. This highlights the effect of our congressional budget plan and the effect of the Japanese plan. What you can see is that by the year 1997, Japan will overtake the United States in Government support for nondefense research and development, and that is not as a percentage of our gross domestic product, that is in absolute dollars. You can see that by 1997, the Japanese will be spending more than we will if we stay on the course that has been laid out in this budget resolution. Obviously, this gets even worse in the years ahead, as you go to the year 2000.

The Council of Economic Advisers' report also points out that there is no basis in historical data to believe that

cuts in Federal research and development spending will be compensated for through additional private sector investments. I think this is a very important point, Mr. President.

This next chart, which I really do commend to everybody because I think it has a very important message about how history works, it makes it very clear that there is a correlation between changes in Federal research and development expenditures and changes in private sector research and development expenditures 1 year later. The private sector follows the Federal Government lead in investing in research and development.

The report concludes the correlation means that if Federal research and development support is cut, the Nation is likely to lose future rewards not only from the federally supported research and development that will not be undertaken, but also from the industrial research and development that will not be undertaken as the private sector scales back in response to Federal cuts.

Stated very simply, when the Federal Government spends more on research and development, the private sector follows its lead. When the Federal Government spends less on research and development, the private sector follows its lead and spends less.

Mr. President, this is a horrible position for our country to place itself in as we approach the beginning of the 21st century. These cuts in Federal civilian research and development are not just theoretical numbers out there. These are cuts that are being made in many of the appropriations bills that we are passing on the floor of this Senate.

The energy and water appropriations bill, which we passed on Tuesday, cuts civilian energy research by 17 percent, $637 million. That was 17 percent from the President's request and it was cut 13 percent, or $462 million, from the last year's level of funding. Some research and development activity, such as solar and renewable energy research and development, were cut an even larger percentage, 35 percent, in that particular bill.

The same is true in the transportation appropriations bill that we passed on Tuesday. The conference report cut the Transportation Department's R&D budget request by 30 percent from the President's level of request and by 8 percent from last year's level.

In these two bills alone, civilian research and development is cut by almost $1 billion from the President's request, by over $500,000 from the fiscal year 1995 level.

Far deeper cuts are coming in the Commerce, State, Justice appropriations bill, in the VA-HUD appropriations bill and in the Labor-HHS appropriations bill.

This is not what we should be doing to our country as we approach the 21st century. If we do not change from this path, I believe that we will condemn future generations and our own children to a less prosperous and less productive America.

I urge my colleagues to read the Council of Economic Advisers' report and think about the consequences, the long-term consequences, of eating the seed corn of our future prosperity.

I urge my colleagues to think about the consequences of falling behind other industrialized nations in research and development and ultimately in productivity and standard of living. There is a clear and a constructive role for the Federal Government in investing in research. It has been carried out since the beginning of our Republic and, on a very large scale, it has been carried out since the Second World War. It has served our Nation well. It should not be lightly discarded as a collateral casualty of the effort to balance the budget.

IMPORTANCE OF SENATE RATIFICATION OF START II TREATY

Mr. BINGAMAN. Mr. President, I wish to speak for a few moments on another matter. This is a subject of profound importance that the Senate is not dealing with at the moment, and that is providing our advice and consent to ratification of the START II Treaty.

The START II Treaty is one that was negotiated and signed during the Bush administration.

It is so clearly in our national interest to proceed with that treaty that I have heard literally no dissent on that subject. Yet, it remains bottled up in the Foreign Relations Committee, apparently, as a hostage in a dispute over whether the chairman of the committee will get his way in the consolidation of our foreign affairs agencies.

In my view, this is profoundly wrong. Getting rid of several thousand nuclear weapons in Russia is so clearly in our national interest that it is, to me, tragic that the treaty is caught up in the sort of brinkmanship that has come to characterize the new congressional majority's approach to legislating. If it is not the daily public threat to refuse to raise the debt limit, it is the quiet threat we hear to torpedo the SALT II Treaty and the Chemical Weapons Convention.

Let me read into the RECORD some statements made by various people—most of who happen to be Republican—in favor of the START II Treaty.

President George Bush:

The START II Treaty is clearly in the interest of the United States and represents a watershed in our efforts to stabilize the nuclear balance and further reduce strategic defensive arms.

Senator HELMS, chairman of the Foreign Relations Committee:

I am persuaded that the 3,000 to 3,500 nuclear weapons allowed Russia and the United States in this START treaty does not meet reasonable standards of safety.

He made that statement on February 3 of this year.

The Heritage Foundation, in the briefing book that they prepared for new Members of this Congress:

The START II Treaty will serve U.S. interests and should be approved for ratification.

The former Chairman of the Joint Chiefs of Staff, Gen. Colin Powell:

"With a U.S. force structure of about 3,500 nuclear weapons, we have the capability to deter any actor in the other capital no matter what he has at his disposal."

The present Chairman of the Joint Chiefs of Staff, General Shalikashvili, said:

I strongly urge prompt Senate advice and consent on the ratification of START II.

Senator RICHARD LUGAR of this body said:

If new unfriendly regimes come to power, we want those regimes to be legally obligated to observe START limits.

Senator MCCAIN said:

With the conclusion of the START II, the threat of nuclear war has been greatly reduced, and our relationship with the former Soviet Union established on a more secure basis.

Mr. President, let me also read into the RECORD a statement made by the President's press secretary on October 20, in response to yet another postponement of the Senate Foreign Relations Committee business meeting on this issue. This is headlined, "The White House Office of the Press Secretary."

It says:

The President expressed concern today about the postponement of yesterday's Senate Foreign Relations Committee business meeting. He urged the Senate to completes its consideration of both the START II Treaty and the Chemical Weapons Convention and to provide its advice and consent to their ratification as soon as possible.

I ask unanimous consent that the full statement be printed in the RECORD.

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

THE WHITE HOUSE,
OFFICE OF THE PRESS SECRETARY,
Washington, DC, October 20, 1995.

STATEMENT BY THE PRESS SECRETARY

The President expressed concern today about the postponement of yesterday's Senate Foreign Relations Committee business meeting. He urged the Senate to complete its consideration of both the START II Treaty and the Chemical Weapons Convention and to provide its advice and consent to their ratification as soon as possible.

"START II and the CWC are of critical importance to U.S. national security," the President declared. "They will help create a safer world for all Americans, and for our friends and allies. We need these two vital treaties now."

START II will continue the process begun by START I of achieving deep reduction in Russian nuclear weapons. This will further diminish the nuclear threat and advance U.S. nonproliferation interests.

The Chemical Weapons Convention will ban an entire class of weapons of mass destruction. Its nonproliferation provisions will make it harder and more costly for proliferators and terrorists alike to acquire chemical weapons.

Both START II and the CWC were negotiated and signed under the Bush Administration. Last month, the Senate adopted an amendment expressing the view that the Senate should promptly provide its advice and consent to their ratification. The President urges the Senate Foreign Relations Committee to allow the full Senate to carry out its Constitutional responsibilities and to support the ratification of START II and the CWC this fall.

Mr. BINGAMAN. Mr. President, as I said at the outset, it would be tragic if the Senate did not give its consent to the ratification of the START II Treaty before we adjourn in December or late November of this year. It will reflect very badly upon the leadership of this Senate. It will play into the hands of those in the Duma in Moscow, who want to torpedo the treaty.

It is incredible to me that we can find time to debate all manner of secondary foreign policy matters on this Senate floor, such as the Helms-Burton Cuba bill and Jerusalem Embassy bill. One newspaper headline referred to this as the "Majority Leader's World Tour." But we do not seem to be able to find time for the START II Treaty. We have had plenty of days around here recently where we were marking time in morning business, and today is one of those days. We will likely have more of them in the weeks to come. We need to use at least one of those days—the sooner the better—to provide our consent to ratification of a treaty that is so clearly in our national interest. We need to stop the brinkmanship, at least when it comes to matters beyond our shores, on which there is bipartisan consensus.

Mr. President, I yield the floor.

CONGRATULATIONS TO PATRICK W. RICHARDSON

Mr. HEFLIN. Mr. President, Huntsville, AL, native Patrick William Richardson received the 1995 Arthritis Foundation's James Record Humanitarian Award at a reception and dinner before an audience of his friends and peers recently at the Von Braun Civic Center. The Alabama chapter of the Friends of the Arthritis Foundation seeks to honor a person actively concerned in promoting human welfare through philanthropic works and interest in social reform.

Pat Richardson attended law school at the University of Alabama and began his practice with the family law firm, where he was eventually joined by two of his sons. He has distinguished himself in the legal profession and in civic pursuits. He has received many honors as an attorney. He served as president of the Alabama State Bar. He conceived and spearheaded the establishment of the University of Alabama in Huntsville and the UAH Foundation, on which he continues to served as a trustee. He also had a key role in the formation of Randolph School and is still active as a lifetime trustee. With the enthusiastic backing of his wife, Mary, Pat has served in the leadership and has actively supported numerous civic campaigns and enterprises.

I ask unanimous consent that an editorial detailing the career and accomplishments of Pat Richardson appearing in the September 20 edition of the Huntsville Times be printed in the RECORD. I congratulate and commend Pat for receiving this prestigious award.

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

[From the Huntsville Times, Sept. 20, 1995]

ATTORNEY'S CIVIC WORK CITED

Huntsville attorney Patrick William Richardson was presented The James Record Humanitarian Award at an award dinner recently at the Von Braun Civic Center North Hall.

Richardson's civic contributions include conceiving and leading in the founding of the University of Alabama in Huntsville and the UAH Foundation. He played a key role in establishing Randolph School and is a lifetime trustee.

He has been given numerous civic awards and honors including the Certificate of Merit, the honorary Doctor of Laws degree and the President's Medal of the University of Alabama in Huntsville, the Distinguished Civic Service Award of the UAH Alumni Association, the John Sparkman Award of the Madison County of the UA Alumni Association, the Award of Merit of the Alabama State Bar and the Brotherhood Award of the National Conference of Christians and Jews.

He has served as regional and national trustee of the National Conference of Christians and Jews, director of the Alabama Motorists Association affiliate of the American Automobile Association, the Huntsville Industrial Expansion Committee, two local banks and a local mortgage company.

He is listed in Who's Who in America, Who's Who in American Law and Who's Who in the South and Southwest and was recognized in resolutions of the House of Representatives of the Alabama Legislature and the U.S. Congress.

TRIBUTE TO LAUGHLIN ASHE

Mr. HEFLIN. Mr. President, Sheffield, AL mayor Laughlin Ashe passed away recently. In the 3 short years that he served as mayor of his hometown, Ashe developed a reputation for integrity and honesty that is seldom enjoyed by officeholders. Many of those who worked with and for him say he deserves full credit for the economic revival of this city in northwest Alabama.

Laughlin Ashe looked after the best interests of his town to the very best of his abilities—abilities that were considerable. He was loyal to his friends and he was always true to his word. His was an effective style that yielded true leadership. He had a multitude of friends who will truly miss him. I am one of them.

After he was elected mayor in 1992, Ashe went about building consensus and bringing people together in order to rebuild the downtown area of Sheffield. His upbeat and forthright attitude spilled over into his work. He never allowed his serious illness to dampen his desire to serve and finish projects he had initiated and hoped to see completed. His dignity and spirit during his illness were reflections of the qualities that made him a successful mayor and wonderful human being.

He often remarked to close friends that being Sheffield mayor was the only job he ever really wanted. He was the coowner of Ashe-Box Insurance for several years, but sold his interest in the business after his election to the full-time mayor's job.

Laughlin Ashe was a friend to many, a consummate gentleman, and a compassionate father. He had an undying love for his city. Even before becoming mayor, he was Sheffield's self-appointed No. 1 cheerleader. He will be missed by all of us who had the pleasure of knowing him and watching him in action.

Last summer, Mayor Ashe met with editors of the TimesDaily newspaper for an interview to be published after his death. I ask unanimous consent that the account of that interview, from the September 16, 1995, TimesDaily be printed in the RECORD.

I extend my sincerest condolences to his wife, Debbie, and their family in the wake of this immeasurable loss.

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

[From TimesDaily, Sept. 16, 1995]

ASHE ON HOMETOWN: "GOD I LOVE THIS PLACE"

(Laughlin Ashe was a forward-looking person—even when his own future was douded. This summer, Ashe met with TimesDaily editors for an exclusive interview, to be published after his death. For some two hours, Ashe spoke candidly about how far his city has come—and issued a challenge for others to keep up the progress after his own passing. Here is an account of that meeting)

(By Mike Goems)

SHEFFIELD.—Laughlin Ashe leaned back on the office sofa with his hands clasped behind his head and continued to talk about the past, present and future of his beloved Sheffield.

For more than an hour, he appeared completely content and relaxed. His own bleak future appeared lost in the discussion about business expansions, a sharply healthier city treasury and city revitalization efforts.

Without warning, his thoughts suddenly returned to the inevitable. He had known for weeks that he would not be there to see those plans through.

"The good Lord has been kinder to me than I've ever had a right to expect," Ashe said. "He has given me an opportunity to do the one thing that I've always wanted to do. I've never been involved in anything as fulfilling as this job.

"The only regret I have is time. I just don't have the time anymore," Ashe continued as tears filled his eyes, his voice cracking. He could not finish his next sentence—"I wish I had more time, just 4½ more years to see. . ."

Ashe, a self-proclaimed cheerleader for a city rebounding from the doldrums of the mid-1980s, died Friday from liver cancer. He was 59.

Having been told by doctors that his life likely would end before autumn, perhaps his favorite time of the year, Ashe agreed to be interviewed by the TimesDaily on June 27, provided the story would not be released until after his death.

His message on that hot, overcast day came in the form of a challenge to Sheffield residents to keep the city moving forward.

"This city has come so far in such a short period of time," Ashe said. "There's no reason we cannot continue in this direction when I'm gone.

"There's a sense of pride that has returned to Sheffield. People are proud to say they're from Sheffield again. I know it means something special to me to tell people where I live. God, I love this place."

That love and pride for his hometown is perhaps the biggest legacy Laughlin Ashe leaves. Ashe's enthusiasm is credited by many as one of the single biggest factors that made Sheffield a city on the move again.

To have heard him talk, you would, think the city is headed toward unprecedented growth.

"We have feelers out in every direction," Ashe said. "We've on the verge of some extremely big things, and slowly but surely we're going to get there."

Ashe downplayed his role in the revitalization of Sheffield, and he made repeated efforts not to point fingers at anyone from past administrations. Instead, he praised the City Council, which he said has done "an unbelievable job," and the residents who "feel as deeply about the city as I do."

"When I was running for office, Sheffield had gotten into a rut," Ashe said. "People were not negative but they certainly weren't positive, either. That kept us in that rut."

Change came subtly but quickly, a product of a joint effort between the council and Ashe.

WE'RE BUSINESSLIKE

We were fortunate enough to have six brand new people with no political experience to come into office at one time," Ashe said. "Not a single one of us knew that something couldn't be done. We didn't understand there was no way to get from one point to the other. So, we just did it.

"We don't have the pizazz that Florence does with their nearly $20 million budget, we don't have the little hint of scandal that may sometimes trouble Muscle Shoals where you have this faction hollering at another faction, and we don't have that little smoke like what's coming out of Tuscumbia. We've business-like. We discuss the issue and 20 minutes later we're out of there."

Ashe saw his role as one of a cheerleader. While promptly dealing with the negatives, Ashe focused on the positive things in Sheffield. It's an attitude that proved to be contagious.

"During these past three years, we have uncovered a lot of those needs and started serving them." he said, "When you get down to it, you provide the basic services and the rest is attitude.

"And hell, yes, our image has improved. I base that on what people say to me, my family and the council. The attitude has improved. The way to discover that is by driving through our neighborhoods like York Terrace, the Village and Rivermont and you'll see people building onto their houses and taking pride in their property."

During the Ashe administration, the city has attacked the problem of rundown houses and property that has gone unattended by landowners. Several of those eyesores have been torn down, at a cost of about $10,000 per project.

That condemnation process is far from complete, according to Ashe. Singling out a property owner on Columbia Avenue, he said the face-lift ultimately will include the removal of some house trailers and other unsightly residences.

Ashe also talked at great length about the council's ability to update equipment for the street and cemetery departments, while improving resources for the police and fire departments. Sheffield's 101 city employees have been given another raise, marking the third straight year they have received pay increases.

"We got behind during the level times of the 1980s, and we're still not where we want to be," Ashe said, "We have lost three or four top-notch police officers over the last month or so. We can't afford to keep them. We get them trained in the academy and then on the streets, and then they go to Muscle Shoals or Florence for a $5,000 raise. And I don't blame them."

The purchases and raises are products of an improved economic and retail base. Ashe credited Sheffield businessmen Bob Love and Tony McDougal for initiating some of that growth before the 1992 election. The influx of restaurants in the city has revitalized downtown.

A REASON TO COME

"The thing Sheffield had been missing for so many years was a hook, a reason for people to come to the city," the mayor said. "There had been no real reason to come into Sheffield unless you had a specific purpose. We don't have the upscale anything for shoppers. Restaurants are changing that. They're giving people a reason to come into our city."

Ashe forecast that the crowning jewel of Sheffield's revitalization will be a promised overpass that will allow motorists to travel to Sheffield without fear of being delayed by passing trains at the Montgomery Avenue crossing. Despite the belief among some residents that the overpass will never be built, Ashe never wavered.

"I still go to bed at night and say my prayers and thank God this overpass is coming," he said. "this overpass is going to do more to change Sheffield positively as Woodward Avenue did in Muscle Shoals.

"We're going to have a business route again, and we're going to have traffic flow through here that made this town back in the '50s and earlier years. Once the traffic flow starts, the retail and commercial portions will come. We have some people already beginning to think in those terms."

Sheffield's long-range plan includes the development of an office park near the intersection of Nathan and Hatch boulevards, a project that will tie in with the Old Railroad Bridge walking-trail system. The city also is working on a softball-baseball complex.

As Ashe put it, "We've got so many things in the cooker it's hard to keep up with." That's why he asked the council to hire an assistant to the mayor during his final months, so he could make that person aware of those projects. The council responded by hiring Linda Wright, who will now play a role in the transition to a new mayoral administration.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, more than 3 years ago I began daily reports to the Senate to make a matter of record the exact Federal debt as of close of business the previous day.

As of the close of business Wednesday, November 1, the Federal debt stood at exactly $4,981,703,482,414.58. On a per capita basis, every man, woman, and child in America owes $18,910.63 as his or her share of the Federal debt.

It is important to recall, Mr. President, that the Senate this year missed an opportunity to implement a balanced budget amendment to the U.S. Constitution. Regrettably, the Senate failed by one vote in that first attempt to bring the Federal debt under control.

There will be another opportunity in the months ahead to approve such a constitutional amendment.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, is there 30 minutes reserved for the minority leader or his designee?

The PRESIDING OFFICER. The Senator is correct.

Mr. DORGAN. I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

CLASS WARFARE

Mr. DORGAN. Mr. President, yesterday, I was on the floor of the Senate discussing the reconciliation bill and discussing some other issues, including trade issues, and I was confronted, once again, with the rejoinder that a discussion of the type that I was having was class warfare. I responded to that at the time. But I was thinking about this last night as I was reflecting on the discussion we had.

I thought to myself that it is interesting because every time you talk about the economic system in this country and who it rewards and who it does not reward, who it penalizes and who it does not penalize, somebody says you are talking about class warfare. What a bunch of claptrap, to call a discussion about economic strategy in this country and who benefits "class warfare.

Here is what I said yesterday. I was relating it to the reconciliation bill, a bill that, not me, but a Republican strategist said largely takes from those who do not have and gives to those who do.

I was reading an article written by John Cassidy, which I thought was interesting. He talks about the economic circumstances in our country. He said

that if you were to line up all Americans in a row, with the richest American far on the right and the poorest American far over here on the left—line all Americans up in one row—and then go to the middle American, the one right in the middle, the average, and that middle American standing in the middle of that line would be a working American, who earns, on average, $26,000 a year.

His article pointed out something I pointed out to the Senate previously, which I think relates to why people are sour in this country and why they are upset about where we are headed. He pointed out what that person making $26,000 a year, that working family there making $26,000 a year, has experienced in this country.

In September 1979, this person was earning $498 a week. In September of 1995, if you adjust for inflation, this worker had lost $100 a month in income. Let me state that again. This is a person working in this country—a country we always expect to have an economy that provides opportunity, growth, and advancement—a person who works for an income of $26,000, in 16 years, discovers he is $100 a month behind.

Why is that happening? Because our economic system in this country is one where we are saying to the American workers, "We want you to compete on a different level." Other people in this world are willing to work for pennies an hour. People putting shoes together in Malaysia work for 14 cents an hour. They hire kids in India to make rugs. They hire cheap labor in Mexico to make products that used to be manufactured in this country by people who had good manufacturing jobs.

It is because those jobs increasingly have moved out of our country, because wages in this country have diminished, because we have decided to allow foreign competitors to access our marketplace with a product of cheap goods, which are the product of cheap labor, people earning 20 cents an hour making shoes in Sri Lanka, or shirts from China. The list goes on and on and on. Is that good for the consumer? Yes, because in the short run they can buy cheaper goods, presumably. In the long run, American jobs are gone.

That middle-income wage earner, who loses $100 a month in earnings in 16 years, discovers that this kind of global economics hurts middle-income wage earners.

The same article made a different point. The top 1 percent of the families in this country in 1977 were earning an average of $323,000 a year. In 1989, the year for the comparison of the top 1 percent, that was up 78 percent; they went from $323,000 a year in income to $576,000 a year in income.

So while the person right in the middle in this country has lost $100 a month, we have the upper 1 percent, whose incomes per person go up to half a million per year, with a nearly 70 percent to 80 percent increase in income.

My purpose was not to say that the people at the top are not worth it. I do not know whether someone making half a million is worth it. I do not know what they are doing. My purpose is not to say they do not deserve it. They may well deserve all of it.

My purpose is to say an economy that provides enormous rewards to the small group of people at the top but penalizes—because of its economic strategy—the middle-income families in the middle by saying to them, "Work 16 years and you will be $100 less a month and you will be farther behind," something is wrong with that strategy.

That was the point I was making. I was equating that point to the strategy in the reconciliation bill that says to 50 percent of the American families—and guess which 50 percent—the bottom half will pay more as a result of this bill; and then says to the top 1 percent—guess what—it is time to smile. When you get your envelope, it will have good news because you get a significant tax break.

That is the point I am making—not class warfare, just the facts, the facts that describe why a lot of people are upset about which economic strategy. Why do we see a $26,000-a-year wage earner work hard for 16 years and lose ground?

Let me give examples. Here is a company that makes pants—slacks. On July 19, they filed a form down at the Department of Labor that says 280 of their workers now apply for trade adjustment assistance.

What does that mean? In plain English, they had 280 people working for them that are not working for them anymore because of foreign competition. That means this company moved their company to Mexico, fired the American workers, the American workers go on trade adjustment assistance. Then this company, after the taxpayers pay trade adjustment assistance for unemployed Americans who lost their job and takes its production to Mexico where it can hire cheap labor, makes the same product, and ships it back into this country.

The net result? More profits for this company, more profits for the pants maker, but 280 people out of work.

Are these slothful, indolent people who do not want to make their way in life? No, working families that had a job but cannot compete with people who make 70 cents an hour or $1 an hour and should not be expected to compete in those situations because it is not fair competition.

This company, by the way, that has 280 of its people receiving trade adjustment assistance says the following: "They perform most of their sewing and finishing offshore to keep the production costs low." However, the finishing of garments sewn by third-party contractors is conducted either in one of its U.S. facilities or in the offshore facilities. The offshore plants pack the finished garments and ship them back to the United States for U.S. customers.

Here is what it says in the financial report. Certain of the companies that formed subsidiaries had undistributed retained earnings of $21 million on November 4, 1994. No U.S. tax has been provided on the undistributed earnings because management intends to indefinitely reinvest such earnings in the foreign operations. In other words, they made $21 million by moving the jobs outside of this country and pay zero tax.

What about their competitor? If their competitor across the street stays in this country and makes the same kind of pants and makes $21 million, they pay a $7 million tax to the U.S. Government. Said another way, this company gets a $7 million tax break for moving its jobs offshore.

Last week, I offered an amendment here in the U.S. Senate—very simple. No one could misunderstand it. It said at the very least we should stop penalizing the companies who stay in this country and keep the jobs in this country, get rid of the tax incentive that says if you close your plant in America and move it overseas, we give you a tax break.

Stop this perverse, insidious tax break for companies who decide they will close their American plant and move the jobs overseas, giving them an advantage over the people who stay here and produce here and work here in this country. My amendment failed on a party-line vote. It failed on a party-line vote. I say if we cannot close this loophole, we cannot close any loopholes. We will have a chance to vote on this again.

Let me give another example of why that $26,000 family is working harder and losing ground. This is from a Fruit of the Loom news story, October 31, 1995. That is the day before yesterday. Fruit of the Loom, the Nation's largest underwear maker said today it would close six U.S. plants and cut back operations at two others, laying off 3,200 workers, or 12 percent of its work force.

What you are seeing, said their spokesman, is the cumulative impact of NAFTA and GATT, our trade agreements.

This company will lay off 3,200 people. It does not mean much, just a statistic. A statistic is sterile, antiseptic, and does not mean anything to anybody.

One of the 3,200 is a person that has a name, went to school, had some hopes deep in their chest for themselves and their family and their future, who are called in some place and told, "Guess what? We have some news

for you. This job you had at our company does not exist anymore. We are moving that job to a foreign country where we can buy labor for 50 cents an hour, 14 cents an hour or $1 an hour. We think having to pay you $5, $7 or $10 an hour is way too much money. So we will access profit by obtaining foreign labor and doing overseas what we used to do here."

This $26,000 worker or one of these 3,200 people that have lost their jobs might ask the question these days: If productivity is up—and it is—productivity is up in this country; the stock market is up—it is at record levels; corporate profits are up—at record levels; if America is doing so well, why is this middle-income family losing ground?

I spoke yesterday about part of the reason for that. It is a combined strategy that says in this country that we measure economic health by what we consume, not what we produce. There is no premium on production. If we have not learned anything by studying several hundred years of economic lessons, we certainly have not learned the lesson of the British disease—slow economic decline. Once you decide that production does not matter, consumption is what counts.

You measure consumption every month forever and talk about how good things are going in this country and have your production facilities leave America, you weaken this country forever. You inevitably weaken America's ability when you weaken its productive sector.

Now, I talked about all of that yesterday in the context of needing a new trade strategy, especially a new trade strategy. We cannot compete with one hand tied behind our back and should not be expected to compete with people making 14 cents an hour or we do not want to compete with those kids who are paid 12 cents an hour working 12 hours a day. American workers should insist that competition be fair in international trade.

I also said yesterday that not only is our economic strategy and trade strategy desperately in need of reform so that it responds to the needs of those who stand in the middle of the line of the income earners in this country. At a time when those on the upper side of the line are doing handsomely, the people in the middle are losing ground. Not only do we need a new economic strategy to address those issues as we discuss issues like the reconciliation bill in Congress, we also need to understand what all the statistics mean.

When we decide that the philosophy we pursue is one that says let the bottom 50 percent pay more and let the top 1 percent be handsomely rewarded, it is not any wonder that people are sour about the priorities here.

The earned-income tax credit, as an example in the reconciliation bill, the earned-income tax credit changes are the result or are the reason why the bottom half will largely pay marginally more tax after this reconciliation bill is passed.

What is the earned-income tax credit? It is the earned-income tax credit that goes to people that work at the low end of the income scale that provides incentives for them to work, the very thing we have debated for months.

We want to get people off of welfare rolls and onto payrolls. We need to provide incentives for people to go to work. People who are working, often at the bottom of the scale, need those incentives.

This reconciliation bill says, by the way, these incentives are unimportant to us, so what we will do is limit the earned-income tax credit. And what is important to us? Building B-2 bombers nobody asked for, building a star wars program nobody wants, buying F-16 and F-15 airplanes nobody ordered, buying two amphibious ships for $2 billion that the Defense Department said it did not need, and spending $60 million, without a hearing, for blimps.

I am still asking, and I am asking again today, if there is anybody in this Chamber who knows who wrote in the $60 million in the defense bill to buy blimps, please raise your hand or come to me in the coming days so I can give proper credit where credit is due. Who in the Senate thinks we ought to buy blimps in the American defense bill? Somebody does. Somebody wrote it in. Nobody now will claim credit.

This is all about priorities. It is not about class warfare, not about one group of Americans versus another. It is all about trying to make sure the American wagon train moves ahead without leaving some wagons behind. It is about the priorities in this economic strategy, a strategy that actually encourages American corporations to move jobs out of this country, move them overseas, through this perverse tax incentive that rewards them when they do it. It's the economic strategy that says we do not care about those who stay here. We will not offer a minimum level of protection against unfair competition by 12-cent labor or 12-year-old laborers, or stuff produced by companies overseas that pump pollution into the air or water.

It is not a strategy that makes sense for this country's future. We must find ways, not only as we discuss this strategy on trade but also as we discuss the reconciliation bill, to merge our interests and make sure that all Americans move ahead. This country succeeds when we make sure that we provide opportunities for everyone. The private sector, the job base, the opportunities that exist must exist for all Americans, not just a select few Americans.

Most people I know want an opportunity to succeed and want an opportunity to do better. Most people are willing to get training and get education and go search for jobs. Regrettably, these days, fewer and fewer good jobs are available. The good manufacturing jobs, they are going to Mexico, going to Sri Lanka, going to Bangladesh, Malaysia, and Indonesia. Those are jobs that used to be in Phoenix, yes, some in Bismarck, El Paso, Denver, Chicago, and Pittsburgh.

This country needs to rethink its economic strategy. It needs to rethink the strategy in the reconciliation bill, which is wrong. It needs to rethink its economic strategy in trade policy and have a broader economic game plan to try to encourage, persuade and retain an aggressive, thriving production industry in our country.

Not our country, not any country, will long remain an economic power, a world-class economic power, if it exports its productive base.

I asked a recent Trade Ambassador, who shall remain unnamed—Carla Hills—is there any area at all, any area of productive capability, steel, autos, any area that you think that we must not do without, that would hurt our country if we lose? No answer. Apparently, there is nothing the loss of which would hurt our country.

I could not disagree more. No country will remain a strong economic power unless it has an auto industry that thrives, a steel industry, a transportation industry. The storm clouds are overhead. The small craft warnings are out already.

People who do not study these issues, including international trade and the broader economic strategy, and who wins and who loses, and people who do not study the consequences of the reconciliation bill, I think only add to the aggravation that a lot of American families feel about a system that says to them: Work harder and you will achieve less. Work 15 years and you will be $100 a month behind, if you happen to be in the middle of American wage earners.

We have a lot of debate ahead of us on the issue of reconciliation because the President, justifiably and predictably, will veto this bill. This is a terrible piece of legislation. There will be a veto and then this country, in the tradition of 200 years of democracy, must come together and reach a compromise.

Republicans and Democrats may disagree on some things, but the fact is, it is required for us to compromise. That is the way the system works. One side or another may not like it, may not want to, but we are required to do that.

This stuff about default, train wreck, shutdown, is fundamentally irresponsible. No one in this country expects any thinking or any thoughtful legislator to believe that any of those strategies would be in America's best interests.

It is my hope in the coming days and in the coming next several weeks that

Republicans and Democrats together will think through the common elements of a plan that makes sense for this country. Can anybody, anybody ever believe it is in our interest to provide a tax break to move your plant overseas? Anybody? I understand we have had a couple of votes on it. Both times I have lost. But one of these times it must not be political. One of these times people need to look at that and say: Is there a reason to provide a tax break to say to somebody, "Close your plant in America, move it overseas, kill those jobs in America, hire some foreign workers for pennies an hour, and we will give you a reward; in this case, we will give you $7 million; close it up—a $7 million benefit"?

We will not give that benefit to an American plant operator, some owner of an American business or some workers in an American business. We will not give that to them for staying there. We will just give it to somebody who decides to move the jobs out of our country.

I need to explain that vote to a number of constituents, honestly. We are going to vote on it again. That is just a small, baby step in the march of a better economic strategy that makes sense for this country in terms of the growth of the productive center, growth of good jobs and opportunity for all Americans.

Mr. President, I yield the floor.

Mr. President, I make a point of order a quorum is not present.

The PRESIDING OFFICER (Mr. COATS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

ORDER OF PROCEDURE

Mr. THOMAS. Mr. President, I think in this continuing effort for the freshman and sophomore class to bring something of a unique view to this Senate, we have set aside, I believe, a half an hour.

The PRESIDING OFFICER. The Senator is correct. The Senator is recognized under the previous order to speak in morning business for up to 30 minutes.

Mr. THOMAS. I thank the Chair. I would like now to yield to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee.

RESTORING THE BONDS OF TRUST

Mr. FRIST. Mr. President, it is a real pleasure to be able to join my fellow freshmen and sophomores with a message that has been consistent. It is a message asking for the courage of the American people to come forward to accomplish the agenda that has been set out in a very clear fashion.

Politics, like medicine, must be based on trust. Without trust, people lose more than their faith in Government. They lose all hope, hope that life in the future will be better than in the past.

That is why in the 1994 campaign, Republicans pledged not just to change politics but to restore the bonds of trust between the people and their elected representatives, to make us all proud once again of the way free people govern themselves.

The ideal of freedom and opportunity, which is the spiritual strength of our Nation, is what motivated our Founding Fathers. That ideal is what motivates us today.

As the poet Archie MacLeish once remarked in a debate about national purpose, "There are those who reply that the liberation of humanity, the freedom of man and mind, is nothing but a dream. They are right. It is. It is the American dream."

Mr. President, we can no longer sacrifice the future, the future of our children, by clinging to the past. We must work to restore the American dream for our children and for our grandchildren, but that means keeping our promises.

Keeping our promise to balance the budget means a better life for all Americans. As interest rates fall and productivity rises, all Americans will enjoy a higher standard of living.

Keeping our promise to save and strengthen Medicare means that for the first time seniors will have a voice but also a choice, and the Medicare system will be preserved for that next generation.

Keeping our promise to cut taxes means that all Americans who have watched their tax burden grow from as little as 2 to 5 percent in 1950 to almost 50 percent today will finally get to keep more of what they earn.

Keeping our promise to end welfare as a way of life means that the cycle of poverty that has trapped a generation of families in welfare will at last be broken and parents will be able to regain their pride and their dignity through work and personal responsibility.

It is a time to change. It is a time to call upon the courage of legislators, of representatives, and of the American people to recognize and carry out this change.

The decisions we make today will determine our future. Let us go forward with hope, confident that the future we leave to our children and to their children will be brighter than our past.

That is the legacy of our parents and that their parents left to them. It is the legacy all Americans inherited from our Founding Fathers, the legacy of the American dream. Let us not be the first generation who fails to pass it on.

Mr. President, I thank the Chair, and I yield the floor.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. I yield myself such time as I usefully use.

Mr. President, I congratulate my friend from Tennessee, who has certainly been a leader in the Medicare-Medicaid propositions that have come forward. He has been a leader partially because of his experience as a physician, but also having a very strong commitment to move forward in the changes that need to be made in order to strengthen and preserve these programs so that they will be useful. So I congratulate my friend.

LET US TALK ABOUT THE FACTS

Mr. THOMAS. Mr. President, we have been talking now for some time and will continue to talk, certainly through this month. I hope much of the bill will be completed within the next month so it will come to a closure that will be useful to the American people. I am confident that it will.

In the meantime, I think it is important that we continue to talk about what it is we are seeking to do, that we continue to foster an understanding in the country of what the issues are that we are talking about. I have expressed before and again say that I am very concerned that in this democracy, in this country, this Government of the people and by the people and for the people, that we need to have facts upon which each of us can make the decisions that we need to make as citizens and as voters and as leaders in our communities there.

There are differences of view. That is legitimate. There will continue to be differences of view. There are extreme differences of view among some of the Members in this place. But the decisions that are made, regardless of that point of view, have to be made on facts.

We all have a right to our own opinion, but we do not have a right to our own facts. I am concerned about it. I am concerned about it. When I go home to Wyoming, people talk about what they perceive, what they have heard in the media, what they have heard from opinion analysts and things of that kind that are not necessarily so. So I hope that for the most part we can talk about the facts.

I received a letter, as a matter of fact, from a lady in Afton, WY, whom I know, who has been very involved in public issues and has been active as a silver-haired legislator. She expressed her concern about some of the decisions that are being made and are being proposed. But I thought the interesting part was that she expressed her particular concern about the future

and about her grandchildren and the things that would affect them. She talked about the fact that things are not going well, in her judgment, in the country. And, indeed, they are not where we would like them to be.

I thought it was interesting that she resisted the idea of change. Basically that is what we are talking about here a lot. People will stand up, one after another, decry the situation we are in, talk about the future, talk about kids, talk about taxes, and then resist change, as if things were going to change by continuing to do what we have been doing. It seems to me that is a fairly simple concept. We have not balanced the budget for 26 years. We have got to do something different if we believe, as I do, that we need to balance the budget. I think most people know something of the condition that we are in, some of the conditions that we need to change. One of them is to balance the budget.

Let me read from this column, the Parade magazine column. This author uses this example:

> Let's suppose you have an income of $125,760 that comes not from work but from the contributions of all your friends and relatives who work. You're not satisfied with what $125,760 can buy this year, so you prepare yourself a budget of $146,060 and charge the $20,300 difference to your credit card, on which you're already carrying an unpaid balance of $472,548 . . . on which you pay interest daily. Multiplied by 10 million times, that's what our government did in the fiscal year of 1994.

That is what we have been doing, putting it on the credit card for these young people who will pay for it. We maxed out the credit card. We will be working in the next month to have to raise the debt limit to $5 trillion. So balancing the budget, most everybody understands, is something that has to be done.

Medicare and Medicaid. Clearly if you think Medicare is something you would like to have in the future, if you think health care for the elderly is something that we should maintain and strengthen, then you have to change. The trustees say you have to change. It cannot continue to go on the way it is.

Welfare. Most everyone who has watched welfare at all would agree, first of all, with the concept that we ought to have programs that help people who need help, but that they should be designed to help people help themselves to go back into the workplace. That has not worked. There are more people in poverty than there were when Lyndon Johnson was here and started this whole system.

Yet each year in the interim, as things did not go well, the solution was to put more money into the same program and expect different results, which of course, does not happen.

Reduction of taxes allowing people to spend more of their own money, is that not a concept? And we are seeking to do that.

So that is what we need to do. Unfortunately, we need to come together on these principles. We need to come together to move forward in an area that will accomplish these things. And guess what? Guess what? We do not have any leadership from the White House. These are the things that the President has said he is for—balancing the budget, saving Medicare, reforming Medicaid.

He wrote a letter when he was Governor in 1989 asking that some of the mandates be removed so that the States would have more flexibility. That is what we are trying to do. The President in his campaign was the one that was going to change welfare as we know it. These are the things that everyone will stand up and agree we need to change. And all we find is resistance and denial, that, "No, we can't do that. No. That is too fast. That is too much. That isn't the right way."

So we end up in something of a gridlock, a gridlock that I think we will overcome, a gridlock that we will overcome and still maintain the principles that are involved in making these things succeed.

Let me talk just a minute about what happens if we do not do something. If we do not do something about balancing the budget, the deficit will top $460 billion by the year 2005. Now, that is a projection of the Congressional Budget Office. The deficit will be $288 billion in the year 2000 and upward of $462 billion in 2005 if we do not do something different than we have been doing.

The national debt now stands at about $18,000 for each of us. It is a debt of $18,000 per capita. The servicing on the interest of that debt—not the servicing on the debt, not the reduction of the principal—the interest cost each American $800 in 1994. Today's newborn child, who is born today, owes $187,000 over his or her lifetime just to pay the interest on the national debt. That is what happens if we do not do something. If we do not do something, six programs will absorb 75 percent of the Federal budget: 22 percent for defense, 18 percent for net interest, 15 percent for Medicare, 11 percent for Medicaid, 6 percent for retirement programs; that is 75 percent of all Federal revenues will go in those areas unless we make some changes.

With respect to the Medicare tax, we pay now, what, 2.9 percent payroll tax? If we do not slow the program from 10.5 percent down to 6 percent a year in growth, it will require an 8 percent payroll tax instead of 2.9 percent by the year 2030. So we need to make some changes.

On the other side, what happens if we do? As a result of balancing the budget in 2002, a 2-percentage-point reduction in interest rates on a typical 10-year student loan for a 4-year private college would save American students 8,800 bucks. If we could get that 2-percent reduction in interest rates as is predicted, on a 30-year mortgage on an $80,000 home, it would save the American home buyer $107 each month, or $38,000 over the life of the mortgage.

So not only do we have some very destructive kinds of things that will happen if we do not make some changes, there are some very, very positive things that will happen.

So, Mr. President, I hope that President Clinton will reconsider his position and join in a useful dialog in terms of coming to some agreement and seek to deliver on some of the promises he made in 1992. I invite the President to drop the rhetoric and come to the table in good faith.

Mr. President, I now yield to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

BENEFITS OF BALANCING THE FEDERAL BUDGET

Mr. GRAMS. Mr. President, my freshman colleagues and I have come to the floor again this morning to talk about our plan to balance the Federal budget and what that balanced budget will mean to this generation and, more importantly, or as importantly, to the generations to follow. But no statement that we make today could speak more eloquently than a letter I received from a young Minnesotan in Duluth, MN. He writes to me and urges me:

> I urge you, Mr. Grams, to take a stand for eliminating this overwhelming national debt. It is a cancer that is growing and growing, and something needs to be done soon, if not for your generation's sake, for mine.

For the first time in a quarter of a century, Congress is standing up for the coming generations, and we are standing up to the big spenders who have long dominated the decisionmaking here on Capitol Hill. We have finally said, "Enough is enough—it is time to return to reality, it is time to stop the wasteful spending, and it is time to balance the Federal budget," and that is what we have done with our revolutionary budget plan that eliminates the deficit by the year 2002 without raising taxes and without drastically slashing Government spending.

Ask Minnesotans if they think the Federal Government ought to balance its budget, and most people would say, "Well, yes, of course," after all, Minnesota families have to balance their own budgets every month, altering their spending habits to keep pace with the paychecks coming in and the bills that are going out.

The corner grocer, the video store owner, and every other job provider has to do the same thing. It is the responsible thing to do, and at a time when

the taxpayers are demanding accountability in Washington, a responsible Congress is expected to meet those same standards that we ourselves have to meet.

Besides the obvious benefits that come with prudent financial management, balancing the Federal budget offers tremendous economic benefits for all Americans—and my friend from Wyoming just went a through a list—through lower unemployment, lower interest rates, and a higher standard of living.

The story of the credit-hungry power shopper really illustrates why.

With a new job and a pretty good salary to go along with it, he applies for and receives his first credit card. An incredible shopping spree follows, and then another and another, and it does not take long before he reached his credit limit. Now he has three choices: Stop spending so recklessly; ask for more credit; or go to your boss and ask for a raise.

The spending has become addictive and he is not about to stop. He already spent his last raise, so he phones the credit company and asks for additional credit. They are happy, of course, to oblige and he is off on another spending spree.

This pattern continues for several years until he has increased his credit line to the point now where his monthly payments are barely keeping up with the interest that he owes on his tremendous debt. He has spent every raise in advance without a second thought, yet refuses to stop spending. He knows what he is doing is wrong and, in the back of his mind, he understands that he cannot keep doing this forever, after all, sooner or later the credit card company is going to come after him for their money, and that is the very position that our Federal Government finds itself in.

For four decades, the Government has been that uncontrollable shopper, raising taxes, spending hundreds of billions of dollars more than it takes in and, in the process, it has dug this Nation into a $5 trillion debt. Whenever it reached the credit limit, Congress would vote to increase it. Whenever it needed to ask for a "raise," it would vote to increase taxes on middle-class families.

But now the Federal Government is in the very same position as that overeager shopper. We have now reached the point where we are only paying enough on our national credit card, so to speak, to cover the interest, let alone trying to make any dent at all on the principle. In fact, this year for the first time, we will pay as much in interest on the debt as we will on national defense.

Let us be clear, the call to raise the debt ceiling is so that this Government can go out and borrow another $25 billion so it can just make an interest payment.

Let me say that over again. The reason the debt ceiling is going to have to be raised is so this Government can go out and borrow $25 billion to meet an interest obligation. That would be like you or me going to the bank and borrowing money so we could come home and make an interest payment on our credit cards.

Usually when we go to the bank to borrow some money, we do it in order to purchase something—a home, a car, or other goods—and we do get something in return and then we plan to make the payments, both principle and interest, out of income that we have. But we have a Government that is now so out of whack that we now are asking the taxpayers to let us borrow more money so we can just pay the interest. In other words, it is like you taking your Visa card and paying off your MasterCard.

Because the Government is borrowing so much money, the dollars that would otherwise be available to the job providers, to the home buyers are no longer there. They have been sucked up by this Government.

Without those investment dollars that could go to the private sector that are now going to the Federal Government, companies have been forced to put their long-term investments, such as new facilities and new equipment, on hold, and those are the type of investments that create the jobs that we need. Those are the investment opportunities currently being undermined by the Government.

That has been especially hard on the economy, because when American businesses are not making long-term investments or cannot find the money to do it, the jobs are not being created, productivity is slipping and incomes do not grow. Balancing the budget and eliminating the deficit will free up those valuable dollars for investment allowing businesses to create new and higher paying jobs, by some estimates as many as 6.1 million new jobs by the early part of the 21st century.

Under a balanced budget, interest rates will decline by up to 2 percent, making loans for education, automobiles or startup businesses more affordable. For home buyers, a 2-percent drop in the interest rate would drop mortgage rates on average $100 a month. Those lower interest rates could boost a household's annual income by an additional $1,000 a year by the year 2002 and raise a family's standard of living to go along with it.

Mr. President, I was listening to the distinguished junior Senator from North Dakota while he was speaking on the floor one day earlier this year. I have to thank him for introducing me to a very interesting book. It is a children's book, and it is something I think my grandchildren are going to enjoy, but its central message certainly has a special meaning for here in Washington as well.

The book referred to is called The Berenstain Bears Get the Gimmies. The plot resolves around the little bear cubs in the family during a trip to the mall. It seems they have been infected with the "gimmies"—gimmie this, gimmie that, gimmie the other thing. The cubs were asking for everything in sight on this shopping spree, never giving a thought to the price tag, and it was driving the parents crazy.

Well, for 40 years, the Federal Government has been infected with the gimmies, as well. Every pork project it wanted to dole out, every new social program it wanted to bankroll, it just said, gimmie. The Government got what it wanted because the liberal Democrats had the votes to take the money, and it always gave away the bill to the taxpayers.

Well, this Congress is finally putting a stop to the gimmies because it is the only way we will ever begin to restore fiscal sanity.

Along with cutting taxes for working-class Minnesotans, balancing the budget by finally getting spending under control is the most important statement this Congress can make to the American people that we have heard their calls for reform.

Balancing the budget demands patience, however, because the greatest benefits from eliminating the deficit will not be realized tomorrow—it is not a short-term political fix—but rather 5 or 10 years from now, for our children and grandchildren's future.

Mr. President, it is our moral responsibility to free the coming generations—our children and grandchildren—from the burdens of paying decades of extra interest payments because of this generation's extravagant spending. We cannot continue to spend our children's money.

We have made a lot of promises, but are we really committed to fulfilling that tremendous responsibility? Does this Congress have the will, the determination, to prove that there is a better way out there to govern than we have seen over the past 40 years?

Our balanced budget legislation should be proof enough that this Congress is prepared to meet that challenge. This is not the easy way out. The easy way out has always been the quick fix, going to the taxpayers and raising taxes, year after year, time after time. That has always been the easy fix, the compassionate fix, to give more money away that we do not have. But when we start picking our children's pockets, I think it is time we face our problems squarely in the eye and take the necessary steps to improve it. Again, this is not a short-term fix. We are not going to realize a lot of the benefits or see it as early as tomorrow, but if we do not, we are going to see the tragedy in our children and grandchildren's faces 5, 10 years from now, when they look back and ask why we did this to them.

I yield the floor.

Mr. THOMAS. Mr. President, I will utilize the remainder of our time.

The PRESIDING OFFICER (Mr. ASHCROFT). The Chair informs the Senator that, under the previous order, the Senator has 5 minutes 6 seconds remaining.

Mr. THOMAS. Mr. President, we have talked largely about balancing the budget. There are a number of other fundamental items involved in what we are doing now, including Medicare, Medicaid, welfare, and it includes doing something about tax reform. I think those are equally important.

At this time, I yield to my friend from Oklahoma.

THE 1994 ELECTION MANDATE

Mr. INHOFE. I thank the Senator. I was listening, and I think I can pretty well summarize why my colleagues are distressed about the demagoging going on in the reconciliation legislation.

We have to remind the American people that there was a mandate that went with the 1994 elections: Less Government involvement in our lives, balanced budgets, and to do something about the tax increase of 1993. In other words, let us offer tax relief and welfare reform and Medicare reform. That is exactly what we have in our reconciliation effort.

I really think that those who are trying to stop these major changes and the revolution from taking place are underestimating the intelligence of the American people. I would like to read a couple paragraphs of something that appeared just the other day. This was the day of the vote in the U.S. Senate of this reconciliation bill. This is a quote: "I have been in this field all my adult life, almost 60 years now, and I have never seen a change of this magnitude." This is Richard Nathan, provost of the Rockefeller College of Public Affairs. He said: "This is bigger than Lyndon Johnson's Great Society because it is going to profoundly affect the American federalism and social policy." And then Jim Richley, a political scientist from Georgetown University, said, "Nothing on this scale has ever been attempted before."

I think that it is necessary to talk about the magnitude of what we are doing here. This is something we have been talking about all these years. This is something that we talked about during the campaign of 1994. And this is something that the President is trying to reject. He has come out and said he is going to veto this. It is very difficult for us to understand how he can talk about vetoing it when these are things he has talked about, when he ran for President of the United States on this very platform—welfare reform, reducing taxes, Medicare reform, balancing the budget. That is exactly what we are trying to do. I want to stick with this and not give in.

There is an interesting statement that was made just the other day by the President. I will quote that statement. I think this gets to the crux of where we are in this debate. He said: "Probably, there are people in this room still mad at me for the budget because you think I raised your taxes too much. It might surprise you to know that I think we raised them too much, too."

This is exactly what we have been saying. If you were not for the largest single tax increase in the world—and that is not conservative Republican Jim Inhofe talking, that is the chairman of the Senate Finance Committee when this was passed—if you were not for that largest tax increase that now even Bill Clinton says he was not for, and that was his tax increase, then you ought to support repealing part of that tax increase. That is exactly what we are doing with some of the tax cuts that we are suggesting, Mr. President.

I think that when you talk about the cuts, it is interesting that we have a President now who is saying over and over again that the Republicans are trying to cut Medicare and Medicaid.

I will read you another quote, and this came from the President in a speech to the AARP on October 5, 1993, just 2 years ago: "Today, Medicaid and Medicare are going up three times the rate of inflation. We propose to let it go up two times the rate of inflation. That is not a Medicare or Medicaid cut. So when you hear all this business about 'cuts,' let me caution you that that is not what is going on."

So there is the President saying—very accurately, I might add—back in 1993, that we are talking about slowing down the growth in the areas of Medicare and Medicaid because if we do not do it, the system is going to go into bankruptcy. He is turning around now and saying that which we want to do on the Republican side is cutting Medicare and Medicaid when, in fact, it is not.

So it is a very difficult thing when you are dealing with these moving targets, and you have a President that says one thing one day, has his polls around the White House, and he says something different the next day. That is very discouraging.

A TRIP TO BOSNIA

Mr. INHOFE. Mr. President, I am going to be leaving today, going over to Bosnia. I have never seen something that is as critical as it is today on what the President is trying to do by sending our troops on the ground in Bosnia. Two and a half years ago, I predicted, when the President wanted to do airdrops in Bosnia, thereby giving the Americans a position within that warring faction of three different factions and going with one side against the other in getting involved in it, I said at that time, first, we will have airdrops, then air attacks and, after that, the President is going to want to send troops in on the ground. It was the other day, Michael Rose, the British general, commander of the Bosnian troops—he probably is the greatest authority on Bosnia—said, "If America sends troops into Bosnia on the ground, they will lose more lives than they lost in the Persian Gulf war."

Mr. President, I think that is exactly what is going to happen. I asked Secretary Perry and Secretary Christopher in the Senate Armed Services Committee, "Is this mission that we have in Bosnia—that mission being twofold, containing a civil war and, two, protecting the integrity of NATO—worth the loss of hundreds of American lives?"

Secretary Perry said, "Yes." Secretary Christopher said, "Yes." General Shalikashvili said, "Yes."

That is why I am going to Bosnia. I want the American people to know what kind of risk we are sending our troops in there to sustain. It was not until we went month after month, when we tried to get President Clinton, by resolution, to bring our troops out of Somalia—he did not do that until, finally, 18 of our rangers were murdered in cold blood and their corpses were dragged through the streets of Mogadishu. I do not want that to happen in the streets of Gorazde or the streets of Sarajevo.

I think we have a job to explain to the American people what the risks are over there and to stop this obsession that President Clinton has in sending our troops into Bosnia on the ground. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GREGG). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMON. 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 LEGISLATIVE APPROPRIATIONS BILL

Mr. SIMON. Mr. President, I was going to offer an amendment on legislative appropriations because when we enacted the Hatch Act, unbeknownst to virtually every Member, we passed a prohibition for Members to send letters of recommendation to anyone who is not a schedule C or political appointee.

If any Member sends a letter to a U.S. attorney or to the EPA or anyone else recommending an employee or recommending a friend or anyone else for a civil service position, that is now a Federal crime. It is incredible. It just does not make sense.

I am pleased to say that my cosponsors have been Senator REID, Senator

SIMPSON, Senator LOTT, and Senator DOLE has indicated he wants to cosponsor the bill.

I have word that Senator STEVENS is willing to mark up the bill, hold a hearing if necessary, mark up the bill separately, so I will not offer it as an amendment on this appropriation.

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

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

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1996

Mr. DOLE. Mr. President, I ask unanimous consent the Senate now turn to consideration of Calendar No. 220, H.R. 2492, the legislative branch appropriations bill.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2492) making appropriations for the legislative branch for the fiscal year ending September 30, 1996, 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.

Mr. DOLE. Mr. President, I ask unanimous consent that following brief statements, the bill be advanced to third reading and final passage occur, all without further objection or amendment.

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

Mr. DOLE. I will be happy to yield to the manager on the other side and then I will make a brief statement.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I rise to support the passage of the bill, H.R. 2492, the Legislative Branch Appropriations Act for fiscal year 1996. The provisions in this bill are exactly the same as those contained in the conference report on H.R. 1854, which overwhelmingly passed the Senate on September 22, 1995, by a vote of 94 to 4 but was subsequently vetoed by the President on October 3. At that time, as Members will recall, the President indicated that because the Congress had completed action on only two appropriation bills for fiscal year 1996—legislative branch and military construction—he felt it would be inappropriate to provide full-year funding for Congress and its offices while most other activities of the Federal Government were being funded through a short-term continuing resolution. I am hopeful that the leadership will not send this bill to the President until Congress receives assurances that he will sign it.

For the benefit of Senators, let me briefly point out that this bill required many difficult decisions in order for the legislative branch to do its share in achieving substantial deficit reduction in fiscal year 1996. The bill appropriates $2,184,850,000 for fiscal year 1996 for legislative operations, which is a reduction of over $200 million from the 1995 level, or approximately 10 percent. The majority leader has cited the important features of the bill, which I will not repeat at this time, but, Mr. President, I do want to again thank Senator MACK, the chairman of the Legislative Branch Subcommittee, for his unfailing courtesy and to express my appreciation to him for the open and bipartisan spirit in which he has handled this important legislation throughout the year.

I urge my colleagues to vote for H.R. 2492.

I yield the floor.

Mr. DOLE. Mr. President, I thank my colleague. I am pinch-hitting for Senator MACK of Florida, who is, right now, involved in a very important hearing on the Banking Committee. Let me indicate I will place in the RECORD at this point a summary of the funding recommendations.

As pointed out by my colleague from Washington, this is a reduction of about 8.6 percent. We believe we are setting an example for other branches. There are a number of areas where we made rather significant cuts, also terminating the OTA, for example, something that was not easy for many of my colleagues. But it is an indication we are concerned, we are sincere about a balanced budget, and we are prepared to do our share or more.

The bill includes a provision relative to the disposition of the records and property of the Office of Technology Assessment subsequent to its closure. Specifically, the agreement provides that OTA's property and records "shall be under the administrative control of the Architect of the Capitol."

The Office of the Senate Historian has raised a concern that this provision not interfere with the transfer of archival material of the Office of Technology Assessment to the legislative archives of the National Archives. It is my understanding that the conferees had no such intent, and that the Architect of the Capitol will only assume temporary, administrative control of the material before transferring appropriate records to the National Archives.

It is also my understanding that the Clerk of the House, after discussions with the Secretary of the Senate, has agreed that OTA's archival material shall be treated as records of the Senate and administered according to Senate Resolution 474 of the 96th Congress. This will give the Secretary of the Senate administrative jurisdiction over the archival records.

Mr. President, I ask unanimous consent a statement of a summary of funding recommendations be printed in the RECORD at this point.

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

SUMMARY OF FUNDING RECOMMENDATIONS

The total recommended is $2,184,856,000, a reduction of $205,698,700, or 8.6%, from FY95.

GAO is reduced 15% from FY95 levels; Committee is committed to another 10% in FY97 for a 25% reduction from FY95 levels over two years.

OTA is terminated; termination costs totalling $6,115,000 are provided. ($3,615,000 in FY96 funds, $2,500,000 reappropriated from FY95.)

Library of Congress granted $1,500,000 over FY95 for digital library initiative; all other Library activities, including CRS, at FY95 level.

CBO granted $1.1 million and 13 FTE's for unfunded mandates analysis.

Architect of Capitol activities in Title I reduced $16,163,000 overall (10%) from FY95 levels.

Joint Committees reduced commensurate with Senate committee cut.

New "Office of Compliance" created by Congressional Accountability Act funded as a joint item at $2,500,000. A permanent indefinite appropriation is recommended for settlements and awards arising from the new Accountability Act.

Total recommended Senate funding is $426,919,000, a reduction of $33,661,500. In addition, $63,544,723.12 from prior year funds is rescinded.

Committee funding is reduced 15%; Secretary of the Senate, Sergeant at Arms, and OFEP reduced 12.5%; Chaplain, Legal Counsel, and Legislative Counsel frozen at FY95 levels.

Official mail frozen at $11,000,000. (N.B. House merged official mail with office accounts.)

Statutory allowances for Senators' personal offices are not reduced.

Mr. DOLE. I also confirm the Senator from Alaska, Senator STEVENS, has, as indicated by the Senator from Illinois, Senator SIMON, agreed to have hearings and a markup of an amendment that Senator SIMON would have offered to this bill.

So there are no amendments, no objections to it proceeding.

The PRESIDING OFFICER. The question is on the third reading and passage of the bill.

The bill (H.R. 2492) was ordered to a third reading, was read the third time, and passed.

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

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call will roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. GREGG. Mr. President, I ask unanimous consent to address the Senate for a period of up to 20 minutes as if in morning business.

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

FIVE STEPS CLINTON MUST TAKE TO PROVE HE IS SERIOUS ABOUT BALANCING THE BUDGET

Mr. GREGG. Mr. President, last week we passed out of this body the reconciliation bill which will lead to a balanced budget. This is obviously a significant step on the road to guaranteeing our children a nation which can be prosperous and which is solvent. I believe most Americans understand the importance of the balanced budget. They certainly expressed it in my district, and I am sure in other States, year after year as they have gone to the polls. They understand it because in their homelife they experience the need to maintain fiscal solvency. They know that if they continue to spend every year more than they take in, it will lead to some sort of economic chaos in their own lives, and intuitively and logically they understand, therefore, that for the Federal Government to do that, not only year after year but what has amounted to generation after generation, leads inevitably to economic chaos.

So the Republican leadership in the Senate and the House has produced a budget which will give us a balanced budget by the year 2002. For the first time in years we will actually be living within our means. This is, I believe, a critical step on the path to assuring, as I said earlier, a solvent nation for our children, which is, I believe, our No. 1 responsibility as keepers of the flame of America as Members of this Senate.

The question, however, is whether or not the President will join us in this effort in a serious way. The President has repeatedly said that he wants to balance the budget. But so far his actions have certainly not matched his words. Although we have produced a serious proposal for balancing the budget, which the Congressional Budget Office has scored as being in balance, and are now trying to iron out the differences, we do not find that the President has been willing to join in substantively discussing this matter in a serious way.

Conventional wisdom holds, in fact, that the President will veto this bill and then he and the Congress will negotiate and reach some type of agreement, hopefully. But I am not so sure. I say this because before we can negotiate, the President, despite all his nice political statements, still must prove he is truly serious with accomplishing a balanced budget. So far, he has not taken this action. He certainly has not proved it either to the Congress or to the American people.

In my view, there are five things which the President must do if he is to prove that he is serious about the issue of balancing the budget. These go beyond the rhetoric of campaign promises. I would like to go over these five items.

First, we must start using the same numbers to talk about the issue of balancing the budget. The administration began its term with a very grandiose statement back in February 1993 fresh off the election that they would use the Congressional Budget Office for the purposes of determining the fair scorekeeping of the budget process. He made this statement a number of times. But he made it most eloquently when he spoke in his initial speech to the Congress.

In taking this position when he was first elected President, he took the right position, the correct position. The Congressional Budget Office is the fair arbiter of the scoring of the budget process. However, since the Congressional Budget Office scoring process has no longer become convenient to the administration, the President has abandoned his original commitment. This is a mistake. The numbers which he sent up to us in June—which were basically a sheaf of paper and were not really a budget—represented, according to the President and to his people, a balanced budget which we would reach in 10 years. Unfortunately, those numbers used as their baseline and for their assumptions were numbers produced by his own inhouse accountants, the Office of Management and Budget.

When that budget was scored by the Congressional Budget Office, the fair arbiter of budget scoring in this body and which the President had initially said would be the fair arbiter, it turned out that their budget did not reach balance, that, in fact, it represented $200 billion deficits each year for as far as the eye could see and that there was no closure between spending and revenues.

So, the first thing the President's people have to do is be willing to agree to use numbers which are credible and which are acceptable. And I would suggest that we go back to the beginning of this Presidency and follow the counsel that he gave us at that time and use the Congressional Budget Office numbers.

In June, the President submitted a revised budget, and, as I mentioned, it alleged that it would reach balance in 10 years. Unfortunately, he only released 25 pages, and he gave us no specifics as to how he would accomplish this, even in terms of the numbers, which as I mentioned earlier, were inaccurate.

It is essential that we get details, that he—as we have as Members of the Senate and as Members of the House—produce a budget which has the details behind the numbers, which has substance, which has meat on the bones. We cannot possibly reach a budget agreement if we are simply going to work off a sheaf of paper which has no specifics.

We have put down on the table in extensive language what we as Republicans think should be done to correct some of the excesses of the Federal Government, to improve the manner in which it delivers services, to give people an opportunity to have a Medicare trust fund which will remain solvent. We need now to hear from the President as to his specifics in detail as to what he would do in the area of Medicare reform, in the area of Medicaid reform, in the area of welfare reform. Yet, we have not heard that. That is why one questions his sincerity when he talks about producing a budget that will be in balance.

Third, we need to reach an agreement as to when we should reach a balanced budget.

We, as Republicans, have put forward a budget which reaches balance in 7 years. It was not easy. It meant that we had to make some very difficult decisions. We had to agree—amongst ourselves, unfortunately, because the White House was not willing to participate—to agree to take $1 trillion of spending out of the Federal stream of spending. That did not mean we cut the size of the Federal Government. In fact, it will continue to grow by 3.3 percent annually. Medicare will continue to grow by 6.4 percent annually, and Medicaid will continue to grow by approximately 4.5 percent annually. But we did have to slow the rate of growth of those programs, and we did, in a number of programs, actually have to cut spending. For example, defense spending will go down in real terms over the next 7 years by $19 billion.

But we have to have a definable period when we are going to reach a balanced budget. The people of this country have a right to know that we are willing to step up to the issue and define the terms of the issue in benchmarks that are scorable and which we can be held accountable for. We have said we will reach a balanced budget in 7 years. We have produced a budget which accomplishes that. It is absolutely critical that the President give us a timeframe in which he is willing to put forward a budget which reaches balance with real numbers and with details. Recently, he said 7 years was something he could live with. If that is his position today, I believe he should state it. Unfortunately, sometimes his positions change. But hopefully he can stick with the 7-year commitment. If he can, that means we can reach agreement on that one critical point.

Fourth, if we are going to reach an understanding, we have to have the ability to sit down with the President and talk to him in terms that are substantive and not in simply political election-year rhetoric. If you look at what the President sent up here in June and you take those numbers and score them by CBO's accounting rather than by OMB's accounting, you find that we really were not that far apart. For example, in the area of Medicare, he wanted Medicare to grow at a rate of 7 percent. We suggested it grow at a rate of 6.4 percent. Both of those numbers were significantly less than the present 10-percent rate of growth that Medicare is experiencing. That 10-percent rate of growth we know is not sustainable. The Medicare trustees have told us that if we continue to allow Medicare to grow at that rate, it will be insolvent, there will be no trust fund for the seniors from which they can get a health care benefit.

So we have suggested proposals which will give seniors more choices, more options, which we think will strengthen the Medicare system and which will slow the rate of growth to 6.4 percent.

The President sent us up a number which when it was recalculated by CBO—granted, it came up under OMB's scoring mechanisms, but when it was calculated by CBO said we only want Medicare to grow at 7 percent. I believe that difference is not great. And yet if you listen to this administration, they talk in terms of hyperbole which would make you think that the Republican proposal on Medicare was going to slash, was going to devastate, was going to savage the rights to health care which we all recognize are absolutely essential for our seniors.

In fact, the Vice President of the United States had the temerity to come to New Hampshire just a few days ago and speak to a very self-serving audience, the AFL-CIO convention, and state time and again—in fact, I think we found the word "extremist" in every sentence during the period of a couple paragraphs—that our Medicare Program was slashing.

If our Medicare Program is slashing, and we are talking about a 6.4-percent rate of increase and the President is talking about a 7-percent rate of increase, which is 3 percent down from 10 percent and we are 3.5 percent down from 10 percent, what is the President's program? He would have to apply the same standards to his own. It would also be slashing. It would also be extremist.

The fact is that neither of the proposals are extremist or slashing. They are both—at least in our case—a reasonable attempt to try to strengthen the Medicare system so that seniors will have a solvent trust fund.

If the President would send up details of his proposal, maybe we could say that his proposal was also a reasonable attempt to accomplish the same goal, but at least the number he is talking about, a 7-percent rate of growth, is something that is within the ballpark, within the range of doability and certainly within the range of what is necessary to keep the trust fund solvent.

So in substance what he sent up here in June can be discussed, and it can be worked for the purposes of resolving the matter. But when the President and the Vice President talk in such outrageous political terms and use such hyperbole, it is not constructive to the process.

So the fourth thing I think the President must do is stop running for reelection all the time and start trying to govern the country. Is that not his job for the next year and a half? There will be plenty of time to have an election next summer. Let us get about governing the country. Let us start talking some substance around here.

And that comes to my fifth point, which is leadership. If there is one obligation of the Presidency, it is to lead. Regrettably, this President has been leading like a bumper car. It is time that he gave us some definition and direction. It is time that he sent up here a budget based on numbers which everyone can agree are honest and fair, CBO numbers—a budget which has details attached to it, or if not a whole budget at least major programmatic activities that have details attached to them so that we can evaluate them.

It is time he started talking to Members of Congress as if they were colleagues working on a problem rather than opponents created by some political spinmeister that he has hired to do his polling for him. The fact is that leadership does not involve running for reelection. Leadership involves guiding this country through some very difficult times.

So the time has come, in my opinion, for the President to engage in these five areas, to show that he is serious about balancing this budget. We have put on the table serious proposals to balance this budget, to give our children a future, to make sure that this country brings under control its most serious threat to its future, which is the expansion of its Federal debt and the fact that our generation is borrowing from the next generation to finance day-to-day activity that we are benefiting from today.

If the President is serious, he has to address these five points. He has to start using numbers that we all agree are reasonable. And I suggest CBO numbers are the ones that are the best. He has to start giving us some details of what he intends to do in these major programmatic areas such as Medicare and Medicaid. He has to agree to a goal that is scorable, such as a 7-year goal to reach a balanced budget. He has to stop politicizing the issue, using the extreme language that may score well in the polling place but does nothing to move the process along.

Finally and most importantly, he has to give us some definable leadership that shows us where he feels we can reach compromise and govern rather than run for reelection.

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

ORDER OF PROCEDURE

Mr. GREGG. Mr. President, I ask unanimous consent that at 12:45, the Senate turn to the consideration of Calendar No. 219, S. 1372, regarding an increase in the earnings test.

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

The Senator from New Jersey.

BUDGET RECONCILIATION

Mr. LAUTENBERG. Mr. President, I have listened with interest to some of the speeches that were being made this morning, and I heard speeches that decry the President's use of his opportunities for political reasons and to disagree with virtually everything that President Clinton has accomplished. I find it a strange anomaly. As Yogi Berra, the famous New Jersey philosopher said, "It's deja vu all over again."

I stand here listening to political speech after political speech in which the President of the United States is accused of being excessively political.

I think we ought to look at the record just for a couple of minutes. First of all, we are faced with a reconciliation bill put out by the Republican majority—and I sit on the Budget Committee, and I can tell you this—and this is no surprise—that is going to take care of lots of wealthy wage earners, income earners, big investment yields, at the expense of lots of little people, if I can use that word to describe them, those who are dependent on Medicare for the sustenance, for the maintenance of their health, those who depend on Medicaid, in many cases the only source, the only source to enable them to get the health care they require.

And so it is despite the fact that Health and Human Services has projected an $89 billion program to keep Medicare viable until the year 2000, during which period we will have a chance to evaluate what is taking place, maybe get to work on some of the problems we know exist that are solvable and will not require less to be available to the Medicare beneficiary—waste, for instance. We know there is a significant amount of waste. We know that there is fraud—this is not a secret—amounting to billions of dollars.

Those options ought to be examined before we turn to people who on balance in the senior community have less

income than $25,000 a year, to the extent of three-quarters of that population. Three-quarters of the senior citizen population have incomes of less than $25,000 a year; 35 percent have incomes of less than $10,000 a year.

But yet we say here in a majority voice that it is OK. "We're going to save you from the demise of this program. We're going to save you by making sure you pay more, significantly more, in premiums for part B, in higher copays, in higher deductibles. We're saving you. We're taking money out of your pocket and transferring it over to those on the other side."

By way of example, the House bill calls for a $20,000 tax break for those making $350,000 a year. The Senate, a more modest program, allows for a $6,000 tax break for those earning $350,000 a year. But at the same time, we are saying to the senior citizens, whose profile and income I just gave you, that they on balance will pay an average of $3,000 over a 7-year period more for their health care.

There is something funny, as they say. And the question is raised, in my mind, whose side are we on? I think it is pretty obvious that on that side of the aisle, from there over, that they are on the side of the wealthy and the comfortable and those who have special access. It is obvious. The arithmetic is there. If only the American people get the full story, then we will start to see changes, I believe.

We have already seen it. Congressmen in my State, who were dead full throttle behind the Gingrich proposal, the Contract With America, have now retreated because they are beginning to smell the ire of the constituency. They are beginning to hear the message that "We do not want you to take money from us hard-working, modest-income people and transfer it to those who have been fortunate enough to make lots of money in this society."

So, Mr. President, as we look at the record that President Clinton has compiled, it is a pretty good one. We just finished a year in which we saw one of the smaller deficits in many years, $164 billion, and it is on the decline since President Clinton has taken over. We notice that we have a robust economy, that until the end of September, the economy grew at a very firm rate.

At the same time, we see almost an ideal situation in terms of inflation—modest growth, so little as to be of relatively minor consequence in the perspective that the people in this financial community have.

So, we have seen growth in the economy, we have seen growth in jobs, we have seen inflation under control, we have seen the budget deficit at a relatively low point. And yet the President gets little or no credit and lots of criticism as the debate obscures the reality of what is taking place in this reconciliation discussion: Taking care of those who have money, who have influence, who have power, at the expense of those who work hard, who plan their futures, and who are concerned about what tomorrow brings.

BOSNIA

Mr. LAUTENBERG. Last, Mr. President, we hear about the concerns expressed by people on both sides about Bosnia and about whether or not we ought to have American service people in Bosnia as part of a peacekeeping operation. I think that question is yet to be resolved. I think it is a dangerous practice to simply say that we will not do it, to describe the situation as throwing our people into the meat grinder.

Mr. President, when America lacks the ability to stand up for human rights, to stand up against abuse of men, women, and children such as we have seen in Bosnia and such as we saw 50 years ago in Europe, when for a long period of time, America was silent while the slaughter went on—Mr. President, we have troops in Korea. They are there to protect democracy. They are at risk. There is some danger that something could go awry and people could get killed or injured, and we do not want that to happen. I want us to have a careful debate about Bosnia. But when America withdraws, as we see what is taking place in Europe, in the old Yugoslavia, where women are routinely raped, where young men are routinely killed, and we stand by doing nothing about it, shame on the free world, shame on America.

I am not talking about troops. A long time ago I felt we should have men supporting the Bosnians by lifting the arms embargo because they were taking a terrible, terrible beating at the hands of a brutal invader. So, Mr. President, I think that as we talk here about the President, about programs, about ridicule, about lack of respect—

Mr. President, I ask unanimous consent that I be permitted 2 more minutes.

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

WORKING TOGETHER

Mr. LAUTENBERG. Mr. President, as we discuss where we have to go, the very difficult times in America—we have problems within our society in terms of crime and in terms of race relations, in terms of building our economy for the next century—I can understand people sticking up for their party because there is a separation of beliefs in many cases—in most, certainly. But to stand here to heap abuse on the President of the United States and try to discredit the office by even the terminology that is used to describe the President, I think that it does us no good, that it, in fact, continues to reduce the civility that used to exist here.

I am here 12 years now—almost 13 years. If nothing else, we had our disagreements, but the tone was far more civil. There was far more interaction between the parties. And now what has happened is this has become a political staging ground.

I hope, Mr. President, that we can do away with some of that, work on the problems, work on the budget, on reducing the budget deficit, sticking behind our country; if a decision is made by the Commander in Chief that makes sense in our review, we support it and not simply use it for another opportunity for a political score.

I yield the floor, Mr. President.

SENIOR CITIZENS' FREEDOM TO WORK ACT

The PRESIDING OFFICER. By unanimous consent, the Senate will now turn to consideration of S. 1372, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1372) to amend the Social Security Act to increase the earnings limit, and for other purposes.

The Senate proceeded to consider the bill.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. I note the presence of the distinguished Senator from New York. If it is agreeable to him, I would like to proceed with the bill. If he is not ready, we could go into a quorum call.

Mr. MOYNIHAN. Mr. President, I most assuredly am prepared to go to the bill and look forward to the Senator's remarks.

Mr. McCAIN. I thank the Senator from New York. Before I go into my remarks, I want to thank the Senator from New York for his steadfast support over many, many years of the principle of lifting the earnings test. The Senator from New York was kind enough, in a hearing that we had earlier this year, to point out in his own unique, descriptive style how unfair this is for working seniors. I am appreciative of his understanding of the obstacles that were posed to lifting the earnings test but, at the same time, his support of the concept of doing so.

Mr. President, after 8 years of being involved in this issue of raising the Social Security earnings limit, we have arrived at the moment when seniors will no longer be punished by their Government for being required, often by circumstances beyond their control, to work to support themselves and their families.

We begin debate today on long overdue legislation, the purpose of which is best summarized in the legislation's title, the "Senior Citizens' Freedom To Work Act." Mr. President, this bill is

not everything that I wanted it to be. I wanted it to lift the earnings test completely. The scoring of that by CBO would have been prohibitive.

What this bill really does is increase, over a 7-year period, the present earnings cap minimum from today's level of $11,280 per year to $30,000 per year. It is over a 7-year period. I will discuss later the factors that motivated us to make it that modest, but primarily it had to do with scoring.

I remind my colleagues that in President Clinton's very important statement during his Presidential campaign book entitled "Putting People First," the President stated, and a direct excerpt reads:

> Lift the Social Security earnings test limitation so that older Americans are able to help rebuild our economy and create a better future for all.

That, I think, describes it as well as can be.

Let me also point out, and I will say this time and time again, as I have in the past, this earnings test limitation does not affect wealthy seniors who have trust funds, stocks, pension funds, any other outside income that is not earned income. The only people that are affected by this Depression-era dinosaur are those seniors that go out and work and work because, generally, they have to because of either unforeseen circumstances or the fact that they just simply do not have enough money from their Social Security.

Mr. President, I do not know of a more onerous and unfair tax than that. It would probably astound people to know that if a senior went out to work, that as soon as he or she exceeded $11,000 per year, for every $3 that person earned over that limit, they lose $1 in Social Security benefits. Due to this cap on earnings, the senior citizens, many of whom are existing on low incomes, are effectively burdened with a 33.3-percent tax on their earned income. If you put in Federal, State, and other Social Security taxes, it then mounts up to somewhere between 55 and 65 percent, placing these seniors who are low-income people in the highest tax bracket in America.

I do not want to spend a lot of time going through the history of this, because I have been fighting it, as I said, since 1987. There has always been a reason for not doing it because, one, it was brought up on an appropriations bill, there was no offset, it could not be scored by the CBO, et cetera.

I have always, up until now at least, resisted this business of accepting CBO scoring because it is clear to anyone that if we lift this earnings test, more seniors are going to go to work and more seniors will pay more taxes. So the static scoring idea has never been revealed as being more fallacious than in this type of scoring that goes on.

On September 10, 1992, we had a vote in the Senate on a motion to waive a Budget Act point of order which required a three-fifths vote. There were 51 votes in favor and 42 against.

I want to quote some of those who opposed the motion to waive the Budget Act:

> Do not misunderstand us. The idea to raise the earnings test is not a bad idea. We just believe we should pay for raising the limits with offsets or a tax increase.

Another argument was:

> We would support Senator MCCAIN's amendment if it were not being offered to an appropriations bill. The Senator is right, we should stop using static models and analysis for economic forecasting. We agree that this amendment would bring additional revenue to the Treasury. Further, we agree with all of the other arguments made by those who favor this bill and who would support this bill if it were freestanding or an amendment to a bill that was not an appropriations bill. Unfortunately, we must urge our colleagues to oppose the motion to waive the Budget Act since it is being offered to an appropriations bill.

So the objections to this legislation in the past were twofold: One, we did not have an offset and, two, it was offered as an amendment to an appropriations bill. I will not go into the obvious reasons why I had to offer it as an amendment to the appropriations bill, but the fact was, I could not get it up as a freestanding bill which I wanted to very much.

Under the static scoring model, which I just described in my view as fallacious, one used by the Congressional Budget Office, this amendment would be scored as costing $9.92 billion. I disagree with the CBO's determination. However, to rectify this perceived problem, the bill does the following: It would mandate that the interest paid to Social Security funds be increased by 0.25 percent each year for the next 7 years. This would ensure the integrity of the trust funds.

To reimburse the General Treasury, which would make this increased payment, the bill then mandates all nonprotected discretionary programs be cut across the board by a uniform percentage equal to an amount necessary to pay the increased interest.

By using this mechanism, the trust funds are made safe and the cuts necessary to pay for the bill, consistent with CBO's position, are spread fairly across the board. Indeed, CBO has informed us that this legislation's overall impact on the deficit is zero.

The bill also mandates that GAO and the Comptroller General engage in an analysis of the actual effect on the Treasury of raising the earnings test and report to the Congress their findings no later than 2 years after the date of enactment of this act. This study will enable the Congress to react to what actually occurs, not to what CBO analysts speculate.

There is not a shred of doubt in my mind that 2 years from now the GAO will report that there is a greater inflow of revenues to the Treasury as a result of lifting the earnings test. There is no doubt about that in my mind; I have talked to too many seniors. I have talked, interestingly enough, to the CEO of Disney who came to my office one time on another issue and, on the way out, said, "Senator, I understand you are trying to lift the earnings test. Please do so. We want to help you in any way, because the best employees we have at Disney World and Disneyland are"—guess what—"senior citizens."

The people of the McDonald's franchise came to my office and said, "Senator, our best employees—our best employees—our most dedicated employees are senior citizens, but there is no reason for them to work in our establishment because $1 out of every $3 they earn is taken away from them, not to mention the additional taxes," as I mentioned.

Mr. President, this issue has been ventilated by me and others for a very long period of time. I want to point out that there may have been an argument during the Depression when 50 percent of the American work force at least was out of work. It might have made sense to have disincentives for seniors to go to work.

All you have to do is pick up today's newspaper and you will find that there are lots and lots of jobs available all over America. We should not preclude people by virtue of age, and by virtue of age only, from being able to take advantage of those opportunities in our society.

In 1935 when Social Security was created, we lived in a far different country. It is clear that our situation is not the same now. I want to point out, again, seniors who are without private pensions or liquid investments which are not counted as earnings or affluent children to support them often need to work to meet their most basic expenses, such as shelter, food, and health care costs.

I am sure my colleagues all heard warnings that America will confront in the future a labor-shortage. Why should we discourage our senior citizens from meeting that challenge as the U.S. Chamber, which strongly supports this legislation, has pointed out:

> Retraining older workers already is a priority in labor-intensive industries, and will become even more critical as we approach the year 2000.

A number of our Nation's most prominent senior organizations strongly support fully repealing the earnings test. This is a minimal test meeting their just, I repeat, just demand. Everybody is in favor of totally repealing it. As I said, that would be my first priority. For the reasons that I stated before, that is just not possible.

My family is very close friends with a family that lives in northern Arizona near where we live. It is a man and his wife. They have a son. They are in the

earnings test age bracket. They have a son who recently had a serious illness and had to have an operation, thereby losing his job. That son has a daughter who lives with him.

My friend's wife, Lorraine Luke, had to increase her hours at the hospital transcribing medical information in order to help their son, who is out of work, and their granddaughter. The Luke family sacrificed enormously. She went to work on a 6-day-a-week basis, and guess what, Mr. President? A couple weeks ago, she received a bill from Social Security for $1,200 because she had exceeded the $11,000 threshold, and they were demanding that money back—money that they had spent on taking care of their son and their granddaughter.

Mr. President, that story is true throughout America. What happened to the Luke family is what happens many times in the lives of senior citizens. Why we should do this to them and why we have done it for so long, in fact, is a national scandal.

Mr. President, I would like to name the groups who have supported this earnings test reform: Air Force Association, Air Force Sergeants Association, American Health Care Association, Association of the U.S. Army, Enlisted Association of the National Guard, Fleet Reserve Association, Jewish War Veterans, Marine Corps League, Marine Corps Reserve Officers Association, National Association of Uniformed Services, National Association of Temporary Services, National Committee to Preserve Social Security and Medicare, National Council of Chain Restaurants, National Military Family Association, National Restaurant Association, National Society of Public Accountants, National Tooling and Machining Association, National Enlisted Reserve Association, Naval Reserve Association, Navy League of the U.S., Sears Roebuck and Co., the Seniors Coalition, the U.S. Chamber of Commerce, and the list goes on and on.

I would like to quote from a few editorials because virtually every newspaper in America has editorialized on this issue at one time or another.

The Chicago Tribune says:

The skill and expertise of the elderly could be used to train future workers, while bringing in more tax dollars in helping America stay competitive in the 21st century.

The Los Angeles Times says:

As the senior population expands and the younger population shrinks in the decades ahead, there will be an increasing need to encourage older workers to stay on the job to maintain the Nation's productivity.

The Baltimore Sun:

The Social Security landscape is littered with a great irony: While the program is built on the strength of the work ethic, its earnings test actually provides a disincentive to work * * * One consequence of this skewed policy is the emergence of a gray, underground economy—a cadre of senior citizens forced to work for extremely low wages or with no benefits in exchange for being paid under the table.

The Dallas Morning News:

Both individual citizens and society as a whole would benefit from a repeal of the law that limits what Social Security recipients may earn before benefits are reduced.

The Wall Street Journal:

The punitive taxation of the earnings limit sends a message to seniors that their country doesn't want them to work, or that they are fools if they do.

The New York Times:

* * * it is not wrong to encourage willing older adults to remain in the work force.

The Detroit News:

Work is important to many of the elderly, who are living together. They shouldn't be faced with a confiscatory tax for remaining productive.

Mr. President, I would like to read a letter from the AARP [American Association of Retired Persons]. I will read parts of it:

DEAR SENATOR MCCAIN: The American Association of Retired Persons commends you for your sustained leadership on behalf of working Social Security beneficiaries age 65 through 69 who are penalized by the Social Security earnings limit. Our nation needs the skills, expertise and enthusiasm of older workers and raising the current limit would send a strong message to older Americans that they can work and earn more.

The current limit is too low and should be raised so that moderate and middle income beneficiaries who work out of necessity will be able to improve their overall economic situation. * * *

An increase in the earnings limit is overdue. Over the last several Congresses, either the House or the Senate has passed earnings limit legislation, but it did not become law. As you know, AARP has repeatedly supported earnings limit proposals that were paid for in a responsible manner that was consistent with the Social Security Act and did not increase the "on-budget" deficit. The Association remains committed to raising the earnings limit in a fiscally prudent way and will work with you and others to ensure the earnings limit legislation is adopted with the appropriate financing.

Mr. President, I ask for the yeas and nays on this.

The PRESIDING OFFICER (Mr. GRAMS). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MCCAIN. Mr. President, before I yield the floor to my distinguished colleague from New York, who has more knowledge on the issue of Social Security than not only any Member of this body, but perhaps any living American—and I know that it has nothing to do with his advanced age—the fact is that the Senator from New York has been extremely helpful on this issue. The Senator from New York understands it, and his support of the concept of lifting the earnings test has been a vital factor in helping this issue to move along. I want thank him for his consistent knowledge and support on this issue.

Mr. President, I yield the floor.

Mr. MOYNIHAN. Mr. President, my colleague and friend from Arizona is more generous than even the hyperbole of the U.S. Senate allows. There are some important issues here.

It is interesting to note that issues such as the Social Security earnings test go far back in our history. Indeed it was raised in 1935. And the gentleman who was brought from the University of Wisconsin by Edwin Witte to be on the staff of the Committee on Economic Security that Francis Perkins established, is still very much with us—the former chief actuary of the Social Security system. He was staff director of the Commission on Social Security that President Reagan organized in 1982, and which included Senator DOLE in 1983. It is amazing, the continuity of the persons who have worked with the original legislation, or were in the original administration, and their wisdom and wit is available to us today.

On Monday, Senator MCCAIN and the majority leader introduced S. 1372, a bill to gradually increase the earnings limit to $30,000 in 2002 for Social Security beneficiaries aged 65 to 69. Under current law the earnings test is projected to increase from $11,280 for this year to $14,400 in 2002.

In the past I have supported liberalization of the earnings test, and I will continue to do so in the future. But I have always insisted that any liberalization of the earnings test should be paid for and should be considered in the context of overall policies on Social Security.

This bill does neither.

Under the bill, discretionary outlays are reduced. But this does nothing for the off-budget OASDI Social Security trust fund as outlays in this account are increased by almost $10 billion over the next 7 years. So the bill makes use of a budget gimmick. The interest rate received by the trust fund is increased by one-quarter of 1 percent so as to make it appear that the liberalization of the earnings test is paid for.

And the bill is being considered—on the floor of the Senate, without having been referred to the Committee on Finance. This prevents us from taking into account the other important issues involved in the longrun financing of the Social Security system.

If we want to liberalize the earnings test, this bill should be referred to the Finance Committee where we can have hearings, consider how to pay for it, and how to integrate changes in the earnings test with other Social Security policies.

Let me make clear my support for the concept of increasing the retirement test to about $30,000. In 1990, I introduced S. 1909, a bill to increase the earnings test to $24,720 in 1996—roughly comparable to $30,000 in 2002. But I also paid for that liberalization of the earnings test by increasing the amount of

Social Security benefits that would be subject to taxation. While that offset is no longer available, my bill addressed several important issues that are not addressed by the legislation now before the Senate.

First, the liberalization was paid for with offsetting changes in the Social Security program.

Second, the two provisions represented a move toward treating Social Security benefits on a parallel basis with private pensions. Individuals can retire from a company, collect a pension and continue to work in other occupations. And the portion of the private pension not previously taxed—the employer contribution and any accrued interest earnings—is taxed upon receipt of the pension benefit.

Last week, along with every other Member of the Senate, I voted for the Senator from Arizona's sense of the Senate resolution acknowledging the need to raise the Social Security limit. The last clause of that resolution states:

> It is the intent of the Congress that legislation will be passed before the end of 1995 to raise the social security earnings limit for working seniors aged 65 through 69 in a manner which will ensure the financial integrity of the social security trust funds and will be consistent with the goal of achieving a balanced budget in 7 years.

I would say to my friend from Arizona, let us do this, but let us do it right. Let us refer this bill to the Finance Committee and make sure we are indeed "ensuring the financial integrity of the Social Security trust funds."

There are two additional things to be said. First, the earnings limitation is a holdover from the 1930's. When the legislation was adopted the unemployment rate was about 25 percent. We did not have precise data on the unemployment rate and we used extrapolations from the decennial census. We counted everybody. We did not know about sampling. In April 1930, there was not much unemployment. And in April 1940, there was not much unemployment and, therefore, the Depression was not reflected in the unemployment data gathered in the decennial census. People did know that large numbers of workers were unemployed. So the earnings test was meant to discourage older retirees from continuing to work. It was meant to persuade people to leave the work force when they had retired. And that is from another era.

We have had extraordinary success with American economic policy since the Employment Act of 1946. In all those years—a half a century, we have had less than 12 months in which the unemployment rate has been above 10 percent, and that was during the 1981–82 recession.

The object of putting an end to the retirement test is not only appropriate, but it is at hand. In 1983, we did this. We arranged that persons who do work and are subject to the loss of benefits because of the earnings limitation are "made whole," I think that is the usage, after they stop working. We phased in the so-called "delayed retirement credit" so that by 2005 it completely offsets the loss of benefits. Right now, beneficiaries get back about two-thirds of what they lose due to the earnings test.

Why do you not want people to work beyond age 65 or 62? And why does the Government take benefits away and then give most—and by 2005, all—of them back? It is not the Government's business to tell you when you should work and when you should not work if what you are getting are benefits that you have earned.

One problem I have with this measure is that it is not paid for in the mode I would have thought necessary and pretty central as a matter of principle, which is that all Social Security benefits be paid out of a trust fund financed by Social Security revenues—payroll taxes collected under the Federal Insurance Contribution Act (FICA) of 1935.

This is no small matter. We would not be here today—I suspect we might be here—but with a very different Social Security System. At that time, no sooner did a bit of New Deal legislation get enacted, then it would be challenged and end up in the Supreme Court and the Supreme Court would find it unconstitutional.

Frances Perkins, who was very much a person around Washington in the 1960's when I knew her, described the scene in a garden party in 1935 when Harlan Fiske Stone came up to her and said, "What are you up to little lady," and she was a master mistress at getting men to do things for her because she appeared so helpless, and she said, "We have this wonderful plan. It would give people retirement benefits, unemployment insurance, dependent children would get support, all these fine things, but every time we do something like this, great members in the Supreme Court say it is unconstitutional."

He said, "Tell me a little more, if you would." He listened. Then he leaned over and did something no Supreme Court Justice would ever do today. He said, "The taxing power, my dear. All you need is the taxing power."

So my distinguished predecessor, Robert F. Wagner, introduced the bill over here and the people did it over there in the Labor Committees and so forth. The bill that was signed by the President of the United States was introduced by a still obscure Representative from North Carolina who was chairman of the Committee on Ways and Means. It came over here to Finance. We passed it out, and in due time it was challenged, and the Supreme Court looked at it and said, "You say this is a tax. Yes, it is a tax. "It says here, Article 1, Congress should have the power to lay and collect taxes." That is why this is a Finance Committee legislation. We have always paid for Social Security benefits with FICA revenues.

The measure before us pays for these benefits by an across-the-board-reduction in discretionary spending. I think you start at about one-tenth of a percent in fiscal year 1996 and go up to four-tenths of a percent by fiscal year 2002. These are large sums. We have to find about $10 billion over the next 7 years. We will be financing Social Security benefits from general revenues that are not spent on these discretionary programs.

I have to assume that we will cut education programs. We will cut defense programs. We will cut transportation programs. Those outlay reductions will pay for the transfer of general revenues to the trust funds which pay for the increase in trust fund outlays. But these transfers are artificially created, by an increase of one-quarter of 1 percent above the interest rate received by the trust funds under current practice. The current rate is a blend of the actual rates paid on Treasury Securities with a maturity of more than 4 years.

I do not think we should do that. I think it compromises the insurance principle. It compromises the right of the beneficiary to the benefits that is earned by payments into the fund.

There is a nice story about this. In 1941, a very distinguished professor at Columbia, who had been a member of the President's Committee on Administrative Management—the Brownlow Committee—that President Roosevelt established in 1937, called on President Roosevelt to say he had been looking around things here and Social Security revenues were coming in now. They were all being posted, as the clerks will say, by Federal clerks with pens and nibs and cardboards, and they put down the 14 cents or the 22 cents that a person earned.

The professor in question called on President Roosevelt and said, "I think that is just a lot of extra paperwork we do not need. This is a pay-as-you-go system. Just collect the money and pay it out and stop all this record keeping, which is really not very essential."

That was Luther Gulick of Columbia University. He lived to the age of 100. He died last year. I called him in upstate New York. He lived on the St. Lawrence River. I went over this recollection with him. His mind was clear as Easter bells and President Roosevelt said to him—you could see Roosevelt doing it: "Now, Luther, I am sure you are right about the administrative matters, but I never thought of those provisions as a matter of administrative efficiency. I wanted every Social Security beneficiary to have a number

and have an account so that"—I hope the Senate will forgive this usage because Luther Gulick recorded—"no damn politician can ever take the Social Security benefit away." That is why you have a number. Senator MCCAIN, it is probably your dog-tag number, I would not be surprised. Originally it was not to be used for identification. Now it is. You get them in delivery rooms.

We have never paid out a penny in Social Security benefits that did not represent contributions made to the trust fund. For the longest while, the Federal Government was required to pay both the employer and the employee contributions for members of the Armed Services Committee. They had not done so, and in 1983 we found a big chunk of money that was put in the trust fund.

On that basis, I say we ought not to depart from the principle that entitles you to the money. It is called an entitlement because it is your money. We tax it the way we tax —and we did this in 1993—pension benefits.

You calculate what you paid in, and what you already paid taxes on. Subsequently you pay taxes on the portion that was not taxed—the employer contribution and the interest earnings on your contribution and that of your employer.

So, with the greatest enthusiasm for the enterprise but reservation about the specific financing mechanism, which, in my view, goes to not just a marginal but a central point of the nature of Social Security, I respectfully say I will not support the measure.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, let me just point out how we would cure this perceived problem would be to mandate that the interest rate paid on the Social Security funds be increased by .25 percent each year for the next 7 years. This would ensure the integrity of the trust funds, which is the primary goal and overriding concern, obviously.

To reimburse the Treasury, which would make this increased payment, the bill then mandates that all nonprotected discretionary programs be cut across-the-board by a uniform percentage equal to an amount necessary to pay for the increased interest.

As the Senator from New York well knows, we find money around here all the time. It was interesting to me in the last 24 hours of the budget debate we found $13 billion. I did not find it, but the so-called experts did. I am sure members of Senator MOYNIHAN's staff here, if they were allowed to speak, would describe how they found $13 billion. We seem to find all this money all the time.

Yet, we are seeking to take care of what is a gross inequity, knowing full well there is no one—I say to the Senator from New York, I challenge him to find someone to tell me that there will not, at the end of the day, be increased revenues into the Treasury because more seniors will go and work. So what we are really talking about here is a way of satisfying some paperwork requirements as far as CBO is concerned, which is dictated by static scoring, when the reality is there is going to be more money coming into the Treasury because seniors will be working.

So I appreciate Senator MOYNIHAN's concern about the mechanism, but I have to tell him we have been wrestling with this particular problem for 9 years that I know of. Every time we try to remove this terrible inequity that exists in our society today, we say we cannot find the money. We obviously do not want to take it out of entitlement programs because we are then robbing Peter to pay Paul. It is kind of a kabuki show here, because we know full well from the GAO reports back to us that the money, after 2 years, will not be required because there will be additional revenues. In fact, the funds for Social Security recipients will be increased because as these people work, they also continue to pay into the Social Security trust fund.

Mr. MOYNIHAN. Mr. President, I do not in the least disagree with the point of the Senator about an increased work effort and therefore increased revenues, including direct revenues to the trust funds. What the actual amounts would be, how actuaries would judge them, is beyond my capacity, but there would be some and they would be not inconsiderable.

Even so, I maintained what might seem to be too purist a view but it is one I hold, that only revenues from the trust fund should be used to pay benefits. We will see what the Senate's wish is.

The principle is correct. The issue can be resolved, the sooner the better. But it is my hapless responsibility to say, not this afternoon.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I thank the Senator from New York again. By the way, I remind him we had a very interesting hearing on March 1 of this year, where they had several very interesting witnesses including Mr. Meyers, who is another one of those.

Mr. MOYNIHAN. Mr. Meyers who came here in 1934.

Mr. MCCAIN. Exactly, the gentleman who probably is really the real corporate knowledge on Social Security, who also at that hearing testified that this earnings test should be raised and that additional revenues would accrue from lifting this earnings test.

I also remind my colleagues it is a fact that $200 million per year are spent just to monitor the earnings test; in other words, to make sure that everybody who is between age 65 and 69 is penalized properly and does not get away with keeping that $1 out of every $3 in their earnings.

So we would dramatically reduce that burden right away and experience an immediate savings of considerable numbers of millions of dollars if we just go ahead and lift it. Because then the Social Security Administration would not have to expend $200 million on an annual basis for that.

I note the presence of my friend from West Virginia on the floor. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I thank my friend, the Senator from Arizona. One of the things which actually is not generally, I expect, known that much is that Medicare as well as Medicaid are part of the Social Security Act that is being discussed, in fact, by the Senator from Arizona. It has to be said that when one looks at what might happen in legislation, what might be the result of a conference, what might be the result of a compromise following a veto by the President, should that happen, there is a lot of speculation about what might happen. But I think one thing which is very, very clear at this point is that what we are doing in the U.S. Senate and what we have done to Medicare, which is a part of the Social Security Act, is extraordinary.

I would like, in fact, to take from my friends from across the aisle the word which they often use when they are discussing Medicare, which comes from the Social Security Act. They talk about reforming Medicare.

I went, as I do every afternoon at 1 o'clock sharp, to my Webster dictionary, and I took out the word for "reform." I ask unanimous consent when I am finished, Mr. President, if I can have this printed in the RECORD.

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

(See exhibit 1.)

Mr. ROCKEFELLER. It says, "a: to amend or improve by change of form or removals of faults or abuses; b: to put or change into an improved form or condition.

"2: to put an end to (an evil) by enforcing or introducing a better method or course of action.

"3: to induce or cause to abandon evil ways," and then they use the example of a drunkard—odd.

"4: to subject (hydrocarbons) to cracking."

I think I better stop there because that is rapidly getting into areas which I cannot be quite so sure of.

Then I also, being the persistent intellectual at 1 o'clock every day, in my Webster's dictionary, I went to the word "raid," because that is what those of us on this side of the aisle use referring to what happens to Medicare in the reconciliation bill. That is described, and I would similarly ask that

portion which I read be printed in the RECORD.

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

(See exhibit 2.)

Mr. ROCKEFELLER. "Raid" is, "1a: a hostile or predatory incursion; b, a surprise attack by a small force.

"2a: a brief foray outside one's usual sphere; b: a sudden invasion by officers of the law; c: a daring operation against a competitor," and, again, here I think the definition is wandering off into different territory.

But my point, obviously, is what we are contemplating, and what it is, in fact, that we have put forth in reconciliation is not yet accounted for, not yet conferenced with the House, and is nothing less than the "raiding" of Medicare. I assume that there are those who feel very differently about it. But I do not. I feel very strongly about it. I speak as a representative of the State of West Virginia where the average senior income for seniors in general is $10,700 a year, and 21 percent of that goes already to health care, unless the senior is 84 years old, which increasingly seniors are, in which case it is 34 percent of the $10,700. You can see, therefore, that the amount of money that is being spent on health care already by Medicare recipients, beneficiaries, is enormous.

So the majority party wants to fix Medicare, to reform it. And they want to do that by cutting $270 billion from it, they would say to slow the growth by a rate of $270 billion.

I, incidentally, had responsibility in the 1993 Budget Act, so to speak, for cutting $56 billion out of Medicare. I never referred to it as "slowing" the rate of reduction. I always referred to it as "making the cut." And I hold to the same language then as now because that is what I believe. It is like, if you had a certain amount of money 3 years ago and you have the same amount of money now, a hip replacement has gone up by 22 percent in cost, you cannot do 84 percent of the hip replacement. You either do the hip replacement and you can pay for it, or you do not have the money for it and you cannot do it at all. So this whole question of rate of growth is one that I will leave for historians to worry about.

But any way you slice it, if you are cutting $270 billion—and when all the trustees of the hospital insurance trust fund say that you have to cut it $89 billion—then you come to the obvious conclusion that those who would cut $270 billion are saving Medicare for a much longer period of time than those who would only cut it by $89 billion.

But an interesting thing happens. The fact is that, if you cut $89 billion, as the trustees have recommended publicly in testimony and every other way, Medicare will be solvent until the year 2006. On the other hand, if you cut it $270 billion, guess until what year Medicare will be solvent? The year 2006, the same year, the same amount of time.

So the whole question then arises, Why cut $270 billion out if $89 billion will do the job over the period of the next 10 years? The answer, of course, is in the contract phase of the need for the $245 billion tax break. I understand that intellectually because, if you are going to get a $245 billion tax break and at the same time balance the budget in 7 years, you have to get your hand on a whole lot of money, and there is not a whole lot of money in any one pot, except if you go to Medicare, or if you go to Medicaid. Those are the two pots. Those are the two pots that you can go to under reconciliation or a Budget Act, and simply get large amounts of money, if you are of a will to do so.

However, the consequence of what the majority party is doing in the Senate, and has done in the Senate, means that Medicare recipients are going to have to pay enormously more from out-of-pocket expenses—out of their own pocket expenses, and all of this to fund a tax break. There is going to be about $1,700 less per beneficiary by the year 2002. Deductibles are going to be doubled. Premiums are going to be raised. The eligibility age for Medicare is going to go from 65 to 67 years old, and there will be an enormous amount, I believe, of danger in equality and quantity of health care. Let me explain what I mean.

Putnam County General Hospital, Mr. President, is what I would imagine many hospitals are like in the Presiding Officer's State. It is a rapidly increasing county in terms of its income, and in the sense of upscale county. Its future is unlimited. It has most of the flat land, or a lot of the flat land in West Virginia, and a lot of upper income houses as well as middle-income houses. Yet, when you go to the administrator of that hospital, he will tell you that between 68 percent and 72 percent of his entire revenue stream is paid for not by the newly dynamic wealth of Putnam County, not by private-pay patients, but by Medicare and Medicaid. He says that if this cut is allowed to stand, that Putnam General Hospital is in severe difficulty. The mathematics make it clear—$270 billion cut in Medicare, $187 billion cut in Medicaid, and, hence, real problems for that relatively upscale hospital.

We have a lot of hospitals in West Virginia that do not fit that category. They are in very rural counties. Many shut down some years ago. They depend almost entirely on Medicare or Medicaid for their revenue stream. When I say the "revenue stream," I just simply mean the money they use to pay their doctors, nurses, oxygen, their light bills, and the rest of it.

I believe—I do not really think anybody can make the argument—that the Boren amendment, by which you are meant to pay people much closer to the services that they render, has now been tossed aside. And I believe that doctors, physicians who have been taking care of seniors for many years are—some of them—going to be in the economic position where they will have to simply say on their little shingle, "Dr. So-and-So. But if you are on Medicare, please do not stop here. I cannot afford to treat you. I cannot afford to treat you."

In other words, I believe that doctors will be driven out of the program and Medicare beneficiaries will be turned away.

There is another problem which we, in fact, cured in the Senate. This is the most devastating problem. It came pretty much as news to everybody. But it has not been cured in the House. Therefore, I consider it to be a live neutron bomb just sitting there on the table. It was the majority party's efforts to, in fact, get control of the cost of fee-for-service Medicare. Obviously, some Medicare patients are in HMO's. It is estimated that as much as 20 percent may go into HMO's. But, obviously, the great body of Medicare beneficiaries are in fee-for-service Medicare, and they like that. They like that for one reason—because, by definition, over the years it has always meant one thing, and, that is, they get to go to the doctor of their choice. They get to choose the doctor of their choice, they get to keep the doctor of their choice, and use the doctor of their choice. And that is the central, sacred theme of fee-for-service Medicare.

But until it was taken out in the Senate—I will say that the junior Senator from West Virginia probably had something to do with that by talking about it for about an hour one day several weeks ago—there was this thing called BELT which was a mystery. Nobody had heard of BELT. BELT stands for budget expenditure limit tool.

I am not discussing something in the abstract. We thankfully have taken it out of the Senate's package. But it remains—and in fact a rougher one remains—in the House. So that in the conference, where I always have this worry that the House is going to outdo the Senate because of their fervor—they appear to be less willing to negotiate, less willing to compromise on both sides than the Senate, so I always worry very much about the conference. So the way this would work would be that the majority party now in the House would assign about a 4 percent, 4.7-percent growth rate to Medicare, the cost of health care in Medicare.

Now, we know that the actual cost of the increase in health care in Medicare is over 7 percent. But if this rate of growth of the cost of health care exceeded 4.7 percent, automatically—automatically—there would be a sequester and there would be automatic

reductions, arbitrary in nature but absolute in fact, in key Medicare spending in the following year. The cuts that are specifically listed were inpatient hospital services, home health services, hospital care services, diagnostic tests, physicians' services, outpatient hospital services. As far as I know, that is most of health care. Mental health and other things are not in there, but that is most of health care. There would be, therefore, this sequestration and a ratcheting down so that the so-called fee-for-service concept for the Medicare beneficiary would simply disappear.

It was all hidden in this little piece of paper and still resides in the House. So I am very, very worried about that.

People listening may wonder why I am talking about Medicare. It could be that the Senator from Arizona is sharing some of those thoughts at this particular point. This is why I am talking about Medicare. I am here to use this opportunity to offer an amendment, which I will do but not immediately, to give the Senate yet another chance to walk away from some of the ills that I have been talking about and give it a chance to protect Medicare from the damage that is contemplated in the two versions, the House version and the Senate version, of the majority party's budget, which is, of course, now headed for a conference where, as I indicate, I worry because I think the House's fervor in some areas is in excess.

I will offer an amendment very soon to do just what we have been trying to get a vote on for 3 days but have not been permitted to get a vote on for 3 days. We have been prevented from being able to do this until this opportunity.

As most of my colleagues know, the Senate still needs to appoint conferees to the reconciliation bill so that we can negotiate some of these matters out. It is amazing that conferees have not been appointed, but they have not been appointed. This side can do nothing about that. That has not been done because the majority leader knows that the Members on this side of the aisle have just a few motions to instruct conferees. We only have a few. Of course, the purpose of this is designed to make one last plea for the prevention of damage to Medicare, for real nursing home protection, and one or two other vital goals. I think there are a total of maybe four or five.

The bill now in the Chamber is a very appropriate place to make the same proposal. So I am here to make sure that when we are on a bill designed to spend billions more on a category of Social Security recipients through the earnings test we first discuss, debate and vote on the question of whether $270 billion is going to be cut from Medicare or whether that will not be the case and whether 30 million seniors are going to see their premiums increase or not, whether they will be turned away from doctors or whether they will not.

So that is my purpose, and I share that respectfully with my colleague and friend from Arizona, who probably wishes that I had picked another time to do all this. But you do have to consider the fact that in spite of the fact that in West Virginia the average income for seniors is $10,700, nationally that same figure is only $17,750.

Most of Medicare spending is for beneficiaries with very modest income, and we have discussed this before, but it bears repeating because I am not sure how far out there into the public this has gotten. Sixty percent of those with incomes of less than $15,000; 83 percent of those with incomes less than $25,000; 97 percent of those with incomes less than $50,000.

This is a Medicare beneficiary population that we are talking about. As I have indicated, seniors already spend more of their income on health care in 1994 than anything else—21 percent. Nonsenior households, interestingly, only spend about 8 percent of their income on health care. Private insurance grew at a faster rate, almost 10 percent, than Medicare spending, which was about 7.7 percent, from 1984 to 1993.

Under the Republican plan, as I indicated, Medicare will be squeezed to a growth rate of 4.9 percent—I believe I said 4.7; I correct myself—4.9 percent per person while private health insurance will continue to grow at over 7 percent per person over the next 7 years, relegating seniors to a second-rate, second-class health care system.

My amendment will be a final opportunity for the Republicans in the Senate to defend—not raid but defend—the Medicare trust fund from a mind-boggling raid, a raid that will cut health care benefits, that will increase seniors' costs and threaten the very existence of hospitals, a raid that is designed purely and simply, mathematically, architecturally, self-evidently to pay for tax breaks tilted in favor of the most affluent, comfortable households in our great country.

The reconciliation bill passed at 1 a.m. on Saturday last will cut Medicare by $270 billion over 7 years. We all know that. We have all been told that this will save Medicare, keep it solvent, make the program stronger. Wrong, Mr. President, wrong and wrong again. The professional experts in charge of keeping the books for Medicare, the actuaries, the professionals, the people who do this for a living, say that $89 billion will solve the problem.

That is not the long-term problem. That is the short-term problem, from now through 2006, and then our suggestion would be that we do exactly what Ronald Reagan did, wisely and effectively, in 1981, when he appointed the Social Security Commission which came out in 1983 in fact with a solution for Social Security, a solution which was accepted by the people of this country, accepted by the seniors of this country, accepted by the Congress of this country, both sides of the aisle, because it had been entered into with the understanding that it would be done with the idea of it being fair, nonpolitical and, therefore, worthy of the support of all, including the President of the United States.

It was an extraordinary ability. Senator MOYNIHAN and Senator DOLE were two of the members of that commission. What they did in service to their country and in service to the Social Security commission is little noted, but can never be forgotten by those who understand the consequences of their actions.

Hospitals, doctors, and nurses and other health care providers in every single one of our States believe, with absolutely certainty—they do not equivocate—that cuts of this size, the $270 billion, will disintegrate the kind of health service that 30 million senior Americans have counted on for three decades, in a program that works, in a program that works in part because, prior to its passage, less than half of Americans had health insurance who were of the senior age.

Why? Because if you are at the senior age and you have any kind of ailments at all, or you are just senior age, you cannot buy health insurance. If you have anything wrong with you at all, you cannot buy health insurance. You can have $10 million and you cannot buy health care. That is why Medicare took place. Now 99 percent of our senior population has health care insurance. What a wonderful thing that is, what a marvelous thing that is.

I have no way of explaining to my constituents back in West Virginia, to the 330,000 Medicare beneficiaries in my State, why their Medicare deductibles will double, their premiums will skyrocket, and West Virginia hospitals are threatened with the possibility of losing $25 million in 1996 and more than $681 million over the next 7 years.

I keep saying I wish this were some kind of a dream. But the threat is real, and it is not a dream. It is written into the pages of the bill that has been passed, unless, of course, we decide to change it. I can only report what I read in this budget package. So, $270 billion would be cut out of Medicare, $225 billion will be given—some say $245 billion, some say $225 billion—will be given away in tax breaks and giveaways.

Then, Mr. President, there is the $187 billion which is sliced out of Medicaid, which is integrated into Medicare in its effect on our health care system, leaving the Medicaid system in tatters, as it is chopped up into block grants, something which States, no matter what their Governors might say, do not want—do not want.

Talk to George Voinovich, talk to Christine Whitman, talk to some of those Republican Governors who have the courage to say what they feel. Talk to any of the Democrat Governors. I mean, I was a Governor of my State for 8 years. I know our present Governor does not want any part of it, because all he does now in his regular session, and then special sessions, and then additional special sessions, is try to figure out how to come up with more money to pay for Medicaid. Medicaid is about the only subject they even talk about.

It is true, Mr. President, it is a terrible crisis in our State as it stands today, much less cutting $187 billion out of it and block granting.

The response on the other side will be that we are exaggerating, we are trying to scare seniors. We do not agree with that. This budget is scary. The seniors I have talked to are scared. And, interestingly, they have become scared at what I would call a very rational pace, if I can explain myself. Some of the groups responsible for communicating with seniors have been rather casual about this whole subject, in my judgment. Indeed, the American Hospital Association for a period of time was rather casual about dealing with this subject.

But, interestingly, seniors began to understand what the consequences to their lives might, in fact, become. They began to get very angry, very angry. And then some of the groups here in Washington started reacting to them. The hospital administrators already were very angry. They were angry months ago. But their association was not listening here in Washington as closely as it could have been. Now they are. And the American Hospital Association very much dislikes, and is very much opposed, and very blatantly and openly opposed, to these kinds of cuts because of what it will do to the hospitals that take care of the sick, including seniors in our country.

EXHIBIT 1

[From Merriam Webster's Collegiate Dictionary, 10th edition]

[1]**re-form** \ri-'form\ *vb* **[ME,** fr. **MF** *reformer*, fr. L *reformare*, fr. re- + *formare* to form, fr. *forma* form] *vt* (14c) **1 a:** to put or change into an improved form or condition **b:** to amend or improve by change of form or removal of faults or abuses **2:** to put an end to (an evil) by enforcing or introducing a better method or course of action **3:** to induce or cause to abandon evil ways <~a drunkard> **4 a:** to subject (hydrocarbons) to cracking **b:** to produce (as gasoline or gas) by cracking ~ *vi:* to become changed for the better **syn** see CORRECT

EXHIBIT 2

[From Merriam Webster's Collegiate Dictionary, 10th edition]

[1]**raid** \'rād\ *n* **[ME** (Sc) *rade*, fr. OE *rād* ride, raid—more at ROAD] (15c) **1 a:** a hostile or predatory incursion **b:** a surprise attack by a small force **2 a:** a brief foray outside one's usual sphere **b:** a sudden invasion by officers of the law **c:** a daring operation against a competitor **d:** the recruiting of personnel (as faculty, executives, or athletes) from competing organizations **3:** the act of mulcting public money **4:** an attempt by professional operators to depress stock prices by concerted selling [2]**raid** *vi* (1865): to conduct or take part in a raid ~ *vt:* to make a raid on

AMENDMENT NO. 3043

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. ROCKEFELLER] proposes an amendment numbered 3043.

Mr. MCCAIN. Mr. President, I ask further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. ROCKEFELLER. I object.

The PRESIDING OFFICER. There is an objection. Objection is heard.

The clerk will read the amendment.

The assistant legislative clerk read as follows:

At the appropriate place insert the following:

It is the sense of the Senate that the conferees on the part of the Senate on H.R. 2491 should not agree to any reductions in Medicare beyond the $89 billion needed to maintain the solvency of the Medicare trust fund through the year 2006, and should reduce tax breaks for upper-income taxpayers and corporations by the amount necessary to ensure deficit neutrality.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I say to the Senator from West Virginia that I am very disappointed, of course, he would put this amendment on a bill that is very important to the people of his State. He stated the average income of the elderly in the State is $10,000 a year. It seems to me that he would be eager to, as quickly as possible, give them an opportunity to earn a sufficient amount of money in order to be able to better their living standards and raise their income.

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. KERREY. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

Mr. MCCAIN. I object.

The PRESIDING OFFICER. Objection is heard.

The assistant legislative clerk continued with the call of the roll.

Mr. KERREY. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

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

Mr. KERREY. Mr. President, I would like to talk a bit about this bill. I know the Senator from Arizona has worked on this for, I guess, 7 or 8 years now. And I know for at least the time I have been in the Senate this has been an active interest of his, and he has played a very constructive role in raising this earnings test in the past.

Unfortunately, I was not here when he made his opening statement. This is a very—fortunately for all of us who have trouble reading some of these bills—a very short piece of legislation, and I do not want to make any comments on it that are inaccurate. But, as I understand it, what we basically have in the law right now says that for a period of 5 years, from age 65 to 70, there is an earnings test. After 70 there is no earnings test. During that period of 65 to 70 years of age, beneficiaries of Social Security payments are penalized. They have actual reduction in their benefits as they receive income. I think the test is at $11,200 today.

What this piece of legislation would do is, over time, take that 5-year window, that penalty, up to $30,000 over a 5-year——

MCCAIN. Seven.

Mr. KERREY. 7-year period of time.

Mr. President, in general, I have supported and on a number of occasions have actually voted for raising this earnings test. I must say I have very strong mixed feelings about it. I would like to just talk, and I am not going to offer any amendment at this point in time. When I am through, I will put the Senate back in a quorum call.

I have had the opportunity to examine and spend a great deal of time looking at Social Security as a program. Senator SIMPSON and I, in fact, have developed a piece of legislation, S. 825, that we have introduced in this body to reform the Social Security Program, that has a different purpose than what the Senator from Arizona is attempting to do, and I find myself increasingly sort of obsessed with this issue and talking sometimes when no one particularly cares to hear about it. But I would like the take this opportunity, for a moment, to talk a bit about what I think needs to occur with the Social Security program to improve it for different objectives.

First of all, it must be understood that Social Security is an intergenerational commitment; it is a very strong and powerful commitment.

It is not a retirement fund. There is not an account held for individuals that they own. We have a calculation that you can get. If you send in to the Social Security Administration and ask them, they will tell you how much you have paid in and they will tell you approximately, based upon your current earnings at least, what you are going to be paid when you retire.

It is not a defined contribution system. It is a defined benefit system. We

are told what our benefits are, and it is a very progressive system, though the contribution is flat and, as a consequence, I think fairly you can say the contribution system is a regressive system of taxation, which is, interestingly, one of the reasons that a recent poll, that was very controversial, the New York Times did asking a number of questions about the budget reconciliation agreement. The lower the income, the higher the enthusiasm for a tax cut. The lower the income of Americans who are in the work force, the more enthusiastic they were about their tax cut. I argue that is because the payroll tax and the other taxes that lower income people pay who are in the work force tends to actually force them to make painful and difficult choices. That is probably why that is the case.

Nonetheless, it is a regressive tax, but it is a very progressive payment system. That is to say, there are bend points in the calculation which will actually decrease my income from Social Security in order to make sure that people with lower incomes will, over their working life, get a higher payment. We have designed it in that fashion.

So I want to take this opportunity to, again, make it clear to citizens who sometimes write me and say, "I've got an account there; I paid in it all my life; I am getting out what I paid in," that is not true. We are not paid what we pay in. We usually get back more.

The system is designed to provide us with a supplemental source of income. Unfortunately, for a variety of reasons, not the least of which are tax law changes and pension law changes that make it more difficult for people to provide private sector pensions, increasingly people see Social Security as a primary source of income. The percentages are increasing of those who have as their only source of retirement income the Social Security System.

Accurately described, Social Security is a very strong and, I think, correct intergenerational commitment. It is an intergenerational commitment. Every time I give a speech like this, people call and say, "KERREY wants to get rid of Social Security." I do not. It is a very strong commitment that is made on behalf of people who are retired by people who are not retired to allow a fixed percentage of their wages to be taxed and distributed to those who are retired. That is basically what it is.

When it began, the first payment that was made in 1935 took 1 percent of our wages, and the reason it took 1 percent of our wages is the promise to pay was to begin 6 years after normal life expectancy. Normal life expectancy was approximately 59; 65 was the normal eligibility age for Social Security in 1935. Today, it is still 65.

The good news is we are living longer. That is very good news. I do not want anybody to think that I think we should be dying earlier. I am glad, through medicine, through research, through changes in lifestyles, and so forth, that people are living longer. That is good news. That is my intent, anyway.

But now the promise continues 11 years after the age of 65. Normal life expectancy is now 11 years beyond this normal eligibility age, which is age 65. There is an early eligibility age of 62 and there is a normal eligibility age of 65 written into law, both of them begin considerably before normal life expectancy ends.

It would be bad enough if we were dealing with sort of constant numbers in terms of the number of people retiring, but we are not. My generation did not have as many children as our parents thought we were going to have. So, when the baby boomers start to retire in 2008—60 million of us, by the way—if anybody doubts this problem is caused by Ronald Reagan, George Bush, or Bill Clinton, it is a demographic problem not caused by any political leader; it was caused by a generation.

(Ms. SNOWE assumed the chair.)

Mr. KERREY. Madam President, the point I am trying to make here is we have a tremendous problem with Social Security. The longer we wait to address it, the more difficult it is to address, and the problem is a demographic problem.

The problem is also one of perception. Many citizens are of the view that Social Security is a fund that is held for them and it is available to them when they retire. That is not what it is. We pay into it, but it is an intergenerational commitment made by people who are in the work force today to allow a fixed percent of their wages to go to people who are out of the work force. It is a contract. It is a contractual arrangement, and everybody out there in America, whether they are currently eligible or will be eligible in the future, understands that contract is there for them.

There are really 260 million Social Security beneficiaries. It is just that 30-some million are currently eligible. All the rest will be eligible. All Social Security beneficiaries up to about the year 2006 or so are currently alive. What you have to do is look and ask, "Not only can I write the checks today, but how am I going to do in the future?"

In 1983 when we changed the law, what we did for the first time was break the pay-as-you-go system and create, in effect, a system where the reserve is going to build up to a very large amount. Unfortunately, we have been borrowing it and using it to pay budget bills since 1983. But that number drives up to a very large amount and then drives down starting at about the year 2013 until the fund is completely expended in 2029.

When I say 2029, people say, "Fine, let's just wait until 2029." Madam President, the longer you wait, the bigger the adjustment is. We may be able to jog and we may be able to quit smoking or drink in moderation, whatever you want to do to hopefully extend your life, but you do not get those years back. When you are trying to take advantage of compounding interest rates in a savings, a collective savings, time is not on your side. Every year you wait, you do not get that year back.

The people who will pay the price for it are not the current retirees, but it will either be future retirees or my children who are going to be scratching their heads trying to figure out, "Do I cut dad's Social Security payment substantially or do I have my taxes go up in a rather substantial fashion?"

We are going to see a decline in the number of workers per retirees starting in the year 2008 that is without precedent. There is no precedent for it, and there is no possibility we are going to see gains in productivity that are sufficient to be able to allow less than three workers per retiree to be able to produce what five workers per retiree are producing today.

Madam President, there is a need for us to change this trend line of Social Security payments so that we can say to all beneficiaries—those who are eligible today and those who are eligible in the future—that we are going to be able to write your checks.

Today, you cannot say that. Today, if you look at somebody under 40, you have to say to them, "The current law will not allow me to write a check to you. I am going to have to make an adjustment." The longer I wait, the bigger the adjustment; the longer I wait, the higher the taxes have to be or the larger the cuts have to be in current beneficiaries. That is problem No. 1.

Problem No. 2 with Social Security is that it is a very rigid system. The legislation of the Senator from Arizona addresses one part of that rigidity. That is, we have a rule, a Federal rule—a law, actually—that the Senator is trying to change that says for a 5-year period of time, from age 65, which is normal eligibility age. It is not normal retirement. You can wait to retire or you can retire early or retire any time you want, but you are eligible for a payment from the Federal Government, full payment at 65 and an early smaller payment at age 62. The rules say I have to wait until I am 65 to get a payment, and for 5 years, if my income exceeds $11,200 a year, you are going to reduce the payment that I get.

It is a very rigid system. I believe what needs to occur and what Senator SIMPSON and I have done with our legislation is said, let us change the law so that 2 percent—we start with 2—so that 2 percent of the 12-percent payroll tax goes into a personal investment

plan for individuals when they start working that has three big advantages: First, a much higher rate of return. Let it be known to all citizens that one of the problems we have with Social Security is they are invested in non-negotiable Treasuries, the lowest possible rate of return that you can have out there.

The lowest possible rate of return that we have—less than 2 percent and closer to 1 percent—does not even double twice during the course of a 45-year working life. It doubles once, that is all. A higher rate of return. In the FERS account, it is not unusual for our employees to say they expect to get 8 to 10 percent when compounding it. That means they are going to get a doubling, over a 45-year period, of six times—a substantial increase as a consequence of taking advantage of a higher rate of interest.

Secondly, Madam President, the advantage is that it is more flexible. Some people have attacked the proposal that I have made, saying that we are going to adjust the eligibility age from 65 to 70, which we do. It does not affect anybody, by the way, over the age of 50, that is not in the baby-boom generation, that is already retired, or will retire during the next 10, 15 years. We do increase the eligibility age. But by establishing this personal investment plan, we give something to the individual that they own and can take at age 59½ under the current individual retirement account law.

So the second thing is that it is more flexible. You can tailor it to your own needs, rather than being dependent upon Congress changing the law to satisfy whatever your individual requirements are.

Third, Madam President, we do change it so that you own it. Unlike the current system, if you happen to, unfortunately, not make it to age 65—let us say at age 64 you die—all those moneys that you paid in go to somebody else. You do not get anything out of it. It is a collective pool. Under our proposal, the individual owns it. They have an asset. Done correctly, it can be a way for us to help Americans of all incomes acquire wealth—$1,200 a year, dedicated into an average savings account over a 45-year period, will convert that individual into a millionaire.

Well, Madam President, that is exactly what 12 percent payroll tax is on $10,000 worth of wages. So there are other changes that I believe are more important than the earnings test if we are going to be able to say to all beneficiaries, whether you retire today or in the future, that the promise we have on the table we are going to be able to make and we are going to be able to keep; secondly, to convert that system into one that brings a higher return and that individual owns it. It seems like the system we set up 60 years ago needs to be adjusted in more ways than just raising the earnings test.

I yield the floor.

Mr. KYL. Madam President, I rise as an original cosponsor of S. 1372, introduced by Senator JOHN MCCAIN and Majority Leader DOLE. It is time to lift the senior citizens earnings limitation off the backs of America's and Arizona's senior citizens. This legislation would gradually raise the limitation to $30,000 between 1996 and 2003, and would thereafter index for inflation.

During the 1992 Presidential campaign, President Clinton said that America must "lift the Social Security earnings test limitation so that older Americans are able to help rebuild our economy and create a better future for us all." I could not agree more. Yet, despite the continued urging of many Members of Congress and millions of Americans, the President appears reluctant to make good on this campaign promise. So, it has fallen to Senator MCCAIN once again to pursue this issue, as he has for so long.

The Social Security earnings limitation [SSEL] was created during the Depression in order to move older workers out of the labor force and to create job opportunities for younger workers. Obviously, this situation no longer exists. Currently, under the SSEL, senior citizens aged 62 to 64 lose $1 in benefits for every $2 they earn over the $8,040 limit. Seniors aged 65 to 69 lose $1 in benefits for every $3 they earn over $11,160 annually. When combined with Federal and State taxes, a senior citizen earning just over $10,000 per year faces an effective marginal tax rate of 56 percent.

Moreover, when combined with the President's tax on Social Security benefits passed in 1993, a senior's marginal tax rate can reach 88 percent—twice the rate millionaires pay.

If enacted, this legislation would gradually repeal the earnings test and would allow seniors to continue to work to meet their needs without penalty.

Some lawmakers apparently forget that Social Security is not an insurance policy intended to offset some unforeseen future occurrence; rather, it is a pension with a fixed sum paid regularly to the retirees who made regular contributions throughout their working lives. Social Security is a planned savings program to supplement income during an individual's retirement years.

I believe no American should be discouraged from working. Such a policy violates the principles of self-reliance and personal responsibility on which America was founded. Regrettably, America's senior citizens are severely penalized for attempting to be financially independent. When senior citizens work to pay for the high cost of health care, pharmaceuticals, and housing, they are penalized like no other group in our society.

Senior citizens possess a wealth of experience and expertise acquired through decades of productivity in the workplace. Companies hiring seniors have noted their strong work ethic, punctuality, and flexibility. Their participation in the work force can add billions of dollars to our Nation's economy. To remain competitive in the global marketplace, America needs for its senior citizens to be involved in the economy: working, producing, and paying taxes to the Federal Government. A law which discourages this is not just bad law, it is wrong—and it hurts not only seniors but all Americans.

• Mr. HATFIELD. Madam President, this legislation would provide the flexibility and opportunity for older Americans to remain productive citizens of this Nation. I do not believe that older Americans should be penalized for their ability and willingness to remain active and productive members of society. The current earnings test arbitrarily mandates that a person retire at the age of 65 or face losing benefits. I do not believe that any person who desires to work should be dissuaded from pursuing the goal of employment due to the Tax Code. Finally, let us not forget the hazards our low income senior citizens face who do not possess a pension fund or retirement plan. Low-income seniors who are working out of necessity and face a severe tax penalty should not be penalized for no other reason than their age. For these reasons I support S. 1372 which would increase the earnings limit for seniors.

Unfortunately this legislation to correct that inequity was paid for by using discretionary Federal dollars. In the last 30 years we have seen discretionary Federal outlays, as a percentage of this country's gross national product, plummet from over 14 to 8 percent in 1994. Moving money from discretionary accounts to mandatory accounts is moving us in the wrong direction. I look forward to voting to correct this inequity in the Tax Code at a latter date when discretionary spending accounts are not used to offset the cost.•

Mr. GRAMS. Madam President, I want to commend the Senator from Arizona, Senator MCCAIN, for his leadership on this issue and ask unanimous consent to have my name added as a cosponsor to the Senior Citizens' Freedom to Work Act.

As a longtime proponent of an all-out repeal of the earnings limit, I am pleased the Senate is taking action on eliminating the additional burden President Clinton placed upon our seniors in his 1993 tax bill.

The current Social Security earnings test penalizes senior citizens by reducing their benefits if they continue working beyond retirement age and earn over $11,160 per year. For every $3 earned above that, they are forced to send $1 back to the Federal Government. That is unfair.

While repeated attempts have been made to repeal this seniors' penalty, or

to at least substantially raise the earnings limit so that senior citizens can continue to contribute to society, the Clinton administration and the leaders of the previous Congress prevented any measures from passing. Today, we have an opportunity to prove that things have changed, and the Senate can do that by passing S. 1372 and providing some overdue tax relief to our seniors.

I wanted to share with my colleagues some of the letters I have received from Minnesota seniors on this issue.

One constituent of Pierz, MN, writes:

I cannot afford to start drawing my Social Security because of the earnings limit penalty. . . . If allowable earnings were increased to $30,000 as the Republican plan proposes, consider all the additional Social Security taxes that would be collected. Also consider all the additional income taxes that would be collected by the federal and state governments. We, as Seniors on this issue, need YOUR HELP.

A senior citizen from Eden Prairie shared a copy of a letter he sent to one of my colleagues. "I wrote in 1993 regarding my concern over Social Security income being taxed," said the original letter. "Not only was 50 percent of it then being taxed . . . but the Clinton budget plan increased the amount subjected to tax to 85%." The response this Senator received from my colleague was that he supported President Clinton's 1993 tax plan because it was "fair."

Madam President, I stand before you today because Clinton's assault on this Nation's senior citizens in 1993 was not fair. It is blatant discrimination against 700,000 older Americans. Furthermore, it discourages seniors from working, robbing businesses of skilled and experienced workers.

Today, we have an opportunity to restore fairness, and to deliver on the promise we made to seniors. Therefore, I urge my colleagues to support the Senior Citizens' Freedom to Work Act.

MIDDLE EAST PEACE EXTENSION

Mr. DOLE. Madam President, I have had a discussion with Senator DASCHLE regarding this.

I send an original bill to the desk on behalf of myself and the Senator from South Dakota, Senator DASCHLE, regarding the Middle East peace extension, and I ask unanimous consent that it be immediately considered, that the bill be considered read the third time, passed, and the motion to reconsider be laid upon the table.

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

So the bill (S. 1382) was passed, as follows:

S. 1382

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(a) IN GENERAL.—Section 583(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236), as amended, is amended by striking "November 1, 1995" and inserting "December 1, 1995".

(b) CONSULTATION.—For purposes of any exercise of the authority provided in section 583(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 193-236) prior to November 15, 1995, the written policy justification dated June 1, 1995, and submitted to the Congress in accordance with section 583(b)(1) of such Act, and the consultations associated with such policy justification, shall be deemed to satisfy the requirements of section 583(b)(1) of such Act.

Mr. DASCHLE. Madam President, I know we are in the middle of a debate. I will not take long. I commend the majority leader for his work and the leadership he has shown to bring us to this point. This legislation is critical and overdue, and we needed to pass it. I think it enjoys broad bipartisan support, and separating it from other issues relating to our agenda, I think, is important. In this case, we were able to accommodate all Senators. I appreciate the work done by the distinguished Senator from Massachusetts in accommodating these needs. Again, I appreciate the effort of the majority leader.

Mr. DOLE. Mr. President, I, in turn, would like to thank Senator HELMS for his cooperation. I know he has been trying and trying to get the State Department bill passed. He is working in good faith. We expect that a managers' amendment will be agreed on shortly and that the Senate will pass a modified version of his legislation. I am pleased that the chairman has lifted his objection, and that we can pass a clean MEPFA, Middle East peace facilitation extension—at least in the Senate. I hope it can be taken up in the House.

FIRST SESSION OF THE 104TH CONGRESS—STATISTICS

Mr. DOLE. Mr. President, this may be of interest to all my colleagues. We thought they might be interested in a statistical comparison from January through October 31 of the first session of the previous four Congresses to this current first session of the 104th Congress. The comparison contains the number of session hours, rollcall votes conducted, and measures passed in the Senate.

In the first session of the 104th Congress, the Senate has already conducted 558 rollcall votes, as compared to the first session of the last four Congresses, as follows: 100th Congress, 362 rollcall votes; 101st Congress, 279 rollcall votes; 102d Congress, 241 rollcall votes, 103d Congress, 342 votes.

In this first session alone, the Senate conducted 119 rollcall votes just on the budget resolution and reconciliation bill, and we are not finished yet.

Actual session hours for the first session are 2 minutes' shy of 1,548 hours, as compared to the 100th Congress, 1,026 hours; 101st Congress, 861 hours; 102d Congress, 1,014 hours; 103d Congress, 1,091 hours.

The final statistic I will share with my colleagues is the number of measures passed in the Senate in the first session of the various Congresses. In this first session, the Senate passed 259 legislative measures, as compared to 477 in the 100th Congress; 452 in the 101st Congress; 476 in the 102d Congress; 356 in the 103d Congress.

Needless to say, this session has been historical in many ways, including the number of rollcall votes conducted in one day.

The good news is that we have not passed as many legislative measures as the previous four Congresses. However, in this Senator's opinion, we have passed more sweeping, fundamental reforms that will help bring this country back to financial soundness, putting the American people back in control of their own budgets, and getting big Government off the backs of the American people and our States and cities across the country.

I guess my one regret thus far—whether it is in this session or the next—is the failure to pass a balanced budget amendment. We failed by one vote. However, this Congress is far from over. Senators may yet get another opportunity to do what this Senator from Kansas believes is fundamental in controlling Government waste and spending—that is, passing a constitutional amendment calling for a balanced budget.

I think it is clear, if the time we have spent here and the number of rollcalls are any indication, that the Senate has worked very hard this year, and I commend all my colleagues on both sides of the aisle. I thought this might make rather interesting bedtime reading, if we ever get home in time.

SENIOR CITIZENS' FREEDOM TO WORK ACT

The Senate continued with the consideration of the bill.

Mr. SIMPSON. Madam President, I want to pay tribute to Senator MCCAIN. There is not a more fierce advocate of his position in this area. He has been that way since I have known him. I have been on the other side of the issue all that time, also. We have serious disagreement. But I have a deep respect and admiration for him. He has been of great assistance to me in dealing with the tough issues on the Veterans' Affairs Committee, like POW's/MIA's. No one speaks with more credibility and integrity than this man from Arizona. So I want that clearly on record.

As to Senator KERREY, let me share with my colleagues here that I hope you heard every word that Senator KERREY was saying, because every word that he was saying is absolutely true with regard to Social Security.

Ladies and gentlemen, we cannot continue to leave out of serious total

discussion something that is $360 billion a year, and we are not touching it. You do not dare touch it. That is why this will pass. Do not worry about the 60 votes on a point of order. Do not worry about 70 or 80; it will pass by 90 to 10.

Then we will deal with it. We will "find the money." I hear that plea. I can understand that clearly.

This, however, in my mind, does not comport with the sense-of-the-Senate resolution which I voted for the other day, because it said if it can be done "without injuring the long-term solvency of Social Security or negatively impacting the deficit."

What this fundraising mechanism does is get the money short term, but in the long term it is absolutely devastating.

Now, this legislation, in my mind, does violate the Budget Act because it increases outlays in the Finance Committee area of jurisdiction during the 5-year budget windows of 1996 to 2000. I hope the Senate will sustain the point of order lying against it, but I know that will be a very remote possibility because I am sure the phone lines are jingling right now as to the fact that we are going to free up senior citizens to do what they need to do. We may well be doing that between these ages of 65 and 70, which has been apparently a very vigorous movement in America with regard to the earnings limit.

There is not a single person in this body that has been more dedicated to that issue in all my time of serving with him than the Senator from Arizona. I am sympathetic. The rest of the Senate is sympathetic. They will prove it in their votes. There is no question that Americans are living longer and are productive for a longer time. Our retirement policy should reflect that.

Let me caution my colleagues and the vapors of the day that it will pass in the Chamber as we vote this because I know how this game works. This is a $360 billion program, the biggest and largest of all handled by the Federal Government. Millions of Americans depend upon it. They should not, but they do. They never should have under the original Social Security law because it was never intended to be a pension. Regardless of what the senior groups may tell you, it is not a pension. It was an income supplement, very well put together, as the Senator from Nebraska has pointed out.

A majority of Americans who stand to retire some day—and almost all of us hope to and many of us in this line of work hope we get out before they throw us out—some day will be dependent upon it as a principal source of income. It is not right that it should be, but nevertheless it is.

It is very difficult to craft it now in these later years to be a principal source of income when it was never intended to be a principal source of income but only a supplemental source of income. That is all very well reflected.

I just want to review the bidding one more time as to what you put into this—as people complain vigorously about what they are getting out—and give some very critical comments about COLA's and why are the seniors being treated this way.

Let me put it in a very personal way. I am 64 years old. I have worked since I was 15. My first job was at the Cody Bakery in Cody, WY. I was the person who put that remarkable strawberry clear glop in the middle of the sweet roll. That was my job. You went tick, tick like that every morning. Somehow I have never eaten one of those again and never shall. That was my job.

Do you know what I put into Social Security that year? Five bucks—they really bit me that year, 1959. Worked at the B4 Ranch, did not put in a nickel. Off to college after high school, never put in a nickel. Never earned enough in the summer—there was an earnings limit—I never earned enough in the summer to contribute to Social Security. Went to the army. Never put in a nickel in those years. Got out. Went to finish law school. Started to practice law.

The first year I practiced law, I put in $59 that year. Then the old man put me to work and he kept the money. I remember how that worked in the partnership. I put a shingle up and it said "SIMPSON and Father," and he never got over that—instead of "SIMPSON and Son." But I had a dear, loving father and we worked together.

Then for all the years of my practice—I hope you will hear this—I never put in over $874 a year and neither did anyone else in America. Got it—874 bucks a year and self-employed, and no other person did either, because there was a cap. A person could make $100,000 a year and the cap was $12,000. A person could make $1 million and the cap was set at $12,000 or $8,900 or whatever it is, and you applied the percentage rate to that. I understand what Social Security is and what it was. So, earning the maximum, from the year 1959 until 1976, I never put in over $874 per year.

Then off to Washington: $1,200 a year, a real hit there, and then $1,500 a year, and then $2,000 a year and then $3,000 a year up in the late 1980's, and now I think I am up to 4,200 bucks a year.

Got it? If I retire at 65 I will receive $1,120 a month—got it? If I save my strength until the age of 70 and not take it until then, I will receive $1,540 a month. That is the way it is. That is Social Security. It cannot be sustained. There is no way it can be sustained.

When I was a freshman at the University of Wyoming, there were 16 people paying into this system and one person taking benefits; today there are three people paying into the system and one person taking benefits. In 20 years, there will be two people paying into the system, one taking benefits. Everybody in this Chamber knows that. Everybody who is a trustee of the Social Security Administration knows that.

So this continual ritual is played out that somehow we are doing something hideous to senior citizens. If you retired in 1960, you got all your money back in the first 2½ years, plus interest. Got it in 2½ years, every penny back.

In the 1970's, you got it all back in 3 years. Today, if you retired, you get it all back in 6½ years, plus interest.

That is where we are, a totally unsustainable system. Who is telling us that? The trustees. Are the trustees all Ronald Reagan Republicans or far-right legions? No. No, they are not. The trustees are Robert Rubin, Robert Reich, Donna Shalala, Shirley Chater—one Republican, one Democrat—telling us very simply, in the year 2013 there will not be sufficient revenue coming in under this pay-as-you-go plan, only sufficient revenue to pay the benefits right there. At that point, in 2012, you have no choice but to cash in the bonds. You take the IOU's and you cash them in.

If this passes, the interest rate is going to be .25 percent more. It will be good for the short term. It will take care of this for the short term. That is the Senator's intent. But if this is long-term solvency, it does not meet that test. It does not, because when cash-in time comes, you will pay more because the interest rate is higher and you pay more.

I just think we should be very, very careful about making Social Security policy or any policy which may increase outlays without sufficient offsets on the floor of the Senate. I hope my colleagues will see this legislation, as I say, does not follow the sense-of-the-Senate vote last week. I know this is the intention.

I attribute not a single ulterior motive to the Senator from Arizona. He is a believer. He says to me often, "Look, I will get a vote on that, regardless of where you are." And he will and he does. And that is his forte.

But, as chairman of the Social Security and Family Policy Subcommittee, we have not had a hearing on this. Win, lose, or draw, I will promise one on this. It makes no difference what happens here. I think we need to have a hearing on this to see that it comports with the long-term solvency of Social Security.

The measure before us acknowledges that increases in the earnings limit will itself worsen the solvency of Social Security, so the offsets are offered. First, of course, is the across-the-board cut in discretionary funding. I have now information—I want to submit it for the RECORD—I think it is very important that we have these figures, that this measure cannot be scored as producing the necessary savings. This

is from Congressional Budget Office today.

This constitutes, thus, a violation of the Budget Act. This legislation, according to CBO, would add $9.9 billion to the budget deficit. That is a violation of the Budget Act.

I point out to my colleagues, even if this offset were to make up for the projected increases in the deficit, it would not resolve the question of solvency in the Social Security trust fund itself. I hope you hear that. That offset money is going to come from the general appropriated revenue. Thus, the balance sheet within Social Security would not be improved, and that is what we have to improve if we are to meet the sense-of-the-Senate recommendation. It would not be improved in any way.

Thus, I believe this offset would not meet the terms of that vote which we state we would only increase the earnings limit if—if—if the solvency of Social Security were not adversely affected.

And finally, another proposed offset—and here is the one—you do not have to listen to it, you do not have to do anything with it, pitch it, throw it over the side of the ship, but the other proposed offset is a devastating one. It increases the interest rates paid on obligations within the Social Security trust fund.

My understanding of this—and the Senator is here and can educate me—but my understanding of this measure is that it will provide a short-term infusion of capital. It will do that. I will agree to that. I will agree that that is the case. But over the long term and the long run, it would mean higher costs, higher outlays as the Social Security trust fund is drawn down. In fact, this legislation goes so far as to increase the interest paid, if I read it—and I need to know this—to increase the interest rate paid on such bonds that have already been issued, effectively reissuing them at higher rates of return, with potentially severe consequences for the long-term solvency of the trust fund.

I am told that the increase in interest rates would bring the overall long-term costs up toward—and, in some cases, even beyond—the so-called high-cost scenario which is used by the trustees of the Social Security system to measure the long-term solvency of Social Security. They tell us where the high-cost scenario is, the low-cost, the mid-cost.

In other words, then, such a measure would move the crash date for Social Security closer in time than it is under current policy. And remember where the crash date is today? It is 2029, crash date. Where was it in the early 1980's, after Senator MOYNIHAN and many others of our fine colleagues righted that listing program? It was 2063. Now it is 2029. In another year, I suppose they will move it up to 2025. Then crater day will be 2020.

So I have also asked the Social Security actuaries to review the consequences of the legislation and I expect to have that from them shortly. My mind is not closed on the subject. I will work with this fine friend and Senator, as chairman of the Social Security and Family Policy Subcommittee; be pleased to have the Senator as a witness, hold hearings. He has been a leader. I know he will continue to be, and indeed he will.

But in the present moment I do not believe that in any sense we should go forward. I think the Senate should sustain the budget point of order lying against this legislation. This is far too serious an issue to be dealt with in this way on the floor of the Senate. I hope the Senate will not take an action which could conceivably worsen the long-term outlook—I am talking about the long-term outlook for Social Security, or which will cause an increase in the outlays permitted to the Finance Committee under the terms of the Budget Act.

Madam President, I ask unanimous consent a letter dated today from June E. O'Neill of the Congressional Budget Office, citing the figures and where we are with regard to this additional $9.9 billion, be printed in the RECORD.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 2, 1995.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: In response to a request from your staff, the Congressional Budget Office (CBO) has prepared the attached cost estimate for S. 1372, the Senior Citizens' Freedom to Work Act. The estimate is based on the bill as introduced, with modifications that the sponsors expect to make prior to action on the Senator floor.

If you wish further details, we will be pleased to provide them. The CBO staff contacts are Wayne Boyington (Social Security), and Jeff Holland (interest on the public debt).

Sincerely,

JUNE E. O'NEILL,
Director.

Attachment.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: S. 1372.

2. Bill title: Senior Citizens' Freedom to Work Act.

3. Bill status: As introduced on October 31, 1995, with modifications that the sponsors expect to make prior to action on the Senate floor.

4. Bill purpose: As modified, S. 1372 would increase the exempt earnings amount for Social Security beneficiaries aged 65–69 in stages to reach $30,000 in 2002, change the interest rate paid on Treasury securities held in the old-age survivors insurance trust fund, and establish sequestration procedures to reduce discretionary spending.

5. Estimated cost to the Federal Government: S. 1372 would provide ad hoc increases in the exempt earnings limit for Social Security recipients who have reached the normal retirement age such that, by 2002, the exempt amount would be $30,000. Additional Social Security benefit payments would total $392 million in 1996 and $9.9 billion over the 1996–2002 period. The bill would attempt to compensate the old-age and survivors insurance (OASI) trust fund by increasing the interest payments made by the Treasury to the trust fund. Consequently, the bill is estimated to increase the off-budget surplus marginally and increase the on-budget deficit by $11.7 billion over the next seven years.

BUDGETARY IMPACT OF S. 1372 AS AMENDED

[By fiscal year, in millions of dollars]

	1996	1997	1998	1999	2000	2001	2002
Direct Spending							
Off-budget:							
Benefit payments:							
Estimated budget authority	392	920	1,241	1,490	1,753	1,988	2,138
Estimated outlays	392	920	1,241	1,490	1,753	1,988	2,138
Receipt of interest payments:							
Estimated budget authority	−908	−1,327	−1,498	−1,685	−1,882	−2,092	−2,318
Estimated outlays	−908	−1,327	−1,498	−1,685	−1,882	−2,092	−2,318
Net off-budget effects:							
Estimated budget authority	−516	−407	−257	−195	−129	−104	−180
Estimated outlays	−516	−407	−257	−195	−129	−104	−180
On-budget:							
Interest payments:							
Estimated budget authority	908	1,327	1,498	1,685	1,882	2,092	2,318
Estimated outlays	908	1,327	1,498	1,685	1,882	2,092	2,318
Total budget:							
Estimated budget authority	392	920	1,241	1,490	1,753	1,988	2,138
Estimated outlays	392	920	1,241	1,490	1,753	1,988	2,138
Authorizations of Appropriations							
On-budget:							
GAO report:							
Estimated authorizations of appropriations	(1)	(1)	0	0	0	0	0

BUDGETARY IMPACT OF S. 1372 AS AMENDED—Continued

[By fiscal year, in millions of dollars]

	1996	1997	1998	1999	2000	2001	2002
Estimated outlays	(1)	(1)	0	0	0	0	0

[1] Less than $500,000.

6. Basis of estimate:

DIRECT SPENDING

Off-budget.—Under current law, Social Security recipients aged 65–69 can earn up to $11,640 in wages during 1996 before facing a reduction in benefits. The exempt amount is increased each year to reflect the growth in average wages in the economy. S. 1372 would increase the exempt amount faster than under current law during the 1996–2002 period. The exempt amount would be increased to $14,500 in 1996 and to $17,500 in 1997. The exempt amount would increase by $2,500 annually for the next five years and reach $30,000 by 2002. Indexing would resume in 2003. The changes would not apply to blind recipients, who currently face the same earnings limit as beneficiaries aged 65–69, nor would Social Security recipients under age 65 be affected.

S. 1372 would raise the interest rates paid on the assets of the OASI trust fund and would increase interest payments to the fund by $908 million in 1996 and $11.7 billion over the 1996–2002 period. These interest payments would be reflected in the off-budget accounts as receipts or negative outlays.

These two changes would increase the off-budget surplus by $516 million in 1996 and by $1.8 billion over the seven-year period.

On-budget.—The additional interest payments made by the Treasury would contribute on-budget direct spending equal to the amount of off-budget interest receipts. Thus, the on-budget deficit is increased by $908 million in 1996 and by $11.7 billion over the 1996–2002 period.

DISCRETIONARY SPENDING

S. 1372 would establish a process by which discretionary spending would be reduced in amounts equal to the additional Social Security benefit payments. Changes in outlays from future appropriations, however, are specifically excluded from the pay-as-you-go procedures of the Balanced Budget Act.

In addition, the bill requires the General Accounting Office to complete a report assessing the effects the increase in the exempt earnings limit has on the economy.

REVENUES

Increasing the amount of money that a Social Security beneficiary may earn without having his or her benefit reduced would increase benefits for some elderly people who are currently working and have their benefits partly or entirely withheld. Although the proposal would encourage additional paid work by some elderly people, such an increase in work would have a negligible effect on the amount of Social Security benefit payments. Because the cost estimate incorporates the economic assumptions in the budget resolution, the estimate does not reflect any change in economywide employment, compensation, or income and payroll tax collections. Even if those additional revenues were included in the cost estimate, however, they would offset less than 20 percent of the additional benefit payments, according to the Social Security Administration.

7. Pay-as-you-go considerations: Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1998. The pay-as-you-go effects of the bill are as follows:

[By fiscal year, in millions of dollars]

	1996	1997	1998
Change in outlays	908	1,327	1,498
Change in receipts	(1)	(1)	(1)

[1] Not applicable.

8. Estimated cost to State and local governments: None.

9. Estimate comparison: None.

10. Previous CBO estimate: None.

11. Estimate prepared by: Wayne Boyington (Social Security), and Jeff Holland (Interest on the public debt).

12. Estimate approved by: Paul N. Van de Water, Assistant Director for Budget Analysis.

Mr. SIMPSON. Madam President, I then respectfully render a point of order under section 302(f) of the Budget Act, and state that in formal fashion. Madam President, the pending measure increases outlays in 1996 and over the 5-year period 1996 to 2000 in excess of the Finance Committee's allocation for these time periods. I therefore raise a point of order under section 302(f) of the Budget Act against this measure.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Madam President, in a minute I will seek to waive the budget point of order and would ask for the yeas and nays on that at the time.

I also ask unanimous consent we would have a vote on that, and that vote take place followed by a return to the Rockefeller pending sense-of-the-Senate amendment.

So I guess my parliamentary request is, I request unanimous consent to temporarily set aside the Rockefeller amendment.

The PRESIDING OFFICER. It does not require setting aside. Without objection, it is so ordered.

The Senator from Arizona.

Mr. McCAIN. Madam President, on this issue I have, of course, the greatest respect and affection for the Senator from Wyoming. I deeply regret it is a Member of my party who is seeking to overturn what is clearly in the Contract With America, a mandate and promise that we made to the American people in 1994.

On the subject of hearings, the Senator from Wyoming wants to have a hearing. While he is sitting there maybe he wants to read the hearing that took place on March 1, 1995, and the hearing that took place on May 24, 1994, last year and the six other hearings that took place on this amendment and the seven or eight times I brought up this issue for debate and discussion on the floor of the Senate. So I am a little bit puzzled when the Senator from Wyoming says we have not had a hearing on it, when on March 1, 1995, I see numerous comments on the issue by the Senator from Wyoming.

I wonder, maybe I would ask him a question, if he remembers being at the hearing in March 1, 1995, and at the hearing on May 24, 1994?

So we have had hearings on this issue. The issue is clear. It is not complicated. Are we or are we not going to lift the earnings test on working Americans? The Senator from Wyoming makes a very compelling case that the Social Security system is in trouble. Then what would be a better cure, what would be a better cure, I ask the Senator from Wyoming, than to allow people to work and help try to return the Social Security system back to the supplemental income it was originally intended to be, because right now there is no incentive for them to be working?

Madam President, the CBO will certify that there will be actually more money in the trust fund as a result of this. I appreciate the problem of the Senator from Wyoming with this money. I asked the Senator from Wyoming, as a member of the Finance Committee, how come it was that on Thursday and Friday of last week somehow they found $13 billion? They just found it because we had a problem. I do not know how they found it. Perhaps the Senator from Wyoming can tell me.

But now what we have is a proposal, which in the short term may cost some money, but the Senator from Wyoming cannot find a single expert—a single expert—who will not say that once this earnings test is lifted, there will be more revenues into the coffers in the form of taxes because more people will work.

The Senator from Wyoming knows that as well as I do because he was present at these hearings.

The fact is, if we adopted this, the interest paid on the Social Security fund would be increased by 2.25 percent each year for the next 7 years. But, also, this bill mandates that the GAO and the Comptroller General analyze the actual effect on the Treasury of raising this earnings test limit, and we know what the result will be.

We know what the result will be. The result will be that the Social Security trust fund that the Senator from Wyoming is deeply concerned about—and I

share his concern—will be healthier as a result of lifting the earnings test. Everybody knows what the difference between static and dynamic budgeting is. Everybody knows that. If everybody believed in that, we would never cut the capital gains tax. We would never cut it if you believe in static scoring of taxation around here. But also everybody knows that, if you cut the capital gains tax, as we did the time seriously under President Kennedy, we increase revenues into our coffers.

As the Senator from Wyoming said, I have been working on this issue for a long time. But so have our colleagues in the House. They passed this bill three times. That is why they asked us to come over here. They want us to fulfill the Contract With America. They want us to fulfill the promise that we made to them in the election in 1994. Right there in the Contract With America was lift the earnings test.

I understand that the Senator from Wyoming did not sign the Contract With America. But I did. So did a lot of other Republicans, and the taxpayers of this country believe that we all did. That is why I am disturbed that the Senator from Wyoming would be the one to oppose this budget point of order.

Madam President, I ask to waive the budget point of order, and I ask for the yeas and nays.

The PRESIDING OFFICER. Will the Senator from Arizona restate the point of order, and was he seeking to waive?

Mr. MCCAIN. I believe that the Senator from Wyoming made the point of order.

Mr. SIMPSON. I made the formal point of order, Madam President.

Mr. MCCAIN. The Senator from Wyoming made the point of order.

Madam President, I move to waive the point of order, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there is sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SIMPSON. Madam President, as a matter of procedure, I believe that point of order that I made was nondebatable but I was willing to go forward.

I ask unanimous consent that I be allowed 3 minutes to reply to the Senator from Arizona.

The PRESIDING OFFICER. The Chair informs the Senator the motion to waive is debatable.

Mr. SIMPSON. I am talking about the point of order. The point of order which I made is nondebatable, if I am not mistaken.

The PRESIDING OFFICER. Once a motion to waive is made, it is in order to debate it.

Mr. SIMPSON. At that time, let the record show that it was not debatable. And I knew that, and I was willing to let my friend go forward. But let me just respond here.

Of course, we are not into ridiculous questions to shoot back and forth at each other. Ridiculous or sarcastic questions serve no purpose here.

I was there. So was the Senator from Arizona. And I can tell you not once did we ever discuss the long-term effects of Social Security on raising the interest rates on securities obligated to the trust fund, or to go back and reissue new interest rates on those. That I can tell you never happened. So let us get that very clear.

We are not here to box each other around and whack on ourselves. We are here to try to get some reason on a very emotional issue which has a tremendous impact on Social Security. If anybody believes that by fiddling with the interest rates on the obligations of Social Security to get a short-term result to get something that someone is pledged to get, then I want to know where the rest of them are going to be too when we do another part of the Contract With America which is to not back, to expose only 50 percent of Social Security benefits to tax instead of 85 percent, and we will do that too. These are bills that nobody will vote against. That is part of the reason they come up. You do not dare vote against this. But I cannot wait for that vote because you know where the money is going to come from when we expose only 50 percent of this money, this benefit to tax instead of 85 percent. It comes from part A, the health insurance trust fund. I hope everybody is ready for that one. That will be contract day at the old ranch.

So, I was there. I remember what we did. I am fully aware that we had hearings. I am fully aware of what they were about. And I am fully aware of what this one is about. It was not anything that we talked about or had a single word about in a hearing, especially with regard to the interest rate on the bonds. We need to ensure that we do not in doing this take actions that injure the long-term solvency of the U.S. Social Security system, and increasing these interest rates could have consequences of which we have no ability to determine. And we have not had hearings on that issue; period.

I have only chaired this subcommittee for several months. If all these things took place before, more power to them. I will get back and rattle around in them too. We will all look at them once again. We cannot change too much, and then we will go ahead and pass it.

And then people between 18 and 45, when they are my age, will look around and blink like a frog in a hailstorm, and they will deserve everything they get.

The PRESIDING OFFICER. The question is on the motion to waive.

Mr. MCCAIN. Madam President, I want to say to the Senator from Wyoming his point is well made. I apologize for saying that issue was a particular part of this issue, as far as the long-term bonds are concerned, that was brought up. It was not brought up, and he is entirely correct. And I apologize for insinuating that aspect of this legislation had been discussed in the past.

The point is that this entire issue is very well known. And the point is that the Senator from Wyoming knows, as well as I do, that witness after witness testified that, if we lift the earnings test, it will result in a net increase in the Social Security trust fund because seniors will work, and seniors will pay more taxes. That is why we have in this bill that in 2 years the GAO and the Comptroller General must report as to the actual effects of lifting the earnings test, which, as I say to any outside observer, will be an increase in funding.

So, if I intimated to the Senator from Wyoming that we had hearings on the actual aspect of the funding, I apologize, and I understand how strongly he feels about the Social Security issue. We share that combative spirit, and I hope that once this amendment is passed that we can work together in the future to solve the larger problem which the Senator from Wyoming articulates in a far more enlightening fashion than anyone I know; and, that is, the problems that face Social Security in general. And our obligation is not only to represent generations of retirees but future generations of Americans.

Mr. SIMPSON. Madam President, I deeply appreciate those comments of my friend, and they are sincere. I take them that way. I am just glad to set that record straight. The Senator from Arizona and I almost have a signal on this issue. We will sit across the room and suddenly someone will mention something, and we just kind of go into a rigor and a catatonic state. Then we usually meet, he looking this way, and me looking this way. And I have found in life a very interesting thing; that oftentimes I see something in someone else that might irritate me. And it is most always something I do myself, that I do not handle very well in my own daily doings. With John MCCAIN of Arizona, I will just say it takes one to know one. And we do. I commend my friend, and he is going to get a nice vote here. And he is going to be tickled to death. There you are.

Thank you, Madam President.

Mr. MCCAIN. Madam President, I thank my friend from Wyoming. He adds to this body in more ways than I am able to describe, especially not the least of which was his brief recitation of his history of his various forms of employment.

I yield the floor, Madam President.

Mr. LEVIN. Mr. President, I support raising the Social Security earnings limit to allow Social Security beneficiaries now subject to the limit to

earn more income. However, I cannot support the motion to waive the budget point of order on the legislation before the Senate today. Raising the earnings limit will draw increased payments out of the Social Security trust fund. Any measure to raise the earnings limit must pay for that change. The legislation before us does not adequately assure that this will be paid for in a manner which will not increase the Federal deficit or in a manner which avoids further cuts in critical education and health programs, including programs for seniors. I am hopeful that a better manner of paying for this change will be designed and that we will raise the Social Security earnings limit. This one falls short.

The PRESIDING OFFICER. The question is on the motion by the Senator from Arizona to waive the point of order. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Oregon [Mr. HATFIELD], the Senator from Indiana [Mr. LUGAR], and the Senator from South Carolina [Mr. THURMOND] are necessarily absent.

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

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "nay."

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] is absent because of illness in the family.

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

The yeas and nays resulted—yeas 53, nays 42, as follows:

[Rollcall Vote No. 562 Leg.]

YEAS—53

Abraham	Gramm	McConnell
Ashcroft	Grams	Moseley-Braun
Baucus	Grassley	Murkowski
Bennett	Gregg	Nickles
Biden	Harkin	Pressler
Brown	Hatch	Reid
Bryan	Heflin	Roth
Burns	Helms	Santorum
Coats	Hollings	Shelby
Coverdell	Hutchison	Simon
Craig	Inhofe	Smith
D'Amato	Jeffords	Snowe
DeWine	Kempthorne	Specter
Dole	Kerry	Stevens
Faircloth	Kyl	Thomas
Ford	Lott	Thompson
Frist	Mack	Warner
Graham	McCain	

NAYS—42

Akaka	Dodd	Kohl
Bingaman	Domenici	Lautenberg
Bond	Dorgan	Leahy
Boxer	Exon	Levin
Breaux	Feingold	Lieberman
Bumpers	Feinstein	Mikulski
Byrd	Glenn	Moynihan
Campbell	Gorton	Murray
Chafee	Inouye	Nunn
Cochran	Johnston	Pell
Cohen	Kassebaum	
Conrad	Kennedy	
Daschle	Kerrey	
Pryor	Rockefeller	Simpson
Robb	Sarbanes	Wellstone

NOT VOTING—4

Bradley	Lugar
Hatfield	Thurmond

The PRESIDING OFFICER (Mr. SANTORUM). On this vote, the ayes are 53, the nays are 42. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to. The point of order is well taken, and the bill is committed to the Finance Committee.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, the Senate has spoken at this time. I want the Senate to know that this is an important issue for seniors of America. They are tired of this onerous, unfair, and outrageous tax.

I am sorry my friends across the aisle did not vote for it. They are going to have a chance to vote for it next week, the week after and the week after, and seniors will let their views be known, and others across America, as to how outrageous this vote was. I hope they understand that I am not going to quit on this issue until it is done, because the seniors of America deserve it.

I yield the floor.

(At the request of Mr. DOLE, the following statement was ordered to be printed in the RECORD.)

POSITION ON VOTE

• Mr. THURMOND. Mr. President, I was necessarily absent from the Senate today, Thursday, November 2, 1995. During my service in the Senate, I have always taken my duty to represent the people of South Carolina seriously and have been absent from Senate business only when necessary.

With regard to the vote on the motion to waive the Budget Act on S. 1372, the Senior Citizens Freedom to Work Act, I am a strong supporter of increasing the earnings test and would have voted in favor of waiving the Budget Act.•

Mr. ROCKEFELLER. Mr. President, I understand and appreciate the concerns of senior citizens about the Social Security earnings limit.

In the past, I have supported increasing the earnings limit for seniors who need to work, but it must be paid for responsibly. Today's proposal raised some questions for me. I was troubled by the effort to further cut domestic discretionary programs.

While cutting domestic discretionary programs sounds simple, cuts of $9 billion could hurt West Virginia families and even seniors. Many of these programs that would be reduced under this proposal have already been cut severely. Plus the list includes fundamental programs for seniors themselves, like senior nutrition programs and the Low-Income Energy Assistance Program which helps seniors in West Virginia and other northern regions keep the heat on during the winter months. Cutting these programs could easily hurt the seniors that we say we intend to help by raising the earnings limit.

Also, as Senator SIMPSON mentioned in his remarks, it is also difficult to determine what the effect might be of changing interest payments to the Social Security trust fund. Senator MCCAIN acknowledged that this aspect of his legislation has not been fully studied, nor was it the focus during previous hearings on the overall issue. When it comes to the long-term solvency of the Social Security trust funds, I firmly believe we must be thoughtful and cautious. Seniors depend upon Social Security, and I want to ensure that they can continue to do so for generations.

I voted for the point of order against Senator MCCAIN's legislation because I believe that we must be cautious, consistent, and careful whenever we deal with the Social Security trust fund. Each and every aspect of this proposal should be fully considered by the Senate Finance Committee. We should not rush to judgment. We should not bend the budget rules when it comes to Social Security.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, let me first say I hope the Senator from Arizona will not be discouraged.

I know a few votes would have made a difference, and I think if we can find another way to pay for it, that will pick up additional votes, at least on this side, perhaps on the other side.

I want to make one announcement and a statement.

PARTIAL-BIRTH ABORTIONS

Mr. DOLE. Mr. President, I wish to commend the House of Representatives, which yesterday passed a ban on the use of partial birth abortions by a margin of 288 to 139.

There are many issues which divide reasonable people on both sides of the abortion debate. But use of this procedure, which occurs late in the pregnancy—even in the ninth month—is horrifying to contemplate and completely indefensible.

I believe that people of good will, whatever their views on abortion generally, will agree that it is our obligation to act to defend the defenseless in circumstances where we can. This is one of those circumstances.

Mr. President, earlier this year, Senator SMITH introduced a similar ban on the use of partial birth abortions. It was placed on the Senate calendar under rule XIV. It is my intention to schedule the House-passed bill for floor

consideration at the earliest possible opportunity. I trust the Senate will pass the bill quickly and send it to the President for his signature.

I have little doubt that certainly the President will sign a bill to end this kind of procedure, this kind of practice.

Mr. BYRD. Mr. President, may we have order in the Senate so we can hear what the majority leader is saying? There are too many conversations going on.

The PRESIDING OFFICER. The Senator is correct. The Senate will please come to order. The majority leader.

Mr. DOLE. Mr. President, we can no longer ignore the fact that teenagers across America are now resorting to illegal drugs in ever-increasing numbers.

The most recent national household survey reveals that marijuana use among teenagers has nearly doubled since 1992, after 13 years of decline. It also reveals that attitudes toward illegal drug use are softening; fewer and fewer teenagers now believe that using illegal drugs is an activity that should be avoided.

Earlier today, the National Parents' Resource Institute for Drug Education [PRIDE], released its own annual survey of drug use by junior and senior high school students. According to the survey, not only are more and more high school students smoking marijuana, they are using it more frequently: one-third of high schools seniors smoked marijuana in the past year and more than 20 percent now smoke it on a monthly basis. The survey also shows that teenage use of hard drugs—cocaine and hallucinogens—is also on the rise. Since 1991, there has been a 36-percent increase in cocaine use by students in grades 9 through 12 and use of hallucinogens has risen a staggering 75 percent since 1988.

Tomorrow, we will probably hear some more disturbing news. If preliminary reports are correct, the Dawn Survey, conducted by the Department of Health and Human Services, will show that emergency room admissions for drug overdoses are on the increase.

Although then-Governor Clinton boasted during the 1992 Democratic Convention that President Bush "hasn't fought a real war on crime and drugs * * * [and] I will," his record in office has not matched his campaign rhetoric. Through neglect and mismanagement, bad policy and misplaced priorities, the Clinton administration has transformed the war on drugs into a full-scale retreat.

Drug interdiction is down. Drug prosecutions are down. The General Accounting Office tells us that the antidrug effort in the source countries is badly mismanaged. And, perhaps most importantly, the moral bully pulpit has been abandoned.

Regrettably, the administration's most prominent voice on this issue has been a surgeon general who believes the best way to fight illegal drugs is to legalize them.

Obviously, we cannot continue down this path. Failing to control illegal drug use has real-life consequences that affect not only the user but the rest of society. Drugs and violent crime, for example, are inextricably linked. Forty-one percent of all reported AIDS cases are drug-related. Drugs are a major contributor to child abuse. And past studies show that heavy drug-users are twice as likely to be high school drop-outs than those who do not use drugs.

So, Mr. President, we must ask ourselves: What can we do to jump-start the fight against drugs?

For starters, we must restore the stigma associated with illegal drug use.

Those of us in positions of authority—whether it is parents or teachers, religious leaders or those who hold elective office—must be willing to repeat over and over again the simple message that using drugs is wrong and that drugs can and do kill.

This message has worked before. It was called the Just Say No campaign. Illegal drug use declined dramatically throughout the 1980's and early 1990's in large part because our culture stigmatized drugs and shamed those who used them. This message got through to millions of teenagers and saved thousands of lives in the process.

Perhaps one of the best kept secrets is that, between 1980 and 1992, overall drug use declined by 50 percent. Cocaine use dropped even further—by more than 70 percent. These successes were the result of many factors, but perhaps the most important factor was the steady antidrug message that came out of Washington and through the media.

As Jim Burke, chairman of the Partnership for Drug-Free America, has explained: "Looking back at the progress made in changing attitudes in the 80's, it is very clear that the media played a very important role in shaping children's antidrug attitudes. We need them now to again increase their role in that regard." I agree.

So, Mr. President, I rise today to do my own part, to help raise public awareness about the disturbing increases in teenage drug use. We must say "enough is enough." Our children must understand that using drugs is not only stupid but life-threatening. This is a message that can never be repeated too often.

LEGISLATION ON LATE-TERM ABORTIONS

Mrs. BOXER. Mr. President, I want to follow up on the remarks of the majority leader in which he stated that next week we will be taking up the ban on late-term abortions. The point I want to make, because he referred to President Clinton, is in a press release that was sent out by the White House. It is true that the House did vote yesterday to ban late-term abortions. Unfortunately, they did not allow any amendments to the bill. And the bill makes no exceptions for life of the mother, for serious health risks to the mother, or for cases of severe fetal abnormalities, such cases where there is such serious abnormalities that organs are outside of the body.

The House did not want to have any reasonable amendments on that bill. It is a very radical bill, and the President restated his long-held belief that though he does not want to see abortions, he wants them to be legal and rare. But the fact is, in a late-term abortion, you must consider the life and the health of the mother.

I feel it is very important that when this bill comes to the U.S. Senate, we have an opportunity to know what we are doing. For the first time, the House has made abortion a criminal act. They would put a doctor in jail, even if the doctor acted to save the life of a woman. Now, surely, we need to study that.

Surely, we should have some hearings in our Judiciary Committee, where we can bring forward the doctors, where we can bring forward the women who have gone through this hellish experience. The House makes up a whole new term for these kinds of abortions. It is not a scientific term. They made it up. I, for one, was not elected to be a doctor. I have great respect for doctors. Many doctors oppose what the House did. I certainly was not elected to be God. I do not know how Senators feel, but, for a moment, I would like them to think about if their loving wife came home to them and said: We have a horrific situation. If I carry this pregnancy to term, I am going to die. I really think there are colleagues on the floor here that never think about this in personal terms.

In the House, they did not allow people to vote a moderate approach to this issue. I think that is a grave injustice to women in this country, to families in this country, to doctors in this country, to common sense in this country. Frankly, it was a grave injustice to the Members of the House, who had no opportunity to vote a moderate vote.

Life of the mother. Oh, they say in that bill a doctor could use it as a defense. He could go in front of a jury and beg for forgiveness and say, "I did it to preserve or protect the life of the mother." But, my goodness, what are we doing here? Why are we so radical when we could craft a bill that would be sensible? I think it is all about ideology, about contracts with America; it is not about real people.

I say to my friends in the U.S. Senate, if your wife came home to you and you were facing losing her, you would say to that doctor, "Save my loving

wife." You would not want that doctor to be hauled off to jail.

I hope this Senate can take a more moderate course. I will stand here and fight for that moderate course for as long as it takes, because I think this is a very important issue to real people.

Mr. President, I yield the floor.

MORNING BUSINESS

Mr. THOMAS. Mr. President, I ask unanimous consent that now there be a period for the transaction of routine morning business, with Senators permitted to speak therein for up to 5 minutes each.

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

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

THE RECONCILIATION BILL

Mr. KENNEDY. Mr. President, in the reconciliation bill, the Republicans have extended an open hand to powerful special interests and the back of their hand to the American people. Senior citizens, students, children, and working families will suffer so that the privileged can profit.

Republicans are engaged in an unseemly scheme to hide what they are doing from the American people. Their proposals are too harsh and too extreme. They cannot stand the light of day—and they know it.

The fundamental injustice of the Republican plan is plain. Mr. President, $270 billion in Medicare cuts that hurt senior citizens are being used to pay for $245 billion in tax cuts that help the wealthiest individuals and corporations in America.

The Republican bills are also loaded with sweetheart deals for special interests, whose money and clout are being used behind closed doors to subvert the public interest and obtain special favors. The sections of the legislation dealing with health care are packed with payola for the powerful.

The dishonor roll of those who will benefit from the giveaways in this Republican plan reads like a "Who's Who" of special interests in the health care industry.

The pharmaceutical industry—the most profitable industry in America—benefits lavishly from the Republican program. The House bill repeals the requirement that the pharmaceutical industry must give discounts to Medicaid nursing home patients and to public hospitals and other institutions serving the poor. The total cost to the taxpayers from these giveaways is $1.2 billion a year—close to $10 billion over the life of the legislation.

The Democrats in the Finance Committee forced the elimination of this giveaway in the Senate bill, and the amendment, which I intend to offer as instructions to the conference, is designed to ensure that it is not included in the conference report.

The American Medical Association also receives lavish benefits in the Republican bill in return for its support of these excessive cuts in Medicare. The weakening of the physicians antifraud and physicians conflict-of-interest rules in the Republican program has been estimated by the Congressional Budget Office to cost taxpayers $1.5 billion over the next 7 years.

Even more harmful to the Medicare patients is the elimination of restrictions on billing, so that doctors will be able to charge more than Medicare will pay, and collect the difference from senior citizens.

Under current law, such billing is prohibited for Medicare patients enrolling in private HMOs or competitive medical plans—the only private plans currently allowed to contract to provide Medicare benefits. The Republican Senate bill eliminates this prohibition for HMOs, and for every private plan. When the plan is fully implemented, senior citizens could pay as much as $5 billion more for medical care a year as a result of the elimination of these protections.

We had this as an amendment during the time of reconciliation. We received some assurance that the billing provisions had been addressed, the double-billing provisions would be addressed, then under review of the language of the reconciliation we find that no place in those over-1,000 pages could you find the kinds of protections that exist there under the Social Security Act.

Our amendment directs the conferees to restore the limits on such billing and maintain strong protections against fraud and abuse.

Another extreme provision of the House bill is its elimination of all the Federal nursing home standards, a payoff to unscrupulous nursing home operators who seek to profit from the misery of senior citizens and the disabled.

The Senate amendment adopted last Friday pretends to restore nursing home standards to the Senate bill but, in fact, it leaves a loophole wide enough to permit continued abuse of tens of thousands of patients.

It allows State waivers that could weaken Federal standards and avoid Federal oversight and enforcement. Weakening current Federal standards is a giveaway to unscrupulous nursing home operators. This amendment instructs the conferees to maintain the current strict standards.

One of the cruel aspects of the Republican proposal is its failure to protect nursing home patients and their relatives from financial abuse.

Mr. REID. Would the Senator yield for a question?

Mr. KENNEDY. Sure.

Mr. REID. Would my friend——

The PRESIDING OFFICER. The time is expired.

Mr. REID. I ask unanimous consent that I be allowed to speak as in morning business for 5 minutes.

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

Mr. REID. And I extend my time to the Senator from Massachusetts.

How would it work around the country if we had 50 different sets of standards, I say to the Senator from Massachusetts, for how you would manage the standards set for rest homes?

Mr. KENNEDY. The Senator has put his finger on something which is basic to the Republican proposal because you would have 50 different standards for nursing homes in the 50 different States, as you probably would with regard to children and children's coverage, as well as the disabled in various States.

Rather than having a national commitment to our seniors that is implicit in the Medicare concept, Medicare is basically an understanding that as seniors get older their incomes go down and their health needs go up. That happens to seniors all over this country. Medicare recognizes that. What we are doing with the nursing home standards is carving out an area where the Republicans fail to give current protections to those senior citizens, but instead, gives protections to the nursing homes—they will be protected.

For example, in my State of Massachusetts it costs $39,000 for nursing home care. If a senior qualifies for Medicaid—which effectively means they have no real further assets other than perhaps a very marginal protection for the spouse which was addressed under a different provision—and that individual is in a nursing home, the Medicaid payment is a payment in full.

Effectively under the Republican program, States may provide only about two-thirds of the Medicaid money to nursing homes. The Republicans are cutting $180 billion out of Medicaid. We now spend $90 billion a year on Medicaid. They are cutting $180 billion out of the program, which is the equivalent of 2 years of the 7, giving that much less money to the States.

In my State I can understand the State saying we can only pay, instead of the $39,000, maybe $25,000. What this legislation will say is, all right, the nursing home can try to sue that family for additional money—not just the $39,000 but maybe $42,000 or $45,000—and at the same time, the Republicans refuse to put in place the nursing home standards. The kind of standards which were developed in order to address the kinds of abuses that were so evidenced in the hearings which our good friend from Arkansas, Senator PRYOR, and others were involved in, in a bipartisan way, in 1987.

Mr. REID. I ask one additional question of my friend.

Is the Senator aware that in 1980, just a few years ago, 40 percent of the

people who were in convalescent homes were restrained—that is, strapped down with some type of narcotic, or they could not move; is the Senator aware of that?

Mr. KENNEDY. I am aware that it was a practice that was used far more often than was necessary. Both the physical restraints and also the sedation, as well as the failure of adequate personal hygiene care for seniors.

Mr. REID. Is the Senator aware since the national standards were established, that figure has dropped dramatically?

Mr. KENNEDY. That is my understanding.

The indications are that since the enactment of the 1987 standards, the overall health evaluation of seniors—basically we are talking about parents and grandparents—in nursing homes has substantially—substantially—improved.

That has been referenced during the course of this debate. It has never really been challenged.

I think not only have the improvements been affirmed by various studies, but one thing that you cannot evaluate in terms of dollars and cents is relieving the families of the anxiety and the concern that they have for their parents. When they visit and see how, in many instances, the parents were treated prior to the 1987 provisions it gave them anxieties. At the same time they had those anxieties they were out working, trying to provide for their children all the time while also worried about their parents.

They had some relief from that type of anxiety as a result of those standards, and under the Republican bill those standards have been altered or changed.

Mr. REID. Mr. President, I ask unanimous consent because of my interruption that the Senator from Massachusetts be allowed to finish his statement.

The PRESIDING OFFICER. The time of the Senator from Nevada has expired.

Mr. KENNEDY. I ask unanimous consent for 4 additional minutes.

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

Mr. KENNEDY. Mr. President, the Republican bill also wipes out the protections that have been in Medicaid since 1965 that prevent States from forcing adult children to pay the cost of their parents' nursing home bill.

The Republican bill even lets States put liens on the houses of nursing home patients, even if the spouse or children are still living there. Obviously, Republican family values stop at the nursing home door.

The amendment instruction which I will offer with others will eliminate these indefensible proposals from the bill.

What a travesty it is for the Republicans to call this a reconciliation bill. The only reconciliation involved is between the Republican majority and their special interest lobbyist friends for whom this bill has become one large feeding trough.

Who knows what additional giveaways will be cooked up behind the closed doors of the conference committee? Adoption of the sense of the Senate which I will propose at the appropriate time is a needed step to expose those sweetheart deals and eliminate them from the bill. I will urge the Senate to adopt it. I wish we had the opportunity to debate this over the course of the week, but we have effectively been denied that opportunity.

Mr. President, finally, last week, when I raised the issue of balance billing on the Senate floor, the chairman of the Budget Committee contended that the Senate finance bill preserved this protection in Medicare.

Let me cite the facts. Section 1876 of the Social Security Act clearly prohibits physicians who are part of HMOs or competitive medical plan networks from making any additional charge to enrollees of that organization. This is in the first part of an instruction I will offer.

It further prohibits charges beyond what Medicare would normally allow even for services provided by physicians not part of the network.

What does the Republican bill do? First, it establishes a whole new category of private plans that can contract with Medicare, the Medicare Choice plans. The limitations in section 1876 do not apply to these new plans. Then it repeals section 1876 effective January 1, 1997, so the existing limitations do not apply to HMOs currently contracting with Medicare.

You can read all 65 pages of the subtitle of the bill establishing Medicare Choice. In fact, you can read all 2,000 pages of the Senate bill, and you will not find the applications that are there in section 1876(j).

You will not find them because they are not there. In fact, just to make the intentions of the authors of this program crystal clear, section 189fC(d)(2)(B) of the new Medicare Choice program requires that enrollees be notified of their "liability for payment amounts billed in excess of the plan's fee schedule."

The Republicans trumpeted their achievement when they passed this bill, but they seem reluctant to go to conference. Do they want to divert public attention from the contents of the bill? What do they want to hide? I can understand their concern. There is much to be ashamed of in it and nothing to be proud of. It is a cruel and unfair bill, it hurts families, senior citizens, and helps only the wealthy and the powerful.

I hope we will have an opportunity to debate this sense of the Senate at an appropriate time so the Senate itself can make a judgment as to whether to endorse and support this sense of the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

THE RECONCILIATION BILL

Mr. WELLSTONE. Mr. President, first of all, let me just join with the Senator from Massachusetts, and I am sure the Senator from Arkansas. We are ready for the debate. We have some amendments with some instructions to conferees. I do not really understand what the majority party is afraid of. I think we ought to have the debate now.

The more I analyze what happened with this reconciliation bill, the more I begin to think about the importance of reform and making this a political process that is responsive to people in the country. I do not mean just the people who are the heavy hitters and the players and the big givers.

It is pretty amazing. The pharmaceutical companies come out great, the doctors come out great—though I want to make it clear there are many doctors in my State, I am very proud to say, who do not go along at all with these draconian cuts in health care. They know the pain it is going to inflict across a broad segment of our population in Minnesota.

But at the same time as we have some special interests that come out of this just doing great, we have a whole lot of people that get hurt. I just want to focus on one other part of this amendment, the language that will read that provisions providing greater or lesser Medicaid spending in States based upon the votes needed for the passage of legislation rather than the needs of the people of those States, that, in fact, this will be eliminated.

I, again, refer to the dark of the night, back-room deal sometime between 6 p.m. and 9 p.m. on Friday evening, where there was wheeling and dealing and Senators in Republican caucus did something like leverage votes for money for States, some kind of process like that. Because all of a sudden we saw a dramatic change in the formula of this amendment. My State of Minnesota wound up with $520 million less between now and 2002 for medical assistance recipients.

In my State of Minnesota, and in every State across the land, when we talk about medical assistance we are talking about senior citizens. Two-thirds of the senior citizens in nursing homes in Minnesota rely on medical assistance. And I would far prefer we get serious about real health care reform, and having had a dad with Parkinson's and a mother who struggled with that as well, I am all for home-based care. I want people to be able to live at home in as near normal circumstances as possible, with dignity.

But sometimes, for people, it happens. It happened with my parents, and we did everything we could to keep them in their homes, and we did for many years. The nursing home at the end of their lives became a home away from home. For God's sake, who makes up those cuts?

In my State of Minnesota we are talking about 300,000 children; 300,000 children. Medical assistance is an important safety net to make sure that children receive some health care. As a former teacher, I want to make it clear to my colleagues: students—young students, children—do not do well in school when they go to school not having had adequate health care. If a child has an abscessed tooth because that child cannot afford dental care, that child is not likely to do well in his or her elementary school class.

For people with disabilities, this is an unbelievably important issue. It is a life or death issue. Because, for families who want to keep their children at home as opposed to institutionalization, the medical assistance payments are critically important. And, for adults who want to get up in the morning and be able to go to work and own their own small business, they need medical assistance for a personal attendant. That is a life with dignity. That is what medical assistance means to those people. So when we are talking about a formula and we are talking about statistics and we are talking about what happened to the State of Minnesota in the dark of night, Friday evening, we are talking about people's lives.

What this part of the amendment is going to say, when we give our instructions to conferees, is that we should undo, reverse those provisions which provided medical assistance spending to States based upon the votes needed for the passage of the legislation rather than the needs of the people in those States. I would like to debate that today, I say to my colleague from Arkansas. I am ready for that debate. I am ready for people to tell me who made that decision between 6 p.m. and 9 p.m. What committee met in public? Who voted? Who is held accountable?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. WELLSTONE. Mr. President, I ask unanimous consent I have 30 more seconds.

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

Mr. WELLSTONE. What was the justification? I would like to hear a careful policy justification. But, Mr. President, I will not. Because there is none.

I know the pain this inflicts on citizens in my State and I intend to fight this all the way until we change this formula. And above and beyond that, I intend to be a part of an effort in this Senate to make sure that we do deficit reduction but we do it on the basis of a standard of fairness, not on the basis of responding to the people who give the money and who have the clout and have their way and are not asked to tighten their belts. But it is the children, the elderly, people with disabilities, the working families, the people who live in the communities.

We are going to change that one way or another. We are going to change that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

GATT AND PRESCRIPTION DRUGS

Mr. PRYOR. Mr. President, on three previous occasions I have come to the floor of the Senate to raise the issue that I wish to discuss today. Each time, I have laid out the facts of a particular problem—in fact, a loophole—which Congress created and which only Congress can fix.

Left uncorrected, that problem will cost the American consumer and the American taxpayer several billion dollars and will unjustly enrich a few pharmaceutical companies enjoying undeserved and unintended special treatment under the GATT treaty.

Over the next several days I intend to spend a few minutes to highlight a different and disturbing aspect of this GATT loophole. Let me give a brief overview, if I might, for those who may not be quite so familiar with the issue, despite the recent attention it has received in the media.

There is a very simple way to describe this issue. It is like a person walking down the sidewalk and finding a wallet. After picking it up, he learns it contains $100 and the rightful owner's name. His question is, "Do I keep the money or do I return it to its rightful owner?"

In this case, this money clearly belongs to the American taxpayer and American consumer. But the drug companies are saying "OK, you made a mistake. But we want the money and we are going to try to keep it. Don't confuse us with the facts." That is what this issue is about.

I know that these companies have hired a swarm of lobbyists to come to Capitol Hill. I know today, in fact, that they are distorting the truth and they are deceiving the public. This issue is all about whether a handful of drug companies will be honest—whether they will give the figurative wallet back to its rightful owner, the American consumer and the American taxpayer.

Any fair-minded person will tell you that these drug companies are on the wrong side of this issue. But with billions of dollars at stake, how do you think they have responded? With a multimillion-dollar lobbying campaign. They are trying to pocket this undeserved profit.

It is difficult to believe the lengths they have gone to. They have distorted the facts. They are deceiving the public, and their unvarnished greed is on display for all to see.

The only argument they can come up with is, "Yes, we knew that a mistake was made. Yes, we haven't done a thing to deserve these billions of dollars. And yes, we know you are trying to correct this mistake. But, hey, this fell into our laps. We're going to do everything we possibly can to keep these dollars."

Mr. President, let me weave together the three pieces of this issue. It is pretty simple. I think they lead to a simple conclusion. We need to fix this problem, and we will let our colleagues judge for themselves as to whether they agree.

The first piece is the loophole itself. When Congress voted on the GATT treaty, we did two things. First, we extended all patents from 17 years to 20 years. Second, we stated in that treaty that a generic company in any industry—not just the drug industry—could market their products on the 17-year expiration date if they had already made a substantial investment and were willing to pay a royalty.

Why did we do this? We did a favor to patent holders, but in doing so, moved the goalposts on generic companies of all kinds. So we thought this was a fair deal and a good balance of commercial interests. It made sense and it makes sense today. Everyone bought onto it—the automotive companies, the computer companies, the high-tech companies, and yes, the drug companies.

Everyone said this is a fair way to solve this problem. We believed it to be fair. And we believed when we voted for the treaty that these provisions covered every person and every product, every company and every industry in the entire country. Everyone had to play by the same set of rules.

Let me emphasize: everyone includes our U.S. Trade Representative, Mickey Kantor. He has attested time and again that this was the case. Letters from Ambassador Kantor to myself and my colleague, Senator CHAFEE, are part of the RECORD.

But Mr. President, we were wrong. We made a mistake and accidentally left the prescription drug industry out of the picture. Today, they get the patent extension of 3 additional years. But the GATT loophole shields them from any generic competition whatsoever; in other words, a free ride for an additional 3 years with no competition—a monopoly, and exorbitant prices. The rest of us are playing by one set of rules while these few companies enjoy special treatment because of our mistake.

That is part 1, Mr. President, and that is the loophole. Part 2 is the windfall.

Mr. President, may I ask if there is additional time?

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

Mr. PRYOR. Mr. President, I ask unanimous consent—I see no other Senator seeking recognition—that my time may be extended for 5 additional minutes.

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

Mr. PRYOR. Mr. President, part 2 is the windfall itself.

Remember: The drug industry is the only industry which enjoys special protection because of this GATT loophole. As a result of that special protection, the American consumer is going to pay more for a handful of bestsellilng drugs—in fact, as much as $2 billion to $6 billion more.

If we take Zantac, an ulcer drug as well as the world's best-selling drug, for example, a consumer is going to have to pay twice as much for Zantac.

If we take Capoten for hypertension, for example, we are going to be paying from 40 to 45 percent more for the next 2 or 3 years for Capoten than we would if we corrected this mistake.

Here, for example, is a bottle of Zantac made by Glaxo Welcome. Typically, you can go to the retail pharmacy and spend $180 for a 2-month supply of Zantac. If we simply correct the GATT loophole, we would have a generic drug out there within weeks, and the consumer could be buying this same bottle of Zantac for no more than $90.

Mr. President, that is outrageous. We should be embarrassed. We should be embarrassed if we do not correct this horrendous mistake. There is no conceivable reason why we should allow this loophole to remain uncorrected.

Do you want a second opinion? Ask Mickey Kantor, the U.S. Trade Representative, as well as the Patent and Trademark Office or the Food and Drug Administration. Ask the people who know. All of them agree that this provision should be fixed and that this loophole should be closed.

The GATT negotiators, Mr. President, the people who personally negotiated the treaty itself and who represented this country in those complex negotiations, say without question that a mistake was made.

Even the drug companies which benefit from our mistake and currently enjoy this undeserved profit admit it was all a mistake. In fact, one of their spokesmen, upon reading our legislative error—and realizing they had gained a multibillion dollar windfall—said, "Eureka."

Mr. President, Congress is faced with a choice: Do the right thing, fix the legislative error and save the taxpayers and the consumers money, or cave in to the lobbying and to the deception of several pharmaceutical companies.

Mr. President, that brings us to the third and the last part of the equation; that is, the solution. What is the solution?

Closing this loophole is very simple. It will not change our patents. It will not violate the sanctity of our patent law. It will not alter our trade policy nor the GATT treaty. It simply applies GATT to those free-riding drug companies the same way it applies to every other company and every other product in America.

This amendment would save consumers as much as $6 billion. The Government would save hundreds of billions of dollars. People are talking about slashing Medicare and Medicaid, and here are billions of dollars that we could save if we would just fix a simple mistake.

Let me add that this is not a partisan issue. It never has been. I hope it will not be. It is about fixing a mistake, saving taxpayer money, and basically doing the right thing.

I know for a fact that many of my colleagues, Republican and Democrat alike, support our amendment. I also know that some of my colleagues have come to me in the last 2 or 3 weeks especially, and have said, "Gosh, we want to vote with you. But we have a Glaxo factory, or we have a Glaxo office, or we have a Glaxo facility in our State, and we do not know if we can be with you or not."

Mr. President, I hope that they will look at the overall picture. There is only one possible reason to oppose this solution. You have to honestly believe that these companies deserve a multibillion-dollar windfall. I do not. You have to ignore the fact that this was a mistake. That is the truth. And you have to believe that the consumers should pay more for those drugs because a legislative drafting error is a sound basis for public policy.

Is that what we believe, Mr. President? I do not believe that is the case in the U.S. Senate.

I have summarized the three pieces of this issue: the loophole, the windfall, and the solution. But there is a dark side to this issue, a shadow cast by a few companies who will enjoy this multibillion-dollar windfall. They have pulled out the stops. They have hired every lobbyist, law firm, and consultant inside and outside the beltway. Their motto is, "Don't confuse me with the facts, because on this one there's just too much money at stake."

This is how a newspaper headline read just last week: "Money Greases Massive Effort to Protect Glaxo Windfall."

Mr. President, Glaxo is the name of the company with the most at stake. They have hired the lawyers, they have hired the lobbyists, and they are here right this minute. They make the No. 1 drug in the world, Zantac. Last year, they sold $2.2 billion worth of Zantac. Every day Glaxo sells $6 million worth of this particular drug. That means the windfall for this single company is absolutely enormous.

The amount of money Glaxo has at stake is $3.6 billion.

That doesn't include the $300 million for Squibb and the more than $100 extra million for Searle.

Mr. President, finally, does our proposed amendment violate the sanctity of patent rights? Of course, it does not.

Here is a letter of September 25, 1995, directed to our friend on the other side of the aisle, from Rhode Island, Senator JOHN CHAFEE. It was signed by Mickey Kantor, our U.S. Trade Representative. It says there is no way that it would violate the sanctity of patent rights. Why is this a question at all? Because, with all of the simple facts against them, Glaxo and its cohorts have had to create an issue out of thin air to lobby with.

Does our amendment curtail research dollars? Certainly not. In the case of Zantac, all of the research on this particular drug was completed 20 years ago. Glaxo has had a 17-year monopoly to collect a fair and deserved return. And does anybody believe Glaxo will commit this money to research? The fact is, the industry still spends more on advertising than it does on research. And when was the last time someone invested money they don't deserve? Look under Glaxo's mattress and look at their campaign donations: that's where this money is going.

In fact, a lot of the underlying research on these products was done at taxpayer expense, not Glaxo's. We fund the National Institutes of Health. We give the industry generous research and development tax write-offs. We protect them in Puerto Rico from paying income taxes by section 936 of the Tax Code. And they still charge the American consumer far more than they charge the overseas consumer.

And now we are about to allow Glaxo and other companies an additional 3 years' worth of illegitimate monopoly. Remember, we are talking about $6 million a day of competition-free cash on one, single product. Is that what we are all about in the United States Senate? Handing out $3.6 billion in consumers' hardearned money as an unjustified bonus?

The great Notre Dame football coach, Lou Holtz, formerly coached the Arkansas Razorbacks. Coach Holtz was known for many things, but one thing that is indelible in my mind is his "do-right" rule. Coach Holtz had a rule that if something was not covered in the rule book or if it was a close question or what have you, he would just say, "Let's use the do-right rule."

Mr. President, I think now is the time for the Senate to adopt a do-right rule—to protect the taxpayer and to protect the consumer from an unjustified, undeserved windfall for a few pharmaceutical companies.

On a few occasions in the near future, I will be discussing this GATT loophole again. I hope that my colleagues in

this body will help us correct this absolutely unthinkable situation. I trust they will join me in correcting this loophole in the GATT treaty.

I thank the Chair. I yield the floor.

I see no others seeking recognition. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GORTON). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CHANGE IN MEMBERSHIP OF THE JOINT COMMITTEE ON TAXATION

The PRESIDING OFFICER. The chair announces, on behalf of the chairman of the Finance Committee, pursuant to section 8002 of title 26, United States Code, a change in the membership of the Joint Committee on Taxation. Mr. CHAFEE has been added to the joint committee. Therefore, the membership of the Joint Committee on Taxation is as follows: the Senator from Delaware [Mr. ROTH]; the Senator from Rhode Island [Mr. CHAFEE]; the Senator from Utah [Mr. HATCH]; the Senator from New York [Mr. MOYNIHAN]; the Senator from Montana [Mr. BAUCUS].

INTERNATIONAL ORGANIZED CRIME AND DRUG TRAFFICKING

Mr. GRASSLEY. Mr. President, I want to welcome President Clinton to the effort to deal with international organized crime. In his recent speech to the United Nations, he noted the rising influence of these groups worldwide and the cost they exact from all nations, costs that are borne most heavily by their unfortunate victims. In his remarks he called for greater international efforts to fight criminal organizations. In sounding this theme he is picking up on something that Congress urged the administration to pursue over a year ago in a Senate resolution to the 1994 crime bill.

Whether it is trafficking in drugs or people. Whether through extortion, murder, and corruption. Whether it is the threat of trafficking in chemical, biological, or nuclear agents. Or whether it is massive fraud aimed at banks, businesses, and governments, organized criminal groups exact billions of dollars in damage. And the human costs are even greater. The drug-blasted lives, the fear, the distortion of economics, and the erosion of decent government in many parts of the world are the product of criminal gangs that have fastened onto social life like leeches. These facts have lead a number of governments to declare criminal organizations to be national security threats. As the crises in Italy and Colombia, the challenges to democracy in Russia, and brazenness of Mexican Mafias show, no country, developed or developing is immune to the cancer of criminal actions.

And these groups are developing a global reach. They have become multinational thug empires that will stop at nothing to turn an illegal profit. No single government is able to deal with these groups singlehandedly, not even the United States. That is why the Congress has held numerous hearings in the past several years on the threat from these groups and has called upon the administration to take the problem seriously. If we are going to respond to these groups and to their corruption of decent life, we must develop the range of responses that can put these people out of business and in jail.

In this regard, we need the intelligence capabilities to target key groups and their leaders. We need to help other countries strengthen their legal frameworks and their police capabilities to combat transnational criminal groups. We need to tighten up our financial control capabilities to prevent these groups from abusing our financial and banking systems. And we need international awareness and a common effort to bring these thugs to justice. That is why the Congress enjoined the administration last year to pursue an international convention that would deny these groups safe havens and the benefits of their plunder.

President Clinton has indicated he believes we face a serious challenge. If he intends to translate his rhetoric into deeds, then he will find support in Congress for his efforts. I hope that we shall see serious proposals from the President that will move us down the path of meaningful and sustained action.

I yield the floor.

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

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

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1996

The PRESIDING OFFICER. Pursuant to the order of September 22, 1995, the Senate will now proceed to the immediate consideration of H.R. 2546, the District of Columbia appropriations bill. Pursuant to that same order, all after the enacting clause of the House bill is stricken and the text of S. 1244, as passed by the Senate, is inserted in lieu thereof, the Senate amendment is agreed to; the bill is deemed read the third time and passed; the motion to reconsider is laid upon the table, and S. 1244 is indefinitely postponed.

So the bill (H.R. 2546), as amended, was passed; as follows:

H.R. 2546

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 District of Columbia for the fiscal year ending September 30, 1996, and for other purposes, namely:

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For payment to the District of Columbia for the fiscal year ending September 30, 1996, $660,000,000, as authorized by section 502(a) of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended (D.C. Code, sec. 47-3406.1).

FEDERAL CONTRIBUTION TO RETIREMENT FUNDS

For the Federal contribution to the Police Officers and Fire Fighters', Teachers', and Judges' Retirement Funds, as authorized by the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866; Public Law 96-122), $52,000,000.

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, $149,793,000 and 1,465 full-time equivalent positions (end of year) (including $118,167,000 and 1,125 full-time equivalent positions from local funds, $2,464,000 and 5 full-time equivalent positions from Federal funds, $4,474,000 and 71 full-time equivalent positions from other funds, and $24,688,000 and 264 full-time equivalent positions from intra-District funds): *Provided*, That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the City Administrator shall be available from this appropriation for expenditures for official purposes: *Provided further*, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: *Provided further*, That $29,500,000 is used for pay-as-you-go capital projects of which $1,500,000 shall be used for a capital needs assessment study, and $28,000,000 shall be used for a new financial management system of which $2,000,000 shall be used to develop a needs analysis and assessment of the existing financial management environment, and the remaining $26,000,000 shall be used to procure the necessary hardware and installation of new software, conversion, testing and training: *Provided further*, That the $26,000,000 shall not be obligated or expended until: (1) the District of Columbia Financial Responsibility and Management Assistance Authority submits a report to the General Accounting Office within 90 days after the date of enactment of this Act reporting the results of the needs analysis and assessment of the existing financial management environment, specifying the deficiencies in, and recommending necessary improvements to or

replacement of the District's financial management system including a detailed explanation of each recommendation and its estimated cost; (2) the General Accounting Office reviews the Authority's report and forwards it along with such comments or recommendations as deemed appropriate on any matter contained therein to the Committees on Appropriations of the House and the Senate, the Committee on Governmental Reform and Oversight of the House, and the Committee on Governmental Affairs of the Senate within 60 days from receipt of the report; and (3) 30 days lapse after receipt by Congress of the General Accounting Office's comments or recommendations.

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, $139,285,000 and 1,692 full-time equivalent positions (end-of-year) (including $66,505,000 and 696 full-time equivalent positions from local funds, $38,792,000 and 509 full-time equivalent positions from Federal funds, $17,658,000 and 260 full-time equivalent positions from other funds, and $16,330,000 and 227 full-time equivalent positions from intra-District funds): *Provided*, That the District of Columbia Housing Finance Agency, established by section 201 of the District of Columbia Housing Finance Agency Act, effective March 3, 1979 (D.C. Law 2-135; D.C. Code, sec. 45-2111), based upon its capability of repayments as determined each year by the Council of the District of Columbia from the Housing Finance Agency's annual audited financial statements to the Council of the District of Columbia, shall repay to the general fund an amount equal to the appropriated administrative costs plus interest at a rate of four percent per annum for a term of 15 years, with a deferral of payments for the first three years: *Provided further*, That notwithstanding the foregoing provision, the obligation to repay all or part of the amounts due shall be subject to the rights of the owners of any bonds or notes issued by the Housing Finance Agency and shall be repaid to the District of Columbia government only from available operating revenues of the Housing Finance Agency that are in excess of the amounts required for debt service, reserve funds, and operating expenses: *Provided further*, That upon commencement of the debt service payments, such payments shall be deposited into the general fund of the District of Columbia.

PUBLIC SAFETY AND JUSTICE

Public safety and justice, including purchase of 135 passenger-carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, $954,106,000 and 11,544 full-time equivalent positions (end-of-year) (including $930,889,000 and 11,365 full-time equivalent positions from local funds, $8,942,000 and 70 full-time equivalent positions from Federal funds, $5,160,000 and 4 full-time equivalent positions from other funds, and $9,115,000 and 105 full-time equivalent positions from intra-District funds): *Provided*, That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Fire Department of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: *Provided further*, That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further*, That the Metropolitan Police Department shall provide quarterly reports to the Committees on Appropriations of the House and Senate on efforts to increase efficiency and improve the professionalism in the department: *Provided further*, That notwithstanding any other provision of law, or Mayor's Order 86-45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be $500,000: *Provided further*, That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: *Provided further*, That the Metropolitan Police Department shall employ an authorized level of sworn officers not to be less than 3,800 sworn officers for the fiscal year ending September 30, 1996: *Provided further*, That funds appropriated for expenses under the District of Columbia Criminal Justice Act, approved September 3, 1974 (88 Stat. 1090; Public Law 93-412; D.C. Code, sec. 11-2601 et seq.), for the fiscal year ending September 30, 1996, shall be available for obligations incurred under the Act in each fiscal year since inception in the fiscal year 1975: *Provided further*, That funds appropriated for expenses under the District of Columbia Neglect Representation Equity Act of 1984, effective March 13, 1985 (D.C. Law 5-129; D.C. Code, sec. 16-2304), for the fiscal year ending September 30, 1996, shall be available for obligations incurred under the Act in each fiscal year since inception in the fiscal year 1985: *Provided further*, That funds appropriated for expenses under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986, effective February 27, 1987 (D.C. Law 6-204; D.C. Code, sec. 21-2060), for the fiscal year ending September 30, 1996, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1989: *Provided further*, That not to exceed $1,500 for the Chief Judge of the District of Columbia Court of Appeals, $1,500 for the Chief Judge of the Superior Court of the District of Columbia, and $1,500 for the Executive Officer of the District of Columbia Courts shall be available from this appropriation for official purposes: *Provided further*, That the District of Columbia shall operate and maintain a free, 24-hour telephone information service whereby residents of the area surrounding Lorton prison in Fairfax County, Virginia, can promptly obtain information from District of Columbia government officials on all disturbances at the prison, including escapes, riots, and similar incidents: *Provided further*, That the District of Columbia government shall also take steps to publicize the availability of the 24-hour telephone information service among the residents of the area surrounding the Lorton prison: *Provided further*, That not to exceed $100,000 of this appropriation shall be used to reimburse Fairfax County, Virginia, and Prince William County, Virginia, for expenses incurred by the counties during the fiscal year ending September 30, 1996, in relation to the Lorton prison complex: *Provided further*, That such reimbursements shall be paid in all instances in which the District requests the counties to provide police, fire, rescue, and related services to help deal with escapes, fires, riots, and similar disturbances involving the prison: *Provided further*, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: *Provided further*, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved.

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, $788,983,000 and 11,670 full-time equivalent positions (end-of-year) (including $670,833,000 and 9,996 full-time equivalent positions from local funds, $87,385,000 and 1,227 full-time equivalent positions from Federal funds, $21,719,000 and 234 full-time equivalent positions from other funds, and $9,046,000 and 213 full-time equivalent positions from intra-District funds), to be allocated as follows: $577,242,000 and 10,167 full-time equivalent positions (including $494,556,000 and 9,014 full-time equivalent positions from local funds, $75,786,000 and 1,058 full-time equivalent positions from Federal funds, $4,343,000 and 44 full-time equivalent positions from other funds, and $2,557,000 and 51 full-time equivalent positions from intra-District funds), for the public schools of the District of Columbia; $109,175,000 from local funds shall be allocated for the District of Columbia Teachers' Retirement Fund; $79,269,000 and 1,079 full-time equivalent positions (including $45,250,000 and 572 full-time equivalent positions from local funds, $10,611,000 and 156 full-time equivalent positions from Federal funds, $16,922,000 and 189 full-time equivalent positions from other funds, and $6,486,000 and 162 full-time equivalent positions from intra-District funds) for the University of the District of Columbia; $21,062,000 and 415 full-time equivalent positions (including $20,159,000 and 408 full-time equivalent positions from local funds, $446,000 and 6 full-time equivalent positions from Federal funds, $454,000 and 1 full-time equivalent position from other funds, and $3,000 from intra-District funds) for the Public Library; $2,267,000 and 9 full-time equivalent positions (including $1,725,000 and 2 full-time equivalent positions from local funds and $542,000 and 7 full-time equivalent positions from Federal funds) for the Commission on the Arts and Humanities; $64,000 from local funds for the District of Columbia School of Law and a reduction of $96,000 for the Education Licensure Commission: *Provided*, That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: *Provided further*, That not to exceed $2,500 for the Superintendent of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for expenditures for official purposes: *Provided further*, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 1996, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area.

HUMAN SUPPORT SERVICES

Human support services, $1,845,638,000 and 6,469 full-time equivalent positions (end-of-year) (including $1,067,516,000 and 3,650 full-time equivalent positions from local funds, $726,685,000 and 2,639 full-time equivalent positions from Federal funds, $46,763,000 and 66 full-time equivalent positions from other funds, and $4,674,000 and 114 full-time equivalent positions from intra-District funds): *Provided*, That $26,000,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further*, That the District shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization (as defined in section 411(5) of Public Law 100–77, approved July 22, 1987) providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to the Stewart B. McKinney Homeless Assistance Act, approved July 22, 1987 (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11301 et seq.).

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and purchase of passenger-carrying vehicles for replacement only, $297,326,000 and 1,914 full-time equivalent positions (end-of-year) (including $225,673,000 and 1,158 full-time equivalent positions from local funds, $2,682,000 and 32 full-time equivalent positions from Federal funds, $18,342,000 and 68 full-time equivalent positions from other funds, and $50,629,000 and 656 full-time equivalent positions from intra-District funds): *Provided*, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business.

WASHINGTON CONVENTION CENTER FUND

For payment to the Washington Convention Center Fund, $5,400,000 from local funds.

REPAYMENT OF LOANS AND INTEREST

For reimbursement to the United States of funds loaned in compliance with An Act to provide for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia, approved August 7, 1946 (60 Stat. 896; Public Law 79–648); section 1 of An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85–451; D.C. Code, sec. 9–219); section 4 of An Act to authorize the Commissioners of the District of Columbia to plan, construct, operate, and maintain a sanitary sewer to connect the Dulles International Airport with the District of Columbia system, approved June 12, 1960 (74 Stat. 211; Public Law 86–515); sections 723 and 743(f) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973, as amended (87 Stat. 821; Public Law 93–198; D.C. Code, sec. 47–321, note; 91 Stat. 1156; Public Law 95–131; D.C. Code, sec. 9–219, note), including interest as required thereby, $327,787,000 from local funds.

REPAYMENT OF GENERAL FUND RECOVERY DEBT

For the purpose of eliminating the $331,589,000 general fund accumulated deficit as of September 30, 1990, $38,678,000 from local funds, as authorized by section 461(a) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973, as amended (105 Stat. 540; Public Law 102–106; D.C. Code, sec. 47–321(a)).

SHORT-TERM BORROWING

For short-term borrowing, $9,698,000 from local funds.

PAY RENEGOTIATION OR REDUCTION IN COMPENSATION

The Mayor shall reduce appropriations and expenditures for personal services in the amount of $46,409,000, by decreasing rates of compensation for District government employees; such decreased rates are to be realized for employees who are subject to collective bargaining agreements to the extent possible through the renegotiation of existing collective bargaining agreements: *Provided*, That, if a sufficient reduction from employees who are subject to collective bargaining agreements is not realized through renegotiating existing agreements, the Mayor shall decrease rates of compensation for such employees, notwithstanding the provisions of any collective bargaining agreements.

RAINY DAY FUND

For mandatory unavoidable expenditures within one or several of the various appropriation headings of this Act, to be allocated to the budgets for personal services and nonpersonal services as requested by the Mayor and approved by the Council pursuant to the procedures in section 4 of the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3–100; D.C. Code, sec. 47–363), $4,563,000 from local funds: *Provided*, That the District of Columbia shall provide to the Committees on Appropriations of the House of Representatives and the Senate quarterly reports by the 15th day of the month following the end of the quarter showing how moneys provided under this fund are expended with a final report providing a full accounting of the fund due October 15, 1996 or not later than 15 days after the last amount remaining in the fund is disbursed.

INCENTIVE BUYOUT PROGRAM

For the purpose of funding costs associated with the incentive buyout program, to be apportioned by the Mayor of the District of Columbia within the various appropriation headings in this Act from which costs are properly payable, $19,000,000.

OUTPLACEMENT SERVICES

For the purpose of funding outplacement services for employees who leave the District of Columbia government involuntarily, $1,500,000.

BOARDS AND COMMISSIONS

The Mayor shall reduce appropriations and expenditures for boards and commissions under the various headings in this Act in the amount of $500,000.

GOVERNMENT RE-ENGINEERING PROGRAM

The Mayor shall reduce appropriations and expenditures for personal and nonpersonal services in the amount of $16,000,000 within one or several of the various appropriation headings in this Act.

PERSONAL AND NONPERSONAL SERVICES ADJUSTMENTS

Notwithstanding any other provision of law, the Mayor shall adjust appropriations and expenditures for personal and nonpersonal services, together with the related full-time equivalent positions, in accordance with the direction of the District of Columbia Financial Responsibility and Management Assistance Authority such that there is a net reduction of $148,411,000, within or among one or several of the various appropriation headings in this Act, pursuant to section 208 of Public Law 104–8, approved April 17, 1995 (109 Stat. 134).

CAPITAL OUTLAY

(INCLUDING RESCISSIONS)

For construction projects, $168,222,000, as authorized by An Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 58–140; D.C. Code, secs. 43–1512 through 43–1519); the District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 101; Public Law 83–364); An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85–451; including acquisition of sites, preparation of plans and specifications, conducting preliminary surveys, erection of structures, including building improvement and alteration and treatment of grounds, to remain available until expended: *Provided*, That $105,660,000 appropriated under this heading in prior fiscal years is rescinded: *Provided further*, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: *Provided further*, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: *Provided further*, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968, approved August 23, 1968 (82 Stat. 827; Public Law 90–495; D.C. Code, sec. 7–134, note), for which funds are provided by this appropriation title, shall expire on September 30, 1997, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 1997: *Provided further*, That upon expiration of any such project authorization the funds provided herein for the project shall lapse.

WATER AND SEWER ENTERPRISE FUND

For the Water and Sewer Enterprise Fund, $193,398,000 and 1,024 full-time equivalent positions (end-of-year) (including $188,221,000 and 924 full-time equivalent positions from local funds, $433,000 from other funds, and $4,744,000 and 100 full-time equivalent positions from intra-District funds), of which $41,036,000 shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects.

For construction projects, $39,477,000, as authorized by An Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 58–140; D.C. Code, sec. 43–1512 et seq.): *Provided*, That the requirements and restrictions that are applicable to general fund capital improvement projects and set forth in this Act under the Capital Outlay appropriation title shall apply to projects approved under this appropriation title.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act for the fiscal year ending September 30, 1982, approved December 4, 1981 (95 Stat. 1174, 1175; Public Law 97-91), as amended, for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172; D.C. Code, secs. 2-2501 et seq. and 22-1516 et seq.), $229,907,000 and 88 full-time equivalent positions (end-of-year) (including $8,099,000 and 88 full-time equivalent positions for administrative expenses and $221,808,000 for non-administrative expenses from revenue generated by the Lottery Board), to be derived from non-Federal District of Columbia revenues: *Provided*, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally-generated revenues: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

CABLE TELEVISION ENTERPRISE FUND

For the Cable Television Enterprise Fund, established by the Cable Television Communications Act of 1981, effective October 22, 1983 (D.C. Law 5-36; D.C. Code, sec. 43-1801 et seq.), $2,469,000 and 8 full-time equivalent positions (end-of-year) (including $2,137,000 and 8 full-time equivalent positions from local funds and $332,000 from other funds), of which $690,000 shall be transferred to the general fund of the District of Columbia.

STARPLEX FUND

For the Starplex Fund, $8,637,000 from other funds for the expenses incurred by the Armory Board in the exercise of its powers granted by An Act To Establish a District of Columbia Armory Board, and for other purposes, approved June 4, 1948 (62 Stat. 339; D.C. Code, sec. 2-301 et seq.) and the District of Columbia Stadium Act of 1957, approved September 7, 1957 (71 Stat. 619; Public Law 85-300; D.C. Code, sec. 2-321 et seq.): *Provided*, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 824; Public Law 93-198; D.C. Code, sec. 47-301(b)).

D.C. GENERAL HOSPITAL

For the District of Columbia General Hospital, established by Reorganization Order No. 57 of the Board of Commissioners, effective August 15, 1953, a reduction of $2,487,000 and a reduction of 180 full-time equivalent positions in intra-District funds.

D.C. RETIREMENT BOARD

For the D.C. Retirement Board, established by section 121 of the District of Columbia Comprehensive Retirement Reform Act of 1989, approved November 17, 1989 (93 Stat. 866; D.C. Code, sec. 1-711), $13,417,000 and 11 full-time equivalent positions (end-of-year) from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: *Provided*, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: *Provided further*, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an item accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

CORRECTIONAL INDUSTRIES FUND

For the Correctional Industries Fund, established by the District of Columbia Correctional Industries Establishment Act, approved October 3, 1964 (78 Stat. 1000; Public Law 88-622), $10,048,000 and 66 full-time equivalent positions (end-of-year) (including $3,415,000 and 22 full-time equivalent positions from other funds and $6,633,000 and 44 full-time equivalent positions from intra-District funds).

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For the Washington Convention Center Enterprise Fund, $37,957,000, of which $5,400,000 shall be derived by transfer from the general fund.

DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY

For the District of Columbia Financial Responsibility and Management Assistance Authority, established by section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 97; Public Law 104-8), $3,500,000.

GENERAL PROVISIONS

SEC. 101. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

SEC. 103. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 104. Appropriations in this Act shall be available, when authorized by the Mayor, for allowances for privately owned automobiles and motorcycles used for the performance of official duties at rates established by the Mayor: *Provided*, That such rates shall not exceed the maximum prevailing rates for such vehicles as prescribed in the Federal Property Management Regulations 101-7 (Federal Travel Regulations).

SEC. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: *Provided*, That the Council of the District of Columbia and the District of Columbia Courts may expend such funds without authorization by the Mayor.

SEC. 106. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: *Provided*, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947, approved March 31, 1956 (70 Stat. 78; Public Law 84-460; D.C. Code, sec. 47-1812.11(c)(3)).

SEC. 107. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of section 544 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Code, sec. 3-205.44), and for the non-Federal share of funds necessary to qualify for Federal assistance under the Juvenile Delinquency Prevention and Control Act of 1968, approved July 31, 1968 (82 Stat. 462; Public Law 90-445; 42 U.S.C. 3801 et seq.).

SEC. 108. 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. 109. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 110. The annual budget for the District of Columbia government for the fiscal year ending September 30, 1997, shall be transmitted to the Congress no later than April 15, 1996.

SEC. 111. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the House Committee on Government Reform and Oversight, District of Columbia Subcommittee, the Subcommittee on General Services, Federalism, and the District of Columbia, of the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative: *Provided*, That none of the funds contained in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name and salary are not available for public inspection.

SEC. 112. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977, effective September 23, 1977 (D.C. Law 2-20; D.C. Code, sec. 47-421 et seq.).

SEC. 113. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 114. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: *Provided*, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowings and spending progress compared with projections.

SEC. 115. The Mayor shall not borrow any funds for capital projects unless the Mayor has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

SEC. 116. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

SEC. 117. None of the funds appropriated by this Act may be obligated or expended by reprogramming except pursuant to advance approval of the reprogramming granted according to the procedure set forth in the Joint Explanatory Statement of the Committee of Conference (House Report No. 96-443), which accompanied the District of Columbia Appropriation Act, 1980, approved October 30, 1979 (93 Stat. 713; Public Law 96-93), as modified in House Report No. 98-265, and in accordance with the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3-100; D.C. Code, sec. 47-361 et seq.).

SEC. 118. None of the Federal funds provided in this Act shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia.

SEC. 119. None of the Federal funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in the Automobile Fuel Efficiency Act of 1980, approved October 10, 1980 (94 Stat. 1824; Public Law 96-425; 15 U.S.C. 2001(2)), with an Environmental Protection Agency estimated miles per gallon average of less than 22 miles per gallon: *Provided*, That this section shall not apply to security, emergency rescue, or armored vehicles.

SEC. 120. (a) Notwithstanding section 422(7) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(7)), the City Administrator shall be paid, during any fiscal year, a salary at a rate established by the Mayor, not to exceed the rate established for level IV of the Executive Schedule under 5 U.S.C. 5315.

(b) For purposes of applying any provision of law limiting the availability of funds for payment of salary or pay in any fiscal year, the highest rate of pay established by the Mayor under subsection (a) of this section for any position for any period during the last quarter of calendar year 1995 shall be deemed to be the rate of pay payable for that position for September 30, 1995.

(c) Notwithstanding section 4(a) of the District of Columbia Redevelopment Act of 1945, approved August 2, 1946 (60 Stat. 793; Public Law 79-592; D.C. Code, sec. 5-803(a)), the Board of Directors of the District of Columbia Redevelopment Land Agency shall be paid, during any fiscal year, per diem compensation at a rate established by the Mayor.

SEC. 121. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(3)), shall apply with respect to the compensation of District of Columbia employees: *Provided*, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5 of the United States Code.

SEC. 122. The Director of the Department of Administrative Services may pay rentals and repair, alter, and improve rented premises, without regard to the provisions of section 322 of the Economy Act of 1932 (Public Law 72-212; 40 U.S.C. 278a), upon a determination by the Director, that by reason of circumstances set forth in such determination, the payment of these rents and the execution of this work, without reference to the limitations of section 322, is advantageous to the District in terms of economy, efficiency, and the District's best interest.

SEC. 123. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 1996, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 1996 revenue estimates as of the end of the first quarter of fiscal year 1996. These estimates shall be used in the budget request for the fiscal year ending September 30, 1997. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 124. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Code, sec. 1-1183.3), except that the District of Columbia Public Schools may renew or extend sole source contracts for which competition is not feasible or practical, provided that the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated Board of Education rules and procedures.

SEC. 125. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended, the term "program, project, and activity" shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: *Provided*, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended.

SEC. 126. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended, after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: *Provided*, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended.

SEC. 127. For the fiscal year ending September 30, 1996, the District of Columbia shall pay interest on its quarterly payments to the United States that are made more than 60 days from the date of receipt of an itemized statement from the Federal Bureau of Prisons of amounts due for housing District of Columbia convicts in Federal penitentiaries for the preceding quarter.

SEC. 128. Nothing in this Act shall be construed to authorize any office, agency or entity to expend funds for programs or functions for which a reorganization plan is required but has not been approved by the Council pursuant to section 422(12) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(12)) and the Governmental Reorganization Procedures Act of 1981, effective October 17, 1981 (D.C. Law 4-42; D.C. Code, secs. 1-299.1 to 1-299.7). Appropriations made by this Act for such programs or functions are conditioned on the approval by the Council, prior to October 1, 1995, of the required reorganization plans.

SEC. 129. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 1996 if—

(1) the Mayor approves the acceptance and use of the gift or donation: *Provided*, That the Council of the District of Columbia may accept and use gifts without prior approval by the Mayor; and

(2) the entity uses the gift or donation to carry out its authorized functions or duties.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a) of this section, and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term "entity of the District of Columbia government" includes an independent agency of the District of Columbia.

(d) This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 130. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representatives under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979, effective March 10, 1981 (D.C. Law 3-171; D.C. Code, sec. 1-113(d)).

PROHIBITION AGAINST USE OF FUNDS FOR ABORTIONS

SEC. 131. (a) IN GENERAL.—Section 602(a) of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 1-233(a), D.C. Code), as amended by section 108(b)(2) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, is amended—

(1) by striking "or" at the end of paragraph (9);

(2) by striking the period at the end of paragraph (10) and inserting "; or"; and

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

"(11) enact any act, resolution, or rule which obligates or expends funds of the District of Columbia (without regard to the source of such funds) for any abortion, or which appropriates funds to any facility owned or operated by the District of Columbia in which any abortion is performed, except where the life of the mother would be endangered if the fetus were carried to term, or in cases of forcible rape reported within 30 days to a law enforcement agency, or cases

of incest reported to a law enforcement agency or child abuse agency prior to the performance of the abortion.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to acts, resolutions, or rules of the Council of the District of Columbia which take effect in fiscal years beginning with fiscal year 1996.

SEC. 132. None of the funds appropriated in this Act shall be obligated or expended on any proposed change in either the use or configuration of, or on any proposed improvement to, the Municipal Fish Wharf until such proposed change or improvement has been reviewed and approved by Federal and local authorities including, but not limited to, the National Capital Planning Commission, the Commission of Fine Arts, and the Council of the District of Columbia, in compliance with applicable local and Federal laws which require public hearings, compliance with applicable environmental regulations including, but not limited to, any amendments to the Washington, D.C. urban renewal plan which must be approved by both the Council of the District of Columbia and the National Capital Planning Commission.

SEC. 133. (a) SENSE OF CONGRESS.—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 agency of the Federal or District of Columbia government, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 134. (a) No funds made available pursuant to any provision of this Act shall be used to implement or enforce any system of registration of unmarried, cohabiting couples whether they are homosexual, lesbian, or heterosexual, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis such benefits are extended to legally married couples.

(b) The Health Care Benefits Expansion Act (D.C. Law 9-114; sec. 36-1401 et seq., D.C. Code) is hereby repealed.

SEC. 135. Sections 431(f) and 433(b)(5) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; Public Law 93-198; D.C. Code, secs. 11-1524 and title 11, App. 433), are amended to read as follows:

(a) Section 431(f) (D.C. Code, sec. 11-1524) is amended to read as follows:

"(f) Members of the Tenure Commission shall serve without compensation for services rendered in connection with their official duties on the Commission.".

(b) Section 433(b)(5) (title 11, App. 433) is amended to read as follows:

"(5) Members of the Commission shall serve without compensation for services rendered in connection with their official duties on the Commission.".

SEC. 136. Section 451 of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 803; Public Law 93-198; D.C. Code, sec. 1-1130), is amended by adding a new subsection (c) to read as follows:

"(c)(1) The District may enter into multiyear contracts to obtain goods and services for which funds would otherwise be available for obligation only within the fiscal year for which appropriated.

"(2) If the funds are not made available for the continuation of such a contract into a subsequent fiscal year, the contract shall be cancelled or terminated, and the cost of cancellation or termination may be paid from—

"(A) appropriations originally available for the performance of the contract concerned;

"(B) appropriations currently available for procurement of the type of acquisition covered by the contract, and not otherwise obligated; or

"(C) funds appropriated for those payments.

"(3) No contract entered into under this section shall be valid unless the Mayor submits the contract to the Council for its approval and the Council approves the contract (in accordance with criteria established by act of the Council). The Council shall be required to take affirmative action to approve the contract within 45 days. If no action is taken to approve the contract within 45 calendar days, the contract shall be deemed disapproved.".

SEC. 137. The District of Columbia Real Property Tax Revision Act of 1974, approved September 3, 1974 (88 Stat. 1051; D.C. Code, sec. 47-801 et seq.), is amended as follows:

(1) Section 412 (D.C. Code, sec. 47-812) is amended as follows:

(A) Subsection (a) is amended by striking the third and fourth sentences and inserting the following sentences in their place: "If the Council does extend the time for establishing the rates of taxation on real property, it must establish those rates for the tax year by permanent legislation. If the Council does not establish the rates of taxation of real property by October 15, and does not extend the time for establishing rates, the rates of taxation applied for the prior year shall be the rates of taxation applied during the tax year.".

(B) A new subsection (a-2) is added to read as follows:

"(a-2) Notwithstanding the provisions of subsection (a) of this section, the real property tax rates for taxable real property in the District of Columbia for the tax year beginning October 1, 1995, and ending September 30, 1996, shall be the same rates in effect for the tax year beginning October 1, 1993, and ending September 30, 1994.".

(2) Section 413(c) (D.C. Code, sec. 47-815(c)) is repealed.

SEC. 138. Title 18 U.S.C. 1761(b) is amended by striking the period at the end and inserting the phrase "or not-for-profit organizations." in its place.

SEC. 139. Within 120 days of the effective date of this Act, the Mayor shall submit to the Congress and the Council a report delineating the actions taken by the executive to effect the directives of the Council in this Act, including—

(1) negotiations with representatives of collective bargaining units to reduce employee compensation;

(2) actions to restructure existing long-term city debt;

(3) actions to apportion the spending reductions anticipated by the directives of this Act to the executive for unallocated reductions; and

(4) a list of any position that is backfilled including description, title, and salary of the position.

SEC. 140. The Board of Education shall submit to the Congress, Mayor, and Council of the District of Columbia no later than fifteen (15) calendar days after the end of each month a report that sets forth—

(1) current month expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections vs. budget broken out on the basis of control center, responsibility center, agency reporting code, and object class, and for all funds, including capital financing;

(2) a breakdown of FTE positions and staff for the most current pay period broken out on the basis of control center, responsibility center, and agency reporting code within each responsibility center, for all funds, including capital funds;

(3) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and agency reporting code, and for all funding sources;

(4) a list of all active contracts in excess of $10,000 annually, which contains; the name of each contractor; the budget to which the contract is charged broken out on the basis of control center, responsibility center, and agency reporting code; and contract identifying codes used by the D.C. Public Schools; payments made in the last month and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(5) all reprogramming requests and reports that are required to be, and have been, submitted to the Board of Education; and

(6) changes made in the last month to the organizational structure of the D.C. Public Schools, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

SEC. 141. The University of the District of Columbia shall submit to the Congress, Mayor, and Council of the District of Columbia no later than fifteen (15) calendar days after the end of each month a report that sets forth—

(1) current month expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections vs. budget broken out on the basis of control center, responsibility center, and object class, and for all funds, including capital financing;

(2) a breakdown of FTE positions and all employees for the most current pay period broken out on the basis of control center and responsibility center, for all funds, including capital funds.

(3) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and for all funding sources;

(4) a list of all active contracts in excess of $10,000 annually, which contains: the name of each contractor; the budget to which the contract is charged broken out on the basis of control center and responsibility center, and contract identifying codes used by the University of the District of Columbia; payments made in the last month and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(5) all reprogramming requests and reports that have been made by the University of the District of Columbia within the last month in compliance with applicable law; and

(6) changes made in the last month to the organizational structure of the University of the District of Columbia, displaying previous and current control centers and responsibility centers, the names of the organizational

entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

SEC. 142. (a) The Board of Education of the District of Columbia and the University of the District of Columbia shall annually compile an accurate and verifiable report on the positions and employees in the public school system and the university, respectively. The annual report shall set forth—

(1) the number of validated schedule A positions in the District of Columbia Public Schools and the University of the District of Columbia for fiscal year 1995, fiscal year 1996, and thereafter on full-time equivalent basis, including a compilation of all positions by control center, responsibility center, funding source, position type, position title, pay plan, grade, and annual salary; and

(2) a compilation of all employees in the District of Columbia Public Schools and the University of the District of Columbia as of the preceding December 31, verified as to its accuracy in accordance with the functions that each employee actually performs, by control center, responsibility center, agency reporting code, program (including funding source), activity, location for accounting purposes, job title, grade and classification, annual salary, and position control number.

(b) The annual report required by subsection (a) of this section shall be submitted to the Congress, the Mayor and Council of the District of Columbia, by not later than February 8 of each year.

SEC. 143. (a) Not later than October 1, 1995, or within 15 calendar days after the date of the enactment of the District of Columbia Appropriations Act, 1996, whichever occurs later, and each succeeding year, the Board of Education and the University of the District of Columbia shall submit to the Congress, the Mayor, and Council of the District of Columbia, a revised appropriated funds operating budget for the public school system and the University of the District of Columbia for such fiscal year that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures.

(b) The revised budget required by subsection (a) of this section shall be submitted in the format of the budget that the Board of Education and the University of the District of Columbia submit to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia pursuant to section 442 of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended (D.C. Code, sec. 47-301).

SEC. 144. The Board of Education, the Board of Trustees of the University of the District of Columbia, the Board of Library Trustees, and the Board of Governors of the D.C. School of Law shall vote on and approve their respective annual or revised budgets before submission to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia in accordance with section 442 of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended (D.C. Code, sec. 47-301), or before submitting their respective budgets directly to the Council.

SEC. 145. Notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public Schools employees shall be a non-negotiable item for collective bargaining purposes.

SEC. 146. (a) No agency, including an independent agency, shall fill a position wholly funded by appropriations authorized by this Act, which is vacant on October 1, 1995, or becomes vacant between October 1, 1995, and September 30, 1996, unless the Mayor or independent agency submits a proposed resolution of intent to fill the vacant position to the Council. The Council shall be required to take affirmative action on the Mayor's resolution within 30 legislative days. If the Council does not affirmatively approve the resolution within 30 legislative days, the resolution shall be deemed disapproved.

(b) No reduction in the number of full-time equivalent positions or reduction-in-force due to privatization or contracting out shall occur if the District of Columbia Financial Responsibility and Management Assistance Authority, established by section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 97; Public Law 104-8), disallows the full-time equivalent position reduction provided in this act in meeting the maximum ceiling of 35,771 for the fiscal year ending September 30, 1996.

(c) This section shall not prohibit the appropriate personnel authority from filling a vacant position with a District government employee currently occupying a position that is funded with appropriated funds.

(d) This section shall not apply to local school-based teachers, school-based officers, or school-based teachers' aides; or court personnel covered by title 11 of the D.C Code, except chapter 23.

SEC. 147. (a) Not later than 15 days after the end of every fiscal quarter (beginning October 1, 1995), the Mayor shall submit to the Council a report with respect to the employees on the capital project budget for the previous quarter.

(b) Each report submitted pursuant to subsection (a) of this section shall include the following information—

(1) a list of all employees by position, title, grade and step;

(2) a job description, including the capital project for which each employee is working;

(3) the date that each employee began working on the capital project and the ending date that each employee completed or is projected to complete work on the capital project; and

(4) a detailed explanation justifying why each employee is being paid with capital funds.

SEC. 148. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 et seq.), is amended as follows:

(a) Section 301 (D.C. Code, sec. 1-603.1) is amended as follows:

(1) A new paragraph (13A) is added to read as follows:

"(13A) 'Nonschool-based personnel' means any employee of the District of Columbia Public Schools who is not based at a local school or who does not provide direct services to individual students.".

(2) A new paragraph (15A) is added to read as follows:

"(15A) 'School administrators' means principals, assistant principals, school program directors, coordinators, instructional supervisors, and support personnel of the District of Columbia Public Schools.".

(b) Section 801A(b)(2) (D.C. Code, sec. 1-609.1(b)(2)) is amended by adding a new subparagraph (L-i) to read as follows:

"(L-i) Notwithstanding any other provision of law, the Board of Education shall not issue rules that require or permit nonschool-based personnel or school administrators to be assigned or reassigned to the same competitive level as classroom teachers;"

(c) Section 2402 (D.C. Code, sec. 1-625.2) is amended by adding a new subsection (f) to read as follows:

"(f) Notwithstanding any other provision of law, the Board of Education shall not require or permit nonschool-based personnel or school administrators to be assigned or reassigned to the same competitive level as classroom teachers.".

SEC. 149. (a) Notwithstanding any other provision of law, rule, or regulation, an employee of the District of Columbia Public Schools shall be—

(1) classified as an Educational Service employee;

(2) placed under the personnel authority of the Board of Education; and

(3) subject to all Board of Education rules.

(b) School-based personnel shall constitute a separate competitive area from nonschool-based personnel who shall not compete with school-based personnel for retention purposes.

SEC. 150. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 et seq.), is amended as follows:

(a) Section 2401 (D.C. Code, sec. 1-625.1) is amended by amending the third sentence to read as follows: "A personnel authority may establish lesser competitive areas within an agency on the basis of all or a clearly identifiable segment of an agency's mission or a division or major subdivision of an agency.".

(b) A new section 2406 is added to read as follows:

"SEC. 2406. Abolishment of positions for Fiscal Year 1996.

"(a) Notwithstanding any other provision of law, regulation, or collective bargaining agreement either in effect or to be negotiated while this legislation is in effect for the fiscal year ending September 30, 1996, each agency head is authorized, within the agency head's discretion, to identify positions for abolishment.

"(b) Prior to February 1, 1996, each personnel authority shall make a final determination that a position within the personnel authority is to be abolished.

"(c) Notwithstanding any rights or procedures established by any other provision of this title, any District government employee, regardless of date of hire, who encumbers a position identified for abolishment shall be separated without competition or assignment rights, except as provided in this section.

"(d) An employee affected by the abolishment of a position pursuant to this section who, but for this section would be entitled to compete for retention, shall be entitled to 1 round of lateral competition pursuant to Chapter 24 of the District of Columbia Personnel Manual, which shall be limited to positions in the employee's competitive level.

"(e) Each employee who is a bona fide resident of the District of Columbia shall have added 5 years to his or her creditable service for reduction-in-force purposes. For purposes of this subsection only, a nonresident District employee who was hired by the District government prior to January 1, 1980, and has not had a break in service since that date, or a former employee of the U.S. Department of Health and Human Services at Saint Elizabeths Hospital who accepted employment

with the District government on October 1, 1987, and has not had a break in service since that date, shall be considered a District resident.

"(f) Each employee selected for separation pursuant to this section shall be given written notice of at least 30 days before the effective date of his or her separation.

"(g) Neither the establishment of a competitive area smaller than an agency, nor the determination that a specific position is to be abolished, nor separation pursuant to this section shall be subject to review except as follows—

"(1) an employee may file a complaint contesting a determination or a separation pursuant to title XV of this Act or section 303 of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Code, sec. 1-2543); and

"(2) an employee may file with the Office of Employee Appeals an appeal contesting that the separation procedures of subsections (d) and (f) of this section were not properly applied.

"(h) An employee separated pursuant to this section shall be entitled to severance pay in accordance with title XI of this Act, except that the following shall be included in computing creditable service for severance pay for employees separated pursuant to this section—

"(1) four years for an employee who qualified for veteran's preference under this act, and

"(2) three years for an employee who qualified for residency preference under this act.

"(i) Separation pursuant to this section shall not affect an employee's rights under either the Agency Reemployment Priority Program or the Displaced Employee Program established pursuant to Chapter 24 of the District Personnel Manual.

"(j) The Mayor shall submit to the Council a listing of all positions to be abolished by agency and responsibility center by March 1, 1996, or upon the delivery of termination notices to individual employees.

"(k) Notwithstanding the provisions of section 1708 or section 2402(d), the provisions of this act shall not be deemed negotiable.

"(l) A personnel authority shall cause a 30-day termination notice to be served, no later than September 1, 1996, on any incumbent employee remaining in any position identified to be abolished pursuant to subsection (b) of this section".

SEC. 151. Notwithstanding any other provision of law, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 1996 under the caption "Division of Expenses" shall not exceed $4,867,283,000.

REQUIRING DEVELOPMENT OF PLAN TO CLOSE LORTON CORRECTIONAL COMPLEX

SEC. 152. (a) DEVELOPMENT OF PLAN.—

(1) IN GENERAL.—Not later than February 15, 1996, the District of Columbia shall develop a plan for closing the Lorton Correctional Complex over a transition period not to exceed 5 years in length.

(2) REQUIREMENTS OF PLAN.—The plan developed by the District of Columbia under paragraph (1) shall meet the following requirements:

(A) Under the plan, the Lorton Correctional Complex will be closed by the expiration of the transition period.

(B) Under the plan, the District of Columbia may not operate any correctional facilities on the Federal property known as the Lorton Complex located in Fairfax County, Virginia, after the expiration of the transition period.

(C) The plan shall include provisions specifying how and to what extent the District will utilize alternative management, including the private sector, for the operation of correctional facilities for the District, and shall include provisions describing the treatment under such alternative management (including under contracts) of site selection, design, financing, construction, and operation of correctional facilities for the District.

(D) The plan shall include an implementation schedule, together with specific performance measures and timelines to determine the extent to which the District is meeting the schedule during the transition period.

(E) Under the plan, the Mayor of the District of Columbia shall submit a semi-annual report to the President, Congress, and the District of Columbia Financial Responsibility and Management Assistance Authority describing the actions taken by the District under the plan, and in addition shall regularly report to the President, Congress, and the District of Columbia Financial Responsibility and Management Assistance Authority on all significant measures taken under the plan as soon as such measures are taken.

(b) CONSISTENCY WITH FINANCIAL PLAN AND BUDGET.—In developing the plan under subsection (a), the District of Columbia shall ensure that for each of the years during which the plan is in effect, the plan shall be consistent with the financial plan and budget for the District of Columbia for the year under subtitle A of title II of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(c) SUBMISSION OF PLAN.—Upon completing the development of the plan under subsection (a), the District of Columbia shall submit the plan to the President, Congress, and the District of Columbia Financial Responsibility and Management Assistance Authority.

PROHIBITION AGAINST ADOPTION BY UNMARRIED COUPLES

SEC. 153. (a) IN GENERAL.—Section 16-302, D.C. Code, is amended—

(1) by striking "Any person" and inserting "(a) Subject to subsection (b), any person"; and

(2) by adding at the end the following subsection:

"(b) No person may join in a petition under this section unless the person is the spouse of the petitioner.".

(b) NO EFFECT ON PETITIONS FOR ADOPTION FILED BY INDIVIDUAL UNMARRIED PETITIONER.—Nothing in section 16-302(b), D.C. Code (as added by subsection (a)) shall be construed to affect the ability of any unmarried person to file a petition for adoption in the Superior Court of the District of Columbia where no other person joins in the petition.

TECHNICAL CORRECTIONS TO FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE ACT

SEC. 154. (a) REQUIRING GSA TO PROVIDE SUPPORT SERVICES.—Section 103(f) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 is amended by striking "may provide" and inserting "shall promptly provide".

(b) AVAILABILITY OF CERTAIN FEDERAL BENEFITS FOR INDIVIDUALS WHO BECOME EMPLOYED BY THE AUTHORITY.—

(1) FORMER FEDERAL EMPLOYEES.—Subsection (e) of section 102 of such Act is amended to read as follows:

"(e) PRESERVATION OF RETIREMENT AND CERTAIN OTHER RIGHTS OF FEDERAL EMPLOYEES WHO BECOME EMPLOYED BY THE AUTHORITY.—

"(1) IN GENERAL.—Any Federal employee who becomes employed by the Authority—

"(A) may elect, for the purposes set forth in paragraph (2)(A), to be treated, for so long as that individual remains continuously employed by the Authority, as if such individual had not separated from service with the Federal Government, subject to paragraph (3); and

"(B) shall, if such employee subsequently becomes reemployed by the Federal Government, be entitled to have such individual's service with the Authority treated, for purposes of determining the appropriate leave accrual rate, as if it had been service with the Federal Government.

"(2) EFFECT OF AN ELECTION.—An election made by an individual under the provisions of paragraph (1)(A)—

"(A) shall qualify such individual for the treatment described in such provisions for purposes of—

"(i) chapter 83 or 84 of title 5, United States Code, as appropriate (relating to retirement), including the Thrift Savings Plan;

"(ii) chapter 87 of such title (relating to life insurance); and

"(iii) chapter 89 of such title (relating to health insurance); and

"(B) shall disqualify such individual, while such election remains in effect, from participating in the programs offered by the government of the District of Columbia (if any) corresponding to the respective programs referred to in subparagraph (A).

"(3) CONDITIONS FOR AN ELECTION TO BE EFFECTIVE.—An election made by an individual under paragraph (1)(A) shall be ineffective unless—

"(A) it is made before such individual separates from service with the Federal Government; and

"(B) such individual's service with the Authority commences within 3 days after so separating (not counting any holiday observed by the government of the District of Columbia).

"(4) CONTRIBUTIONS.—If an individual makes an election under paragraph (1)(A), the Authority shall, in accordance with applicable provisions of law referred to in paragraph (2)(A), be responsible for making the same deductions from pay and the same agency contributions as would be required if it were a Federal agency.

"(5) REGULATIONS.—Any regulations necessary to carry out this subsection shall be prescribed by—

"(A) the Office of Personnel Management, to the extent that any program administered by the Office is involved;

"(B) the appropriate office or agency of the government of the District of Columbia, to the extent that any program administered by such office or agency is involved; and

"(C) the Executive Director referred to in section 8474 of title 5, United States Code, to the extent that the Thrift Savings Plan is involved.".

(2) OTHER INDIVIDUALS.—Section 102 of such Act is further amended by adding at the end the following:

"(f) FEDERAL BENEFITS FOR OTHERS.—

"(1) IN GENERAL.—The Office of Personnel Management, in conjunction with each corresponding office or agency of the government of the District of Columbia, shall prescribe regulations under which any individual who becomes employed by the Authority (under circumstances other than as described in subsection (e)) may elect either—

"(A) to be deemed a Federal employee for purposes of the programs referred to in subsection (e)(2)(A)(i)-(iii); or

"(B) to participate in 1 or more of the corresponding programs offered by the government of the District of Columbia.

"(2) EFFECT OF AN ELECTION.—An individual who elects the option under subparagraph (A) or (B) of paragraph (1) shall be disqualified, while such election remains in effect, from participating in any of the programs referred to in the other such subparagraph.

"(3) DEFINITION OF 'CORRESPONDING OFFICE OR AGENCY'.—For purposes of paragraph (1), the term 'corresponding office or agency of the government of the District of Columbia' means, with respect to any program administered by the Office of Personnel Management, the office or agency responsible for administering the corresponding program (if any) offered by the government of the District of Columbia.

"(4) THRIFT SAVINGS PLAN.—To the extent that the Thrift Savings Plan is involved, the preceding provisions of this subsection shall be applied by substituting 'the Executive Director referred to in section 8474 of title 5, United States Code' for 'the Office of Personnel Management'.".

(3) EFFECTIVE DATE; ADDITIONAL ELECTION FOR FORMER FEDERAL EMPLOYEES SERVING ON DATE OF ENACTMENT; ELECTION FOR EMPLOYEES APPOINTED DURING INTERIM PERIOD.—

(A) EFFECTIVE DATE.—Not later than 6 months after the date of enactment of this Act, there shall be prescribed (and take effect)—

(i) regulations to carry out the amendments made by this subsection; and

(ii) any other regulations necessary to carry out this subsection.

(B) ADDITIONAL ELECTION FOR FORMER FEDERAL EMPLOYEES SERVING ON DATE OF ENACTMENT.—

(i) IN GENERAL.—Any former Federal employee employed by the Authority on the effective date of the regulations referred to in subparagraph (A)(i) may, within such period as may be provided for under those regulations, make an election similar, to the maximum extent practicable, to the election provided for under section 102(e) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, as amended by this subsection. Such regulations shall be prescribed jointly by the Office of Personnel Management and each corresponding office or agency of the government of the District of Columbia (in the same manner as provided for in section 102(f) of such Act, as so amended).

(ii) EXCEPTION.—An election under this subparagraph may not be made by any individual who—

(I) is not then participating in a retirement system for Federal employees (disregarding Social Security); or

(II) is then participating in any program of the government of the District of Columbia referred to in section 102(e)(2)(B) of such Act (as so amended).

(C) ELECTION FOR EMPLOYEES APPOINTED DURING INTERIM PERIOD.—

(i) FROM THE FEDERAL GOVERNMENT.—Subsection (e) of section 102 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (as last in effect before the date of enactment of this Act) shall be deemed to have remained in effect for purposes of any Federal employee who becomes employed by the District of Columbia Financial Responsibility and Management Assistance Authority during the period beginning on such date of enactment and ending on the day before the effective date of the regulations prescribed to carry out subparagraph (B).

(ii) OTHER INDIVIDUALS.—The regulations prescribed to carry out subsection (f) of section 102 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (as amended by this subsection) shall include provisions under which an election under such subsection shall be available to any individual who—

(I) becomes employed by the District of Columbia Financial Responsibility and Management Assistance Authority during the period beginning on the date of enactment of this Act and ending on the day before the effective date of such regulations;

(II) would have been eligible to make an election under such regulations had those regulations been in effect when such individual became so employed; and

(III) is not then participating in any program of the government of the District of Columbia referred to in subsection (f)(1)(B) of such section 102 (as so amended).

(c) EXEMPTION FROM LIABILITY FOR CLAIMS FOR AUTHORITY EMPLOYEES.—Section 104 of such Act is amended—

(1) by striking "the Authority and its members" and inserting "the Authority, its members, and its employees"; and

(2) by striking "the District of Columbia" and inserting "the Authority or its members or employees or the District of Columbia".

(d) PERMITTING REVIEW OF EMERGENCY LEGISLATION.—Section 203(a)(3) of such Act is amended by striking subparagraph (C).

TITLE II—DISTRICT OF COLUMBIA SCHOOL REFORM

SEC. 2001. SHORT TITLE.

This title may be cited as the "District of Columbia School Reform Act of 1995".

SEC. 2002. DEFINITIONS.

Except as otherwise provided, for purposes of this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate;

(B) the Committee on Economic and Educational Opportunities of the House of Representatives and the Committee on Labor and Human Resources of the Senate; and

(C) the Committee on Government Reform and Oversight of the House of Representatives and the Committee on Governmental Affairs of the Senate.

(2) AUTHORITY.—The term "Authority" means the District of Columbia Financial Responsibility and Management Assistance Authority established under section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104–8).

(3) AVERAGE DAILY ATTENDANCE.—The term "average daily attendance", when used with respect to a school and a period of time, means the aggregate attendance of the school during the period divided by the number of days during the period on which—

(A) the school is in session; and

(B) the pupils of the school are under the guidance and direction of teachers.

(4) AVERAGE DAILY MEMBERSHIP.—

(A) INDIVIDUAL SCHOOL.—The term "average daily membership", when used with respect to a school and a period of time, means the aggregate enrollment of the school during the period divided by the number of days during the period on which—

(i) the school is in session; and

(ii) the pupils of the school are under the guidance and direction of teachers.

(B) GROUPS OF SCHOOLS.—The term "average daily membership", when used with respect to a group of schools and a period of time, means the average of the average daily memberships during the period of the individual schools that constitute the group.

(5) BOARD OF EDUCATION.—The term "Board of Education" means the Board of Education of the District of Columbia.

(6) BOARD OF TRUSTEES.—The term "Board of Trustees" means the governing board of a public charter school, the members of which board have been selected pursuant to the charter granted to the school and in a manner consistent with this title.

(7) CONTROL PERIOD.—The term "control period" means a period of time described in section 209 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104–8).

(8) CORE CURRICULUM.—The term "core curriculum" means the concepts, factual knowledge, and skills that students in the District of Columbia should learn in kindergarten through 12th grade in academic content areas, including, at a minimum, English, mathematics, science, and history.

(9) DISTRICT OF COLUMBIA COUNCIL.—The term "District of Columbia Council" means the Council of the District of Columbia established pursuant to section 401 of the District of Columbia Self-Government and Governmental Reorganization Act (D.C. Code, sec. 1–221).

(10) DISTRICT OF COLUMBIA GOVERNMENT.—

(A) IN GENERAL.—The term "District of Columbia government" means the government of the District of Columbia, including—

(i) any department, agency, or instrumentality of the government of the District of Columbia;

(ii) any independent agency of the District of Columbia established under part F of title IV of the District of Columbia Self-Government and Governmental Reorganization Act;

(iii) any other agency, board, or commission established by the Mayor or the District of Columbia Council;

(iv) the courts of the District of Columbia;

(v) the District of Columbia Council; and

(vi) any other agency, public authority, or public benefit corporation that has the authority to receive monies directly or indirectly from the District of Columbia (other than monies received from the sale of goods, the provision of services, or the loaning of funds to the District of Columbia).

(B) EXCEPTIONS.—The term "District of Columbia government" does not include the following:

(i) The Authority.

(ii) A public charter school.

(11) DISTRICT OF COLUMBIA GOVERNMENT RETIREMENT SYSTEM.—The term "District of Columbia government retirement system" means the retirement programs authorized by the District of Columbia Council or the Congress for employees of the District of Columbia government.

(12) DISTRICT OF COLUMBIA PUBLIC SCHOOL.—

(A) IN GENERAL.—The term "District of Columbia public school" means a public school in the District of Columbia that offers classes—

(i) at any of the grade levels from prekindergarten through the 12th grade; or

(ii) leading to a general education diploma.

(B) EXCEPTION.—The term does not include a public charter school.

(13) DISTRICT OF COLUMBIA PUBLIC SCHOOLS.—The term "District of Columbia public schools" means all schools that are District of Columbia public schools.

(14) DISTRICT-WIDE ASSESSMENTS.—The term "district-wide assessments" means reliable and unbiased student assessments administered by the Superintendent to students enrolled in District of Columbia public schools and public charter schools.

(15) ELIGIBLE APPLICANT.—The term "eligible applicant" means a person, including a private, public, or quasi-public entity and an institution of higher education (as defined in section 481 of the Higher Education Act of 1965), who seeks to establish a public charter school.

(16) ELIGIBLE CHARTERING AUTHORITY.—The term "eligible chartering authority" means any of the following:

(A) The Board of Education.

(B) Any of the following public or federally-chartered universities:

(i) Howard University.

(ii) Gallaudet University.

(iii) American University.

(iv) George Washington University.

(v) The University of the District of Columbia.

(C) Any other entity designated by enactment of a bill as an eligible chartering authority by the District of Columbia Council after the date of the enactment of this Act.

(17) FACILITIES MANAGEMENT.—The term "facilities management" means the administration, construction, renovation, repair, maintenance, remodeling, improvement, or other oversight, of a building or real property of a District of Columbia public school. The term does not include the performance of any such act with respect to real property owned by a public charter school.

(18) FAMILY RESOURCE CENTER.—The term "family resource center" means an information desk—

(A) located at a school with a majority of students whose family income is not greater than 185 percent of the poverty guidelines updated annually in the Federal Register by the Department of Health and Human Services under authority of section 673(2) of the Omnibus Budget Reconciliation Act of 1981; and

(B) which links students and families to local resources and public and private entities involved in child care, adult education, health and social services, tutoring, mentoring, and job training.

(19) LONG-TERM REFORM PLAN.—The term "long-term reform plan" means the plan submitted by the Superintendent under section 2101.

(20) MAYOR.—The term "Mayor" means the Mayor of the District of Columbia.

(21) METROBUS AND METRORAIL TRANSIT SYSTEM.—The term "Metrobus and Metrorail Transit System" means the bus and rail systems administered by the Washington Metropolitan Area Transit Authority.

(22) MINOR STUDENT.—The term "minor student" means an individual who—

(A) is enrolled in a District of Columbia public schools or a public charter school; and

(B) is not beyond the age of compulsory school attendance, as prescribed in section 1 of article I, and section 1 of article II, of the Act of February 4, 1925 (sections 31–401 and 31–402, D.C. Code).

(23) NONRESIDENT STUDENT.—The term "nonresident student" means—

(A) an individual under the age of 18 who is enrolled in a District of Columbia public school or a public charter school, and does not have a parent residing in the District of Columbia; or

(B) an individual who is age 18 or older and is enrolled in a District of Columbia public school or public charter school, and does not reside in the District of Columbia.

(24) PANEL.—The term "Panel" means the World Class Schools Panel established under subtitle D.

(25) PARENT.—The term "parent" means a person who has custody of a child enrolled in a District of Columbia public school or a public charter school, and who—

(A) is a natural parent of the child;

(B) is a stepparent of the child;

(C) has adopted the child; or

(D) is appointed as a guardian for the child by a court of competent jurisdiction.

(26) PETITION.—The term "petition" means a written application, submitted by an eligible applicant to an eligible chartering authority, to establish a public charter school.

(27) PROMOTION GATE.—The term "promotion gate" means the criteria, developed by the Superintendent and approved by the Board of Education, that are used to determine student promotion at different grade levels. Such criteria shall include achievement on district-wide assessments that, to the greatest extent practicable, measure student achievement of the core curriculum.

(28) PUBLIC CHARTER SCHOOL.—The term "public charter school" means a publicly funded school in the District of Columbia that is established pursuant to subtitle B. A public charter school is not a part of the District of Columbia public schools.

(29) SCHOOL.—The term "school" means—

(A) a public charter school; or

(B) any other day or residential school that provides elementary or secondary education, as determined under State or District of Columbia law.

(30) STUDENT WITH SPECIAL NEEDS.—The term "student with special needs" has the meaning given such term by the Mayor and the District of Columbia Council under section 2301.

(31) SUPERINTENDENT.—The term "Superintendent" means the Superintendent of the District of Columbia public schools.

(32) TEACHER.—The term "teacher" means any person employed as a teacher by the Board of Education or by a public charter school.

Subtitle A—District of Columbia Reform Plan

SEC. 2101. LONG-TERM REFORM PLAN.

(a) IN GENERAL.—

(1) PLAN.—The Superintendent, with the approval of the Board of Education, shall submit to the appropriate congressional committees, the Mayor, the District of Columbia Council, and the Authority a long-term reform plan, not later than February 1, 1996. The plan shall be consistent with the financial plan and budget for the District of Columbia for fiscal year 1996 required under section 201 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104–8).

(2) CONSULTATION.—

(A) IN GENERAL.—In developing the long-term reform plan, the Superintendent—

(i) shall consult with the Board of Education, Mayor, and District of Columbia Council, and, in a control period, with the Authority; and

(ii) shall afford the public, interested organizations, and groups an opportunity to present their views and make recommendations regarding the long-term reform plan.

(B) SUMMARY OF RECOMMENDATIONS.—The Superintendent shall include in the long-term plan a summary of the recommendations made under subparagraph (A)(ii) and the response of the Superintendent to these recommendations.

(b) CONTENTS.—

(1) AREAS TO BE ADDRESSED.—The long-term plan shall describe how the District of Columbia public schools will become a world-class education system which prepares students for life-time learning in the 21st century and which is on a par with the best education systems of other nations. The plan shall include a description of how the District of Columbia public schools will accomplish the following:

(A) Achievement at nationally- and internationally-competitive levels by students attending District of Columbia public schools.

(B) The creation of a performance-oriented workforce.

(C) The construction and repair of District of Columbia public school facilities.

(D) Local school governance, decentralization, autonomy, and parental choice among District of Columbia public schools; and

(E) The implementation of an efficient and effective adult literacy program.

(2) OTHER INFORMATION.—For each of the items in subparagraphs (A) through (G) of paragraph (1), the long-term plan shall include—

(A) a statement of measurable, objective performance goals;

(B) a description of the measures of performance to be used in determining whether the Superintendent and Board of Education have met the goals;

(C) dates by which the goals must be met;

(D) plans for monitoring and reporting progress to District of Columbia residents, the appropriate congressional committees, the Mayor, the District of Columbia Council, and the Authority; and

(E) the title of the management employee of the District of Columbia public schools most directly responsible for the achievement of each goal and, with respect to each such employee, the title of the employee's immediate supervisor or superior.

(c) AMENDMENTS.—The Superintendent, with the approval of the Board of Education, shall submit any amendment to the long-term plan to the appropriate congressional committees. Any amendment to the long-term plan shall be consistent with the financial plan and budget for fiscal year 1996 for the District of Columbia required under section 201 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104–8).

Subtitle B—Public Charter Schools

SEC. 2151. PROCESS FOR FILING CHARTER PETITIONS.

(a) EXISTING PUBLIC SCHOOL.—An eligible applicant seeking to convert an existing District of Columbia public school into a public charter school—

(1) shall prepare a petition to establish a public charter school that meets the requirements of section 2152;

(2) shall provide a copy of the petition to—

(A) the parents of minor students attending the existing school;

(B) adult students attending the existing school; and

(C) employees of the existing school;

(3) shall file the petition with an eligible chartering authority for approval after the petition—

(A) has been signed by a majority of the total number of—

(i) parents of minor students attending the school; and

(ii) adult students attending the school; and

(B) has been endorsed by at least a majority of full-time teachers at the school; and

(4) shall explain in the petition the relationship that will exist between the public charter school and its employees.

(b) INDEPENDENT OR PRIVATE SCHOOL.—An eligible applicant seeking to convert an existing independent or private school in the District of Columbia into a public charter school—

(1) shall prepare a petition to establish a public charter school that meets the requirements of section 2152;

(2) shall provide a copy of the petition to—

(A) the parents of minor students attending the existing school;

(B) adult students attending the existing school; and

(C) employees of the existing school;

(3) shall file the petition with an eligible chartering authority for approval after the petition—

(A) has been signed by a majority of the total number of—

(i) parents of minor students attending the school; and

(ii) adult students attending the school; and

(B) has been endorsed by at least a majority of full-time teachers at the school; and

(4) shall explain in the petition the relationship that will exist between the public charter school and its employees.

(c) NEW SCHOOL.—An eligible applicant seeking to establish in the District of Columbia a public charter school, but not seeking to convert an existing public, private, or independent school into a public charter school, shall file with an eligible chartering authority for approval a petition to establish a public charter school that meets the requirements of section 2152.

SEC. 2152. CONTENTS OF PETITION.

A petition to establish a public charter school shall include the following:

(1) A statement defining the mission and goals of the proposed school.

(2) A statement of the need for the proposed school in the geographic area of the school site.

(3) A description of the proposed instructional goals and methods for the school, which includes, at a minimum—

(A) the methods that will be used to provide students with the knowledge, proficiency, and skills needed—

(i) to become nationally and internationally competitive students and educated individuals in the 21st century; and

(ii) to perform competitively on any districtwide assessments; and

(B) the methods that will be used to improve student self-motivation, classroom instruction, and learning for all students.

(4) A description of the plan for evaluating student academic achievement of the proposed school and the procedures for remedial action that will be used by the school when the academic achievement of a student falls below the expectations of the school.

(5) An operating budget for the first 2 years of the proposed school that is based on anticipated enrollment and contains—

(A) a description of the method for conducting annual audits of the financial, administrative, and programmatic operations of the school;

(B) either—

(i) an identification of the site where the school will be located, including a description of any buildings on the site and any buildings proposed to be constructed on the site; or

(ii) a timetable by which a such an identification will be made;

(C) a description of any major contracts planned, with a value equal to or exceeding $10,000, for equipment and services, leases, improvements, purchases of real property, or insurance; and

(D) a timetable for commencing operations as a public charter school.

(6) A description of the proposed rules and policies for governance and operation of the school.

(7) Copies of the proposed articles of incorporation and bylaws of the school.

(8) The names and addresses of the members of the proposed Board of Trustees.

(9) A description of the student enrollment, admission, suspension, and expulsion policies and procedures of the proposed school, and the criteria for making decisions in such areas.

(10) A description of the procedures the school plans to follow to ensure the health and safety of students, employees, and guests of the school and to comply with applicable health and safety laws and regulations of the Federal Government and the District of Columbia.

(11) An explanation of the qualifications that will be required of employees of the proposed school.

(12) An identification, and a description, of the individuals and entities submitting the application, including their names and addresses, and the names of the organizations or corporations of which such individuals are directors or officers.

SEC. 2153. PROCESS FOR APPROVING OR DENYING CHARTER PETITIONS.

(a) SCHEDULE.—An eligible chartering authority may establish a schedule for receiving petitions to establish a public charter school and shall publish any such schedule in the District of Columbia Register. An eligible chartering authority shall make a copy of any such schedule available to all interested persons upon request.

(b) PUBLIC HEARING.—Not later than 45 days after a petition to establish a public charter school is filed with an eligible chartering authority, the authority shall hold a public hearing on the petition to gather the information that is necessary for the authority to make the decision to approve or deny the petition.

(c) NOTICE.—Not later than 10 days prior to the scheduled date of a public hearing on a petition to establish a public charter school, an eligible chartering authority—

(1) shall publish a notice of the hearing in the District of Columbia Register; and

(2) shall send a written notification of the hearing date to the eligible applicant who filed the petition.

(d) APPROVAL OR DENIAL.—Subject to subsection (i), an eligible chartering authority shall approve a petition to establish a public charter school, if—

(1) the authority determines that the petition satisfies the requirements of this subtitle; and

(2) the eligible applicant who filed the petition agrees to satisfy any condition or requirement, consistent with this title and other applicable law, that is set forth in writing by the eligible chartering authority as an amendment to the petition.

(e) TIMETABLE.—An eligible chartering authority shall approve or deny a petition to establish a public charter school not later than 45 days after the conclusion of the public hearing on the petition.

(f) EXTENSION.—An eligible chartering authority and an eligible applicant may agree to extend the 45-day time period referred to in subsection (e) by a period that does not exceed 30 days.

(g) EXPLANATION.—If an eligible chartering authority denies a petition or finds it to be incomplete, the authority shall specify in writing the reasons for its decision and indicate, when appropriate, how the eligible applicant who filed the petition may revise the petition to satisfy the requirements for approval.

(h) APPROVED PETITION.—

(1) NOTICE.—Not later than 10 days after an eligible chartering authority approves a petition to establish a public charter school, the authority shall provide a written notice of the approval, including a copy of the approved petition and any conditions or requirements agreed to under subsection (d)(2), to the eligible applicant and to the Chief Financial Officer of the District of Columbia. The eligible chartering authority shall publish a notice of the approval of the petition in the District of Columbia Register.

(2) CHARTER.—The provisions of a petition to establish a public charter school that has been approved by an eligible chartering authority, together with any amendments to the petition containing conditions or requirements agreed to by the eligible applicant under subsection (d)(2), shall be considered a charter granted to the school by the authority.

(i) SPECIAL RULES FOR FIRST YEAR.—During the one-year period beginning on the date of the enactment of this Act, each eligible chartering authority—

(1) may approve not more than one petition filed by an eligible applicant seeking to convert an existing independent or private school into a public charter school; and

(2) in considering a petition to establish a public charter school filed by any eligible applicant, shall consider whether the school will focus on students with special needs.

(j) EXCLUSIVE AUTHORITY OF CHARTERING AUTHORITY.—Notwithstanding any other Federal law or law of the District of Columbia, no governmental entity, elected official, or employee of the District of Columbia may make, participate in making, or intervene in the making of, the decision to approve or deny a petition to establish a public charter school, except the eligible chartering authority with which the petition was filed.

SEC. 2154. DUTIES AND POWERS OF, AND OTHER REQUIREMENTS ON, PUBLIC CHARTER SCHOOLS.

(a) DUTIES.—A public charter school shall comply with—

(1) this subtitle;

(2) any other provision of law applicable to the school; and

(3) all of the terms and provisions of its charter.

(b) POWERS.—A public charter school shall have all of the powers necessary for carrying out its charter, including the following powers:

(1) To adopt a name and corporate seal, but only if the name selected includes the words "public charter school".

(2) To acquire real property for use as its school facilities, from public or private sources.

(3) To receive and disburse funds for school purposes.

(4) Subject to subsection (c)(1), to secure appropriate insurance and to make contracts and leases, including agreements to procure or purchase services, equipment, and supplies.

(5) To incur debt in reasonable anticipation of the receipt of funds from the general fund of the District of Columbia or the receipt of other Federal or private funds.

(6) To solicit and accept any grants or gifts for school purposes, if the school—

(A) does not accept any grants or gifts subject to any condition contrary to law or contrary to the terms of the petition to establish the school as a public charter school; and

(B) maintains separate accounts for grants or gifts for financial reporting purposes.

(7) To be responsible for its own operation, including preparation of a budget and personnel matters.

(8) To sue and be sued in its own name.

(c) PROHIBITIONS AND OTHER REQUIREMENTS.—

(1) CONTRACTING AUTHORITY.—

(A) NOTICE REQUIREMENT.—Except in the case of an emergency, with respect to any contract proposed to be awarded by a public charter school and having a value equal to or exceeding $10,000, the school shall publish a notice of a request for proposals in the District of Columbia Register not less than 30 days prior to the award of the contract.

(B) SUBMISSION TO AUTHORITY.—

(i) DEADLINE FOR SUBMISSION.—With respect to any contract described in subparagraph (A) that is awarded by a public charter school, the school shall submit to the Authority, not later than 3 days after the date on which the award is made, all bids for the contract received by the school, the name of the contractor who is awarded the contract, and the rationale for the award of the contract.

(ii) EFFECTIVE DATE OF CONTRACT.—

(I) IN GENERAL.—Subject to subclause (II), a contract described in subparagraph (A) shall become effective on the date that is 15 days after the date the school makes the submission under clause (i) with respect to the contract, or the effective date specified in the contract, whichever is later.

(II) EXCEPTION.—A contract described in subparagraph (A) shall be considered null and void if the Authority determines, within 12 days of the date the school makes the submission under clause (i) with respect to the contract, that the contract endangers the economic viability of the public charter school.

(2) TUITION.—A public charter school may not charge tuition, fees, or other mandatory payments, except to nonresident students.

(3) CONTROL.—A public charter school—

(A) shall exercise exclusive control over its expenditures, administration, personnel, and instructional methods, within the limitations imposed in this title; and

(B) shall be exempt from statutes, policies, rules, and regulations governing District of Columbia public schools established by the Superintendent, Board of Education, Mayor, District of Columbia Council, or Authority, except as otherwise provided in this title or in the charter granted to the school.

(4) AUDITS.—A public charter school shall be subject to the same financial audits, audit procedures, and fiduciary requirements as a District of Columbia public school.

(5) GOVERNANCE.—A public charter school shall be governed by a Board of Trustees in a manner consistent with the charter granted to the school, the provisions of this title, and any other law applicable to the school.

(6) OTHER STAFF.—No employee of the District of Columbia public schools may be required to accept employment with, or be assigned to, a public charter school.

(7) OTHER STUDENTS.—No student enrolled in a District of Columbia public school may be required to attend a public charter school.

(8) TAXES OR BONDS.—A public charter school shall not levy taxes or issue bonds.

(9) CHARTER REVISION.—A public charter school seeking to revise its charter shall prepare a petition for approval of the revision and file it with the eligible chartering authority that granted the charter. The provisions of section 2153 shall apply to such a petition in the same manner as such provisions apply to a petition to establish a public charter school.

(10) ANNUAL REPORT.—

(A) IN GENERAL.—A public charter school shall submit an annual report to the eligible chartering authority that approved its charter and to the Authority. The school shall permit a member of the public to review any such report upon request.

(B) CONTENTS.—A report submitted under subparagraph (A) shall include the following data:

(i) Student performance on any districtwide assessments.

(ii) Grade advancement for students enrolled in the public charter school.

(iii) Graduation rates, college admission test scores, and college admission rates, if applicable.

(iv) Types and amounts of parental involvement.

(v) Official student enrollment.

(vi) Average daily attendance.

(vii) Average daily membership.

(viii) A financial statement audited by an independent certified public accountant.

(ix) A list of all donors and grantors that have contributed monetary or in-kind donations having a value equal or exceeding $500 during the year that is the subject of the report.

(C) NONIDENTIFYING DATA.—Data described in subparagraph (B) that are included in an annual report may not identify the individuals to whom the data pertain.

(11) STUDENT ENROLLMENT REPORT.—A public charter school shall report to the Mayor and the District of Columbia Council annual student enrollment on a grade-by-grade basis, including students with special needs, in a manner and form that permits the Mayor and the District of Columbia Council to comply with subtitle E.

(12) CENSUS.—A public charter school shall provide to the Board of Education student enrollment data necessary for the Board to comply with section 3 of article II of the Act of February 4, 1925 (D.C. Code, sec. 31-404) (relating to census of minors).

(13) COMPLAINT RESOLUTION PROCESS.—A public charter school shall establish an informal complaint resolution process.

(14) PROGRAM OF EDUCATION.—A public charter school shall provide a program of education which shall include one or more of the following:

(A) Pre-school.

(B) Pre-kindergarten.

(C) Any grade or grades from kindergarten through 12th grade.

(D) Adult community, continuing, and vocational education programs.

(15) NONSECTARIAN NATURE OF SCHOOLS.—A public charter school shall be nonsectarian.

(16) NONPROFIT STATUS OF SCHOOL.—A public charter school shall be organized under the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29-501 et seq.).

(17) IMMUNITY FROM CIVIL LIABILITY.—

(A) IN GENERAL.—A public charter school, and its incorporators, Board of Trustees, officers, employees, and volunteers, shall be immune from civil liability, both personally and professionally, for any act or omission within the scope of their official duties unless the act or omission—

(i) constitutes gross negligence;

(ii) constitutes an intentional tort; or

(iii) is criminal in nature.

(B) COMMON LAW IMMUNITY PRESERVED.—Subparagraph (A) shall not be construed to abrogate any immunity under common law of a person described in such subparagraph.

SEC. 2155. BOARD OF TRUSTEES OF A PUBLIC CHARTER SCHOOL.

(a) BOARD OF TRUSTEES.—The members of a Board of Trustees of a public charter school shall be elected or selected pursuant to the charter granted to the school. Such a board shall have an odd number of members that does not exceed 7, of which—

(1) a majority shall be residents of the District of Columbia; and

(2) at least 2 shall be a parent of a student attending the school.

(b) ELIGIBILITY.—An individual is eligible for election or selection to the Board of Trustees of a public charter school if the person—

(1) is a teacher or staff member who is employed at the school;

(2) is a parent of a student attending the school; or

(3) meets the selection or election criteria set forth in the charter granted to the school.

(c) ELECTION OR SELECTION OF PARENTS.—In the case of the first Board of Trustees of a public charter school to be elected or selected after the date on which the school is granted a charter, the election or selection of the members under subsection (a)(2) shall occur on the earliest practicable date after classes at the school have commenced. Until such date, any other members who have been elected or selected shall serve as an interim Board of Trustees. Such an interim board may exercise all of the powers, and shall be subject to all of the duties, of a Board of Trustees.

(d) FIDUCIARIES.—The Board of Trustees of a public charter school shall be fiduciaries of the school and shall set overall policy for the school. The Board of Trustees may make final decisions on matters related to the operation of the school, consistent with the charter granted to the school, this title, and other applicable law.

SEC. 2156. STUDENT ADMISSION, ENROLLMENT, AND WITHDRAWAL.

(a) OPEN ENROLLMENT.—Enrollment in a public charter school shall be open to all students who are residents of the District of Columbia and, if space is available, to nonresident students who meet the tuition requirement in subsection (e).

(b) CRITERIA FOR ADMISSION.—A public charter school may not limit enrollment on the basis of a student's intellectual or athletic ability, measures of achievement or aptitude, or a student's disability. A public charter school may limit enrollment to specific grade levels or areas of focus of the school, such as mathematics, science, or the arts, where such a limitation is consistent with the charter granted to the school.

(c) RANDOM SELECTION.—If there are more applications to enroll in a public charter school from students who are residents of the District of Columbia than there are spaces available, students shall be admitted using a random selection process.

(d) ADMISSION TO AN EXISTING SCHOOL.—During the 5-year period beginning on the date that a petition, filed by an eligible applicant seeking to convert an existing public, private, or independent school into a public charter school, is approved, the school shall give priority in enrollment to—

(1) students enrolled in the school at the time that the petition is granted;

(2) the siblings of students described in paragraph (1); and

(3) in the case of the conversion of an existing public school, students who reside within the attendance boundaries, if any, in which the school is located.

(e) NONRESIDENT STUDENTS.—Nonresident students shall pay tuition to a public charter school at the current rate established for District of Columbia public schools administered by the Board of Education for the type of program in which the student has enrolled.

(f) STUDENT WITHDRAWAL.—A student may withdraw from a public charter school at any time and, if otherwise eligible, enroll in a District of Columbia public school administered by the Board of Education.

(g) EXPULSION AND SUSPENSION.—The principal of a public charter school may expel or suspend a student from the school based on criteria set forth in the charter granted to the school.

SEC. 2157. EMPLOYEES.

(a) EXTENDED LEAVE OF ABSENCE WITHOUT PAY.—

(1) LEAVE OF ABSENCE FROM DISTRICT OF COLUMBIA PUBLIC SCHOOLS.—The Superintendent shall grant, upon request, an extended leave of absence, without pay, to an employee of the District of Columbia public schools for the purpose of permitting the employee to accept a position at a public charter school for a 2-year term.

(2) REQUEST FOR EXTENSION.—At the end of a 2-year term referred to in paragraph (1), an employee granted an extended leave of absence without pay under the paragraph may submit a request to the Superintendent for an extension of the leave of absence for an additional 2-year term. The Superintendent may not unreasonably withhold approval of the request.

(3) RIGHTS UPON TERMINATION OF LEAVE.—An employee granted an extended leave of absence without pay for the purpose described in paragraph (1) shall have the same rights and benefits under law upon termination of such leave of absence as an employee of the District of Columbia public schools who is granted an extended leave of absence without pay for any other purpose.

(b) RETIREMENT SYSTEM.—

(1) CREDITABLE SERVICE.—An employee of a public charter school who has received a leave of absence under subsection (a) shall receive creditable service, as defined in section 2604 of D.C. Law 2-139, effective March 3, 1979, (D.C. Code, sec. 1-627.4) and the rules established under such section, for the period of the employee's employment at the public charter school.

(2) AUTHORITY TO ESTABLISH SEPARATE SYSTEM.—A public charter school may establish a retirement system for employees under its authority.

(3) ELECTION OF RETIREMENT SYSTEM.—A former employee of the District of Columbia public schools who become an employee of a public charter school within 60 after the date the employee's employment with the District of Columbia public schools is terminated may, at the time the employee commences employment with the public charter school, elect—

(A) to remain in a District of Columbia government retirement system and continue to receive creditable service for the period of their employment at a public charter school; or

(B) to transfer into a retirement system established by the public charter school pursuant to paragraph (2) .

(4) PROHIBITED EMPLOYMENT CONDITIONS.—No public charter school may require a former employee of the District of Columbia public schools to transfer to the public charter school's retirement system as a condition of employment.

(5) CONTRIBUTIONS.—

(A) EMPLOYEES ELECTING NOT TO TRANSFER.—In the case of a former employee of the District of Columbia public schools who elects to remain in a District of Columbia government retirement system pursuant to paragraph (3)(A), the public charter school that employs the person shall make the same contribution to such system on behalf of the person as the District of Columbia would have been required to make if the person had continued to be an employee of the District of Columbia public schools.

(B) EMPLOYEES ELECTING TO TRANSFER.—In the case of a former employee of the District of Columbia public schools who elects to transfer into a retirement system of a public charter school pursuant to paragraph (3)(B), the applicable District of Columbia government retirement system from which the former employee is transferring shall compute the employee's contribution to that system and transfer this amount, to the retirement system by the public charter school.

(c) EMPLOYMENT STATUS.—Notwithstanding any other provision of law, an employee of a public charter school shall not be considered to be an employee of the District of Columbia government for any purpose.

SEC. 2158. REDUCED FARES FOR PUBLIC TRANSPORTATION.

A student attending a public charter school shall be eligible for reduced fares on the Metrobus and Metrorail Transit System on the same terms and conditions as are applicable under section 2 of D.C. Law 2-152, effective March 9, 1979, (D.C. Code, sec. 44-216 et seq.) to a student attending a District of Columbia public school.

SEC. 2159. DISTRICT OF COLUMBIA PUBLIC SCHOOL SERVICES TO PUBLIC CHARTER SCHOOLS.

The Superintendent may provide services such as facilities maintenance to public charter schools. All compensation for costs of such services shall be subject to negotiation and mutual agreement between a public charter school and the Superintendent.

SEC. 2160. APPLICATION OF LAW.

(a) ELEMENTARY AND SECONDARY EDUCATION ACT.—

(1) TREATMENT AS LOCAL EDUCATIONAL AGENCY.—For any fiscal year, a public charter school shall be considered to be a local educational agency for purposes of part A of title I of the Elementary and Secondary Education Act of 1965, and shall be eligible for assistance under such part, if the percentage of pupils enrolled in the public charter school during the preceding fiscal year who were eligible for, and received, free or reduced price school lunches under the National School Lunch Act is equal to or greater than the lowest such percentage for any District of Columbia public school that was selected to provide services under section 1113 of such Act for such preceding year.

(2) ALLOCATION FOR FISCAL YEARS 1996 THROUGH 1998.—

(A) PUBLIC CHARTER SCHOOLS.—For fiscal years 1996 through 1998, each public charter school that is eligible to receive assistance under part A of title I of the Elementary and Secondary Education Act of 1965 shall receive a portion of the District of Columbia's total allocation under such part which bears the same ratio to such total allocation as the number described in subparagraph (C) bears to the number described in subparagraph (D).

(B) DISTRICT OF COLUMBIA PUBLIC SCHOOLS.—For fiscal years 1996 through 1998, the District of Columbia public schools shall receive a portion of the District of Columbia's total allocation under part A of title I of the Elementary and Secondary Education Act of 1965 which bears the same ratio to such total allocation as the total of the numbers described in clauses (ii) and (iii) of paragraph (2)(D) bears to the aggregate total described in paragraph (2)(D).

(C) NUMBER OF ELIGIBLE PUPILS ENROLLED IN THE PUBLIC CHARTER SCHOOL.—The number described in this subparagraph is the number of pupils enrolled in the public charter school during the preceding fiscal year who were eligible for, and received, free or reduced price school lunches under the National School Lunch Act.

(D) AGGREGATE NUMBER OF ELIGIBLE PUPILS.—The number described in this subparagraph is the aggregate total of the following numbers:

(i) The number of pupils enrolled during the preceding fiscal year in all eligible public charter schools who were eligible for, and received, free or reduced price school lunches under the National School Lunch Act.

(ii) The number of pupils who, during the preceding fiscal year—

(I) were enrolled in a District of Columbia public school selected to provide services under section 1113 of the Elementary and Secondary Education Act of 1965; and

(II) were eligible for, and received, free or reduced price school lunches under the National School Lunch Act.

(iii) The number of pupils who, during the preceding fiscal year—

(I) were enrolled in a private or independent school;

(II) were eligible for, and received, free or reduced price school lunches under the National School Lunch Act; and

(III) resided in an attendance area of a District of Columbia public school selected to provide services under section 1113 of the Elementary and Secondary Education Act of 1965.

(3) ALLOCATION FOR FISCAL YEAR 1999 AND THEREAFTER.—

(A) CALCULATION BY SECRETARY.—Notwithstanding sections 1124(a)(2), 1124(c)(2), 1124A(a)(4), 1125(c)(2), and 1125(d) of the Elementary and Secondary Education Act of 1965, for fiscal year 1999 and fiscal years thereafter, the total allocation under part A of title I of such Act for all local educational agencies in the District of Columbia, including public charter schools that are eligible to receive assistance under such part, shall be calculated by the Secretary of Education. In making such calculation, such Secretary shall treat all such local educational agencies as if they were a single local educational agency for the District of Columbia.

(B) ALLOCATION.—

(i) PUBLIC CHARTER SCHOOLS.—For fiscal year 1999 and fiscal years thereafter, each public charter school that is eligible to receive assistance under part A of title I of the Elementary and Secondary Education Act of 1965 shall receive a portion of the total allocation calculated under subparagraph (A) which bears the same ratio to such total allocation as the number described in paragraph (2)(C) bears to the number described in paragraph (2)(D).

(ii) DISTRICT OF COLUMBIA PUBLIC SCHOOLS.—For fiscal year 1999 and fiscal years thereafter, the District of Columbia public schools shall receive a portion of the total allocation calculated under subparagraph (A) which bears the same ratio to such

total allocation as the total of the numbers described in clauses (ii) and (iii) of paragraph (2)(D) bears to the aggregate total described in paragraph (2)(D).

(4) USE OF ESEA FUNDS.—The Board of Education may not direct a public charter school in the charter school's use of funds under part A of title I of the Elementary and Secondary Education Act of 1965.

(5) INAPPLICABILITY OF CERTAIN ESEA PROVISIONS.—The following provisions of the Elementary and Secondary Education Act of 1965 shall not apply to a public charter school:

(A) Paragraphs (5), (8), and (9) of section 1112(b).

(B) Subsection 1112(c).

(C) Section 1113.

(D) Section 1115A.

(E) Subsections (a), (b), and (c) of section 1116.

(F) Subsections (a), (c), (d), (e), (f), and (g) of section 1118.

(G) Section 1120.

(H) Subsections (a) and (c) of section 1120A.

(I) Section 1120B.

(J) Section 1126.

(b) PROPERTY AND SALES TAXES.—A public charter school shall be exempt from District of Columbia property and sales taxes.

SEC. 2161. POWERS AND DUTIES OF ELIGIBLE CHARTERING AUTHORITIES.

(a) OVERSIGHT.—

(1) IN GENERAL.—An eligible chartering authority—

(A) shall monitor the operations of each public charter school to which the authority has granted a charter;

(B) shall ensure that each such school complies with applicable laws and the provisions of the charter granted to the school; and

(C) shall monitor the progress of each such school in meeting student academic achievement expectations specified in the charter granted to the school.

(2) PRODUCTION OF BOOKS AND RECORDS.—An eligible chartering authority may require a public charter school to which the authority has granted a charter to produce any book, record, paper, or document, if the authority determines that such production is necessary for the authority to carry out its functions under this title.

(b) FEES.—

(1) APPLICATION FEE.—An eligible chartering authority may charge an eligible applicant a fee, not to exceed $150, for processing a petition to establish a public charter school.

(2) ADMINISTRATION FEE.—In the case of an eligible chartering authority that has granted a charter to an public charter school, the authority may charge the school a fee, not to exceed one-half of one percent of the annual budget of the school, to cover the cost of undertaking the ongoing administrative responsibilities of the authority with respect to the school that are described in this subtitle. The school shall pay the fee to the eligible chartering authority not later than November 15 of each year.

(c) IMMUNITY FROM CIVIL LIABILITY.—

(1) IN GENERAL.—An eligible chartering authority, a governing board of such an authority, and the directors, officers, employees, and volunteers of such an authority, shall be immune from civil liability, both personally and professionally, for any act or omission within the scope of their official duties unless the act or omission—

(A) constitutes gross negligence;

(B) constitutes an intentional tort; or

(C) is criminal in nature.

(2) COMMON LAW IMMUNITY PRESERVED.—Paragraph (1) shall not be construed to abrogate any immunity under common law of a person described in such paragraph.

SEC. 2162. CHARTER RENEWAL.

(a) TERM.—A charter granted to a public charter school shall remain in force for a 5-year period, but may be renewed for an unlimited number of 5-year periods.

(b) APPLICATION FOR CHARTER RENEWAL.—In the case of a public charter school that desires to renew its charter, the Board of Trustees of the school shall file an application to renew the charter with the eligible chartering authority that granted the charter not later than 120 days before the expiration of the charter. The application shall contain the following:

(1) A report on the progress of the public charter school in achieving the goals, student academic achievement expectations, and other terms of the approved charter.

(2) All audited financial statements for the public charter school for the preceding 4 years.

(c) APPROVAL OF CHARTER RENEWAL APPLICATION.—The eligible chartering authority that granted a charter shall approve an application to renew the charter that is filed in accordance with subsection (b) unless the authority determines that—

(1) the school committed a material violation of the conditions, terms, standards, or procedures set forth in the charter; or

(2) the school failed to meet the goals and student academic achievement expectations set forth in the charter.

(d) PROCEDURES FOR CONSIDERATION OF CHARTER RENEWAL.—

(1) NOTICE OF RIGHT TO HEARING.—An eligible chartering authority that has received an application to renew a charter that is filed by a Board of Trustees in accordance with subsection (b) shall provide to the Board written notice of the right to an informal hearing on the application. The eligible chartering authority shall provide the notice not later than 15 days after the date on which the authority received the application.

(2) REQUEST FOR HEARING.—Not later than 15 days after the date on which a Board of Trustees receives a notice under paragraph (1), the Board may request, in writing, an informal hearing on the application before the eligible chartering authority.

(3) DATE AND TIME OF HEARING.—

(A) NOTICE.—Upon receiving a timely written request for a hearing under paragraph (2), an eligible chartering authority shall set a date and time for the hearing and shall provide reasonable notice of the date and time, as well as the procedures to be followed at the hearing, to the Board.

(B) DEADLINE.—An informal hearing under this subsection shall take place not later than 30 days after an eligible chartering authority receives a timely written request for the hearing under paragraph (2).

(4) FINAL DECISION.—

(A) DEADLINE.—An eligible chartering authority shall render a final decision, in writing, on an application to renew a charter—

(i) not later than 30 days after the date on which the authority provided the written notice of the right to a hearing, in the case of an application with respect to which such a hearing is not held; and

(ii) not later than 30 days after the date on which the hearing is concluded, in the case of an application with respect to which a hearing is held.

(B) REASONS FOR NONRENEWAL.—An eligible chartering authority that denies an application to renew a charter shall state in its decision, in reasonable detail, the grounds for the denial.

(5) ALTERNATIVES UPON NONRENEWAL.—An eligible chartering authority that denies an application to renew a charter granted to a public charter school, or whose decision approving such an application is reversed under section 2162(e), may—

(A) manage the school directly until alternative arrangements can be made for students at the school; or

(B) place the school in a probationary status that requires the school to take remedial actions, to be determined by the authority, that directly relate to the grounds for the denial.

(6) JUDICIAL REVIEW.—

(A) AVAILABILITY OF REVIEW.—A decision by an eligible chartering authority to deny an application to renew a charter shall be subject to judicial review.

(B) STANDARD OF REVIEW.—A decision by an eligible chartering authority to deny an application to renew a charter shall be upheld unless the decision is arbitrary and capricious or clearly erroneous.

(e) BOARD OF EDUCATION RENEWAL REVIEW.—

(1) NOTICE OF DECISION TO RENEW.—An eligible chartering authority, other than the Board of Education, that renders a decision to approve an application to renew a charter granted to a public charter school—

(A) shall provide a copy of the decision to the Superintendent, the Board of Education, and the school not later than 3 days after the decision is rendered; and

(B) shall publish the decision in the District of Columbia Register not later than 5 days after the decision is rendered.

(2) RECOMMENDATION OF SUPERINTENDENT.—Not later than 30 days after an eligible chartering authority provides a copy of a decision approving an application to renew a charter to the Superintendent under paragraph (1), the Superintendent may recommend to the Board of Education, in writing, that the decision be reversed.

(3) STANDARD OF REVIEW BY BOARD OF EDUCATION.—The Board of Education may concur in a recommendation of the Superintendent under paragraph (2), and reverse a decision approving an application to renew a charter granted to a public charter school, if the Board of Education determines that—

(A) the school failed to meet the goals and student academic achievement expectations set forth in the charter, in the case of a school that has a student body the majority of which comprises students with special needs; or

(B) the average test score for all students enrolled in the school was less than the average test score for all students enrolled in the District of Columbia public schools on the most recently administered the district-wide assessments, in the case of a school that has a student body the majority of which does not comprise students with special needs.

(4) PROCEDURES FOR REVERSING DECISION.—

(A) NOTICE OF RIGHT TO HEARING.—In any case in which the Board of Education is considering reversing a decision approving an application to renew a charter granted to a public charter school, the Board of Education shall provide to the Board of Trustees of the school a written notice stating in reasonable detail the grounds for the proposed reversal. The notice shall inform the Board of Trustees of the right to an informal hearing on the proposed reversal.

(B) REQUEST FOR HEARING.—Not later than 15 days after the date on which a Board of Trustees receives a notice under subparagraph (A), the Board may request, in writing, an informal hearing on the proposed reversal before the Board of Education.

(C) DATE AND TIME OF HEARING.—

(i) NOTICE.—Upon receiving a timely written request for a hearing under subparagraph (B), the Board of Education shall set a date and time for the hearing and shall provide reasonable notice of the date and time, as well as the procedures to be followed at the hearing, to the Board of Trustees.

(ii) DEADLINE.—An informal hearing under this paragraph shall take place not later than 30 days after the Board of Education receives a timely written request for the hearing under subparagraph (B).

(D) FINAL DECISION.—

(i) DEADLINE.—The Board of Education shall render a final decision, in writing, on the proposed reversal—

(I) not later than 30 days after the date on which the Board of Education provided the written notice of the right to a hearing, in the case of a proposed reversal with respect to which such a hearing is not held; and

(II) not later than 30 days after the date on which the hearing is concluded, in the case of a proposed reversal with respect to which a hearing is held.

(ii) REASONS FOR REVERSAL.—If the Board of Education reverses a decision approving an application to renew a charter, the Board of Education shall state in its decision, in reasonable detail, the grounds for the reversal.

(E) JUDICIAL REVIEW.—

(i) AVAILABILITY OF REVIEW.—A decision by the Board of Education to reverse a decision approving an application to renew a charter shall be subject to judicial review.

(ii) STANDARD OF REVIEW.—A decision by the Board of Education to reverse a decision approving an application to renew a charter shall be upheld unless the decision is arbitrary and capricious or clearly erroneous.

SEC. 2163. CHARTER REVOCATION.

(a) CHARTER OR LAW VIOLATIONS.—An eligible chartering authority that has granted a charter to a public charter school may revoke the charter if the authority determines that the school has committed a violation of applicable laws or a material violation of the conditions, terms, standards, or procedures set forth in the charter.

(b) FISCAL MISMANAGEMENT.—An eligible chartering authority that has granted a charter to a public charter school shall revoke the charter if the authority determines that the school—

(1) has engaged in a pattern of nonadherence to generally accepted accounting principles;

(2) has engaged in a pattern of fiscal mismanagement; or

(3) is no longer economically viable.

(c) PROCEDURES FOR CONSIDERATION OF REVOCATION.—

(1) NOTICE OF RIGHT TO HEARING.—An eligible chartering authority that is proposing to revoke a charter granted to a public charter school shall provide to the Board of Trustees of the school a written notice stating in reasonable detail the grounds for the proposed revocation. The notice shall inform the Board of the right of the Board to an informal hearing on the proposed revocation.

(2) REQUEST FOR HEARING.—Not later than 15 days after the date on which a Board of Trustees receives a notice under paragraph (1), the Board may request, in writing, an informal hearing on the proposed revocation before the eligible chartering authority.

(3) DATE AND TIME OF HEARING.—

(A) NOTICE.—Upon receiving a timely written request for a hearing under paragraph (2), an eligible chartering authority shall set a date and time for the hearing and shall provide reasonable notice of the date and time, as well as the procedures to be followed at the hearing, to the Board.

(B) DEADLINE.—An informal hearing under this subsection shall take place not later than 30 days after an eligible chartering authority receives a timely written request for the hearing under paragraph (2).

(4) FINAL DECISION.—

(A) DEADLINE.—An eligible chartering authority shall render a final decision, in writing, on the revocation of a charter—

(i) not later than 30 days after the date on which the authority provided the written notice of the right to a hearing, in the case of a proposed revocation with respect to which such a hearing is not held; and

(ii) not later than 30 days after the date on which the hearing is concluded, in the case of a proposed revocation with respect to which a hearing is held.

(B) REASONS FOR REVOCATION.—An eligible chartering authority that revokes a charter shall state in its decision, in reasonable detail, the grounds for the denial.

(5) ALTERNATIVES UPON REVOCATION.—An eligible chartering authority that revokes a charter granted to a public charter school may manage the school directly until alternative arrangements can be made for students at the school.

(6) JUDICIAL REVIEW.—

(A) AVAILABILITY OF REVIEW.—A decision by an eligible chartering authority to revoke a charter shall be subject to judicial review.

(B) STANDARD OF REVIEW.—A decision by an eligible chartering authority to revoke a charter shall be upheld unless the decision is arbitrary and capricious or clearly erroneous.

SEC. 2164. DISCONTINUANCE OF ELIGIBLE CHARTERING AUTHORITY.

(a) NOTICE.—In the case of an eligible chartering authority that has granted a charter to a public charter school and that becomes unable or unwilling to continue to act in the capacity of an eligible chartering authority with respect to the school, the authority shall provide written notice of such discontinuance to the school, to the extent feasible, not later than the date that is 120 days before the date on which such discontinuance takes effect.

(b) PETITION BY SCHOOL.—A public charter school that has been granted a charter by an eligible chartering authority that becomes unable or unwilling to continue to act in the capacity of an eligible chartering authority with respect to the school shall file a petition with another eligible chartering authority described in subsection (c)(2). The petition shall request that such other authority assume the powers and duties of an eligible chartering authority with respect to the school and the charter granted to the school. The petition shall be filed—

(1) in the case of a public charter school that received a timely notice under subsection (a), not later than 120 days after such notice was received; and

(2) in the case of a public charter school that did not receive a timely notice under subsection (a), not later than 120 days after the date on which the eligible chartering authority ceases to act in the capacity of an eligible chartering authority with respect to the school.

(c) CHARTERING AUTHORITIES REQUIRED TO ASSUME DUTIES.—

(1) IN GENERAL.—If any of the eligible chartering authorities described in paragraph (2) receives a petition filed by a public charter school in accordance with subsection (b), the eligible chartering authority shall grant the petition and assume the powers and duties of an eligible chartering authority with respect to the school and the charter granted to the school.

(2) ELIGIBLE CHARTERING AUTHORITIES.—The eligible chartering authorities referred to in paragraph (1) are the following:

(A) The Board of Education.

(B) Any other entity established, and designated as an eligible chartering authority, by the District of Columbia Council by enactment of a bill after the date of the enactment of this Act.

(d) INTERIM POWERS AND DUTIES OF SCHOOL.—Except as provided in this section, the powers and duties of a public charter school that has been granted a charter by an eligible chartering authority that becomes unable or unwilling to continue to act in the capacity of an eligible chartering authority with respect to the school shall not be affected by such discontinuance, if the school satisfies the requirements of this section.

SEC. 2165. FEDERAL ENTITIES.

(a) IN GENERAL.—The following Federal agencies and federally-established institutions shall explore whether it is feasible for the agency or institution to establish one or more public charter schools:

(1) The Library of Congress.

(2) The National Aeronautics and Space Administration.

(3) The Drug Enforcement Agency.

(4) The National Science Foundation.

(5) The Department of Justice.

(6) The Department of Defense.

(7) The Smithsonian Institution, including the National Zoological Park, the National Museum of American History, the Kennedy Center for the Performing Arts, and the National Gallery of Art.

(b) DETERMINATION.—Not later than 120 days after the date of the enactment of this Act, each agency and institution listed in subsection (a) shall make a determination regarding whether it is feasible for the agency or institution to establish one or more public charter schools.

(c) REPORT.—Not later than 270 days after the date of the enactment of this Act, any agency or institution listed in subsection (a) that has not filed a petition to establish a public charter school with an eligible chartering authority shall report to the Congress the reasons for the decision.

Subtitle C—Even Start

SEC. 2201. AMENDMENTS FOR EVEN START PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1002 of the Elementary and Secondary Education Act of 1965 is amended by striking subsection (b) and inserting the following:

"(b) EVEN START.—

"(1) IN GENERAL.—For the purpose of carrying out part B, other than Even Start programs for the District of Columbia as described in paragraph (2), there are authorized to be appropriated $118,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

"(2) DISTRICT OF COLUMBIA.—For the purpose of carrying out Even Start programs in the District of Columbia as described in section 1211, there are authorized to be appropriated—

"(A) for fiscal year 1996, $2,000,000 for continued funding made in fiscal year 1995, and for new grants, for an aggregate of 8;

"(B) for fiscal year 1997, $3,500,000 for continued funding made in fiscal year 1996 and for new grants, for an aggregate of 14;

"(C) for fiscal year 1998, $5,000,000 for continued funding made in fiscal years 1996 and

1997 and for new grants, for an aggregate of 20 grants in such fiscal year;

"(D) for fiscal year 1999, $5,000,000 for continued funding made in fiscal years 1996, 1997, and 1998 and for new grants, for an aggregate of 20 grants in such fiscal year; and

"(E) for fiscal year 2000, $5,000,000 for continued funding made in fiscal years 1996, 1997, 1998, and 1999 and for new grants, for an aggregate of 20 grants in such fiscal year or such number as the Secretary determines appropriate pursuant to the evaluation described in section 1211(i)(2).".

(b) EVEN START FAMILY LITERACY PROGRAMS.—Part B of title I of the Elementary and Secondary Education Act of 1965 is amended—

(1) in section 1202(a)(1), by inserting "(1)" after "1002(b)";

(2) in section 1202(b), by inserting "(1)" after "1002(b)";

(3) in section 1202(d)(1)—

(A) by inserting "(1)" after "1002(b)"; and

(B) by inserting "or under section 1211," after "subsections (a), (b), and (c),";

(4) in section 1202(d)(3), by inserting "(1)" after "1002(b)";

(5) in section 1202(e)(4), by striking ", the District of Columbia,";

(6) in section 1204(a), by inserting "intensive" after "cost of providing";

(7) in section 1205(4), by inserting ", intensive" after "high-quality";

(8) in section 1206(b)(1), by striking "described in subsection (a)"; and

(9) by adding at the end the following new section:

"SEC. 1211. DISTRICT OF COLUMBIA EVEN START INITIATIVES.

"(a) D.C. PROGRAM AUTHORIZED.—The Secretary shall provide grants, on a competitive basis, to assist eligible entities to carry out Even Start programs in the District of Columbia that build on the findings of the 'National Evaluation of the Even Start Family Literacy Program', such as providing intensive services in parent training and adult literacy or adult education.

"(b) DEFINITION OF 'ELIGIBLE'.—For the purpose of this section, the term 'eligible entity' means a partnership composed of at least—

"(1) a public school in the District of Columbia;

"(2) the local educational agency in existence on September 1, 1995 for the District of Columbia, any other public organization, or an institution of higher education; and

"(3) a private nonprofit community-based organization.

"(c) USES OF FUNDS; COST-SHARING.—

"(1) COMPLIANCE.—Each eligible entity that receives funds under this section shall comply with section 1204(a) and 1204(b)(3), relating to the use of such funds.

"(2) COST-SHARING.—Each program funded under this section is subject to the cost-sharing requirement of section 1204(b)(1), except that the Secretary may waive that requirement, in whole or in part, for any eligible entity that demonstrates to the Secretary's satisfaction that such entity otherwise would not be able to participate in the program under this section.

"(3) MINIMUM.—Except as provided in paragraph (4), each eligible entity selected to receive a grant under this section shall receive not more than $250,000 in any fiscal year, except that the Secretary may increase such amount if the Secretary determines that—

"(A) such entity needs additional funds to be effective; and

"(B) the increase will not reduce the amount of funds available to other programs that receive funds under this section.

"(4) REMAINING FUNDS.—If funds remain after payments are made under paragraph (3) for any fiscal year, the Secretary shall make such remaining funds available to each selected eligible entity in such fiscal year on a pro rata basis.

"(d) PROGRAM ELEMENTS.—Each program assisted under this section shall comply with the program elements described in section 1205, including intensive high quality instruction programs of parent training and adult literacy or adult education.

"(e) ELIGIBLE PARTICIPANTS.—

"(1) IN GENERAL.—Individuals eligible to participate in a program under this section are—

"(A) the parent or parents of a child described in subparagraph (B), or any other adult who is substantially involved in the day-to-day care of the child, who—

"(i) is eligible to participate in an adult education program under the Adult Education Act; or

"(ii) is attending, or is eligible by age to attend, a public school in the District of Columbia; and

"(B) any child, from birth through age 7, of an individual described in subparagraph (A).

"(2) ELIGIBILITY REQUIREMENTS.—The eligibility factors described in section 1206(b) shall apply to programs under this section.

"(f) APPLICATIONS.—Each eligible entity that wishes to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(g) SELECTION OF GRANTEES.—In awarding grants under this section, the Secretary shall—

"(1) use the selection criteria described in subparagraphs (A) through (F) and (H) of section 1208(a)(1); and

"(2) give priority to applications for programs that—

"(A) target services to schools in which a schoolwide program is being conducted under section 1114 of this subtitle; or

"(B) are located in areas designated as empowerment zones or enterprise communities.

"(h) DURATION OF PROGRAMS.—The priority for subgrants described in section 1208(b) shall apply to grants made under this section, except that—

"(1) references in that section to the State educational agency and to subgrants shall be read to refer to the Secretary and to grants under this section, respectively; and

"(2) notwithstanding paragraph (4) of such section, the Secretary shall not provide continuation funding to a recipient under this section if the Secretary determines, after affording the recipient notice and an opportunity for a hearing, that the recipient has not made substantial progress toward achieving its stated objectives and the purpose of this section.

"(i) TECHNICAL ASSISTANCE AND EVALUATION.—

"(1) TECHNICAL ASSISTANCE.—(A) The Secretary shall use not more than 5 percent of the amounts authorized under section 1002(b)(2) for any fiscal year to provide technical assistance to eligible entities, including providing funds to one or more local nonprofit organizations to provide technical assistance to eligible entities in the areas of community development and coalition building, and for the evaluation conducted pursuant to paragraph (2).

"(B) The Secretary shall allocate 5 percent of the amounts authorized under section 1002(b)(2) in any fiscal year to contract with the National Center for Family Literacy to provide technical assistance to eligible entities.

"(2) EVALUATION.—(A) The Secretary shall use funds available under paragraph (1)(A) to provide an independent evaluation of programs under this section to determine their effectiveness in providing high quality family literacy services including—

"(i) intensive and high quality services in adult literacy or adult education;

"(ii) intensive and high quality services in parent training;

"(iii) coordination with related programs;

"(iv) training of related personnel in appropriate skill areas; and

to determine if the grant amount provided to grantees to carry out such projects is appropriate to accomplish the goals of this section.

"(B)(i) Such evaluation shall be conducted by individuals not directly involved in the administration of a program operated with funds provided under this section. Such independent evaluators and the program administrators shall jointly develop evaluation criteria which provide for appropriate analysis of the factors listed in subparagraph (A).

"(ii) In order to determine a program's effectiveness in achieving its stated goals, each evaluation shall contain objective measures of such goals and, whenever feasible, shall obtain the specific views of program participants about such programs.

"(C) The Secretary shall prepare and submit to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Economic and Education Opportunities of the House of Representatives, the Committee on Government Reform and Oversight of the House of Representatives, the Committee on Labor and Human Resources of the Senate, and the Committee on Governmental Affairs of the Senate a report regarding the results of such evaluations not later than March 1, 1999. The Secretary shall provide an interim report by March 1, 1998.".

Subtitle D—World Class Schools Panel; Core Curriculum; Assessments; and Promotion Gates

PART 1—WORLD CLASS SCHOOLS PANEL

SEC. 2251. ESTABLISHMENT.

There is established a panel to be known as the "World Class Schools Panel".

SEC. 2252. DUTIES OF PANEL.

(a) IN GENERAL.—Not later than July 1, 1996, the Panel shall recommend to the Superintendent and the Board of Education the following:

(1) A core curriculum for kindergarten through the 12th grade developed or selected by the Panel.

(2) District-wide assessments for measuring student achievement in the curriculum developed or selected under paragraph (1). Such assessments shall be developed at several grade levels, including, at a minimum, the grade levels with respect to which the Superintendent establishes promotion gates, as required under section 2263. To the extent feasible, such assessments shall, at a minimum, be designed to provide information that permits the following comparisons to be made:

(A) Comparisons among individual schools and individual students in the District of Columbia.

(B) Comparisons between individual schools and individual students in the District of Columbia and schools and students in other States and the Nation as a whole.

(C) Comparisons between individual schools and individual students in the District of Columbia and schools and students in other nations whose students historically have scored high on international studies of student achievement.

(3) Model professional development programs for teachers using the curriculum developed or selected under paragraph (1).

(b) CONTENT.—The curriculum and assessments recommended under subsection (a) shall be either newly developed or existing materials that are judged by the Panel to be—

(1) "world class", including having a level of quality and rigor that is equal to, or greater than, the level of quality and rigor of analogous curricula and assessments of other nations (including nations whose students historically score high on international studies of student achievement); and

(2) appropriate for the District of Columbia public schools.

(c) SUBMISSION TO SECRETARY.—If the curriculum, assessments, and model professional development programs recommended by the Panel are approved by the Board of Education, the Superintendent may submit them to the Secretary of Education as evidence of compliance with sections 1111, 1112, and 1119 of the Elementary and Secondary Education Act of 1965.

SEC. 2253. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Panel shall be comprised of the Superintendent and 6 other members appointed as follows:

(1) 2 members appointed by the Speaker of the House of Representatives.

(2) 2 members appointed by the majority leader of the Senate.

(3) 1 member appointed by the President.

(4) 1 member appointed by the Mayor who—

(A) is a parent of a minor student enrolled in a District of Columbia public school; and

(B) is active in a parent organization.

(b) EXPERTISE.—The members of the Panel appointed under paragraphs (1), (2), and (3) of subsection (a) shall be appointed from among individuals who are nationally recognized experts on education reform in the United States or who are nationally recognized experts on education in other nations, including the areas of curriculum, assessment, and teacher training.

(c) TERMS.—The term of service of each member of the Panel shall begin on the date of appointment of the member and shall end on the date of the termination of the Panel, unless the member resigns from the Panel or becomes incapable of continuing to serve on the Panel.

(d) CHAIRPERSON.—The members of the Panel shall select a chairperson from among them.

(e) DATE OF APPOINTMENT.—The members of the Panel shall be appointed not later than 30 days after the date of the enactment of this Act.

(f) COMMENCEMENT OF DUTIES.—The Panel may begin to carry out its duties under this part when 5 members of the Panel have been appointed.

(g) VACANCIES.—A vacancy on the Panel shall not affect the powers of the Panel, but shall be filled in the same manner as the original appointment.

SEC. 2254. CONSULTATION.

The Panel shall conduct its work in consultation with—

(1) officials of the District of Columbia public schools who have been identified by the Superintendent as having relevant responsibilities;

(2) the consortium established under section 2604(e); and

(3) any other persons or groups the Panel deems appropriate.

SEC. 2255. ADMINISTRATIVE PROVISIONS.

(a) MEETINGS.—The Panel shall meet on a regular basis, as necessary, at the call of the chairperson or a majority of its members.

(b) QUORUM.—A majority of the members shall constitute a quorum for the transaction of business.

(c) VOTING AND FINAL DECISION.—

(1) PROHIBITION ON PROXY VOTING.—No individual may vote, or exercise any other power of a member, by proxy.

(2) FINAL DECISIONS.—In making final decisions of the Panel with respect to the exercise of its duties and powers, the Panel shall operate on the principle of majority vote.

(d) PUBLIC ACCESS.—The Panel shall ensure public access to its proceedings (other than proceedings, or portions of proceedings, relating to internal personnel and management matters) and make available to the public, at reasonable cost, transcripts of such proceedings.

(e) NO PAY FOR PERFORMANCE OF DUTIES.—Members of the Commission may not be paid for the performance of duties vested in the Commission.

(f) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with section 5702 and 5703 of title 5, United States Code.

SEC. 2256. GIFTS.

The Panel may, during the fiscal year ending September 30, 1996, accept donations of money, property, and personal services, except that no donations may be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of the Panel.

SEC. 2257. DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.

(a) DIRECTOR.—The Chairperson of the Panel, without regard to the provisions of title 5, United States Code, relating to the appointment and compensation of officers or employees of the United States, shall appoint a Director to be paid at a rate not to exceed the rate of basic pay for level V of the Executive Schedule.

(b) APPOINTMENT AND PAY OF EMPLOYEES.—

(1) APPOINTMENT.—The Director may appoint not more than 6 additional employees to serve as staff to the Panel without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(2) PAY.—The employees appointed under paragraph (1) may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates, but shall not be paid a rate that exceeds the maximum rate of basic pay payable for GS–15 of the General Schedule.

(c) EXPERTS AND CONSULTANTS.—The Panel may procure temporary and intermittent services of experts and consultants under section 3109(b) of title 5, United States Code.

(d) STAFF OF FEDERAL AGENCIES.—Upon the request of the Panel, the head of any department or agency of the United States may detail any of the personnel of such agency to the Panel to assist the Panel in its duties under this part.

SEC. 2258. TERMINATION OF PANEL.

The Panel shall terminate upon the completion of its work, but not later than August 1, 1996.

SEC. 2259. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this part $2,000,000 for fiscal year 1996. Such sum shall remain available until expended.

PART 2—DUTIES OF BOARD OF EDUCATION WITH RESPECT TO CORE CURRICULUM, ASSESSMENTS, AND PROMOTION GATES

SEC. 2261. DEVELOPMENT OF CORE CURRICULUM AND DISTRICT-WIDE ASSESSMENTS.

(a) IN GENERAL.—If the Board of Education does not approve both the core curriculum and the district-wide assessments recommended by the Panel under section 2252, the Superintendent shall develop or select, with the approval of the Board of Education, an alternative curriculum and alternative district-wide assessments that satisfy the requirements of paragraphs (1) and (2) of subsection (a), and subsection (b), of such section, except that the reference to the Panel in section 2252(b) shall be considered a reference to the Superintendent.

(b) DEADLINE.—If the Board of Education does not approve both the core curriculum and the district-wide assessments recommended by the Panel under section 2252, the Superintendent shall meet the requirements of subsection (a) not later than August 1, 1996.

SEC. 2262. ASSESSMENTS.

(a) ADMINISTRATION OF ASSESSMENTS.—The Superintendent shall administer the assessments developed or selected under section 2252 or 2261 to students enrolled in the District of Columbia public schools and public charter schools on an annual basis.

(b) DISSEMINATION OF INFORMATION.—

(1) IN GENERAL.—Except as provided by paragraph (2), the information derived from the assessments administered under subsection (a) shall be made available, on an annual basis, to the appropriate congressional committees, the District of Columbia Council, the Mayor, parents, and other members of the public.

(2) LIMITATION.—To release any such information, the Superintendent shall comply with the requirements of section 444 of the General Education Provisions Act (20 U.S.C 1232g).

SEC. 2263. PROMOTION GATES.

(a) KINDERGARTEN THROUGH 4TH GRADE.—Not later than August 1, 1996, the Superintendent shall establish and implement promotion gates with respect to not less than one grade level from kindergarten through and including the 4th grade.

(b) 5TH THROUGH 8TH GRADES.—Not later than August 1, 1997, the Superintendent shall establish and implement promotion gates with respect to not less than one grade level from the 5th grade through and including the 8th grade.

(c) 9TH THROUGH 12TH GRADES.—Not later than August 1, 1998, the Superintendent shall establish and implement promotion gates with respect to not less than one grade level from the 9th grade through and including the 12th grade.

(d) INTERIM DEADLINE.—Not later than February 1, 1996, the Superintendent shall designate the grade levels with respect to which promotion gates will be established and implemented.

Subtitle E—Per Capita District of Columbia Public School and Public Charter School Funding

SEC. 2301. ANNUAL BUDGETS FOR SCHOOLS.

(a) IN GENERAL.—For fiscal year 1997 and for each subsequent fiscal year, the Mayor shall make annual payments from the general fund of the District of Columbia in accordance with the formula established under subsection (b).

(b) FORMULA.—

(1) IN GENERAL.—The Mayor and the District of Columbia Council, in consultation with the Board of Education and the Superintendent, shall establish a formula which determines the amount—

(A) of the annual payment to the Board of Education for the operating expenses of the District of Columbia public schools, which for purposes of this paragraph includes the operating expenses of the Board of Education and the Office of the Superintendent; and

(B) of the annual payment to each public charter school for the operating expenses of each such public charter school established in accordance with subtitle B.

(2) FORMULA CALCULATION.—Except as provided in paragraph (3), the amount of the annual payment under paragraph (1) shall be calculated by multiplying a uniform dollar amount used in the formula established under such paragraph by—

(A) the number of students calculated under section 2302 that are enrolled at District of Columbia public schools, in the case of the payment under paragraph (1)(A); or

(B) the number of students calculated under section 2302 that are enrolled at each public charter school, in the case of a payment under paragraph (1)(B).

(3) EXCEPTION.—Notwithstanding paragraph (2), the Mayor and the District of Columbia Council, in consultation with the Board of Education and the Superintendent, may adjust the formula—

(A) to increase or decrease the amount of the annual payment to the District of Columbia public schools or each public charter school based on a calculation of—

(i) the number of students served by such schools in certain grade levels; and

(ii) the cost of educating students at such certain grade levels; and

(B) to increase the amount of the annual payment if the District of Columbia public schools or each public charter school serve a high number of students with special needs (as such term is defined under paragraph (4)).

(4) DEFINITION.—The Mayor and the District of Columbia Council shall develop a definition of the term "students with special needs" for purposes of carrying out this title.

SEC. 2302. CALCULATION OF NUMBER OF STUDENTS.

(a) SCHOOL REPORTING REQUIREMENT.—

(1) IN GENERAL.—Not later than September 15 of each year, beginning in fiscal year 1997, each District of Columbia public school and public charter school shall submit a report to the Mayor, District of Columbia Council, Board of Education, the Authority, and the eligible chartering authority that approved its charter, containing the information described in subsection (b).

(2) SPECIAL RULE.—Not later than April 1 of each year, beginning in 1997, each public charter school shall submit a report in the same form and manner as described in paragraph (1) to ensure accurate payment under section 2303(a)(2)(B)(ii).

(b) CALCULATION OF NUMBER OF STUDENTS.—Not later than 30 days after the date of the enactment of this Act, and not later than October 15 of each year thereafter, the Board of Education shall calculate the following:

(1) The number of students, including nonresident students, enrolled in kindergarten through grade 12 of the District of Columbia public schools and in public charter schools established in accordance with this title and the number of students whose tuition for enrollment in other schools is paid for by funds available to the District of Columbia public schools.

(2) The amount of fees and tuition assessed and collected from the nonresident students described in paragraph (1).

(3) The number of students, including nonresident students, enrolled in pre-school and pre-kindergarten in the District of Columbia public schools and in public charter schools established in accordance with this title.

(4) The amount of fees and tuition assessed and collected from the nonresident students described in paragraph (3).

(5) The number of full time equivalent adult students enrolled in adult, community, continuing, and vocational education programs in the District of Columbia public schools and in public charter schools established in accordance with this title.

(6) The amount of fees and tuition assessed and collected from resident and nonresident adult students described in paragraph (5).

(7) The number of students, including nonresident students, enrolled in non-grade level programs in District of Columbia public schools and in public charter schools established in accordance with this title.

(8) The amount of fees and tuition assessed and collected from nonresident students described in paragraph (7).

(c) ANNUAL REPORTS.—Not later than 30 days after the date of the enactment of this Act, and not later than October 15 of each year thereafter, the Board of Education shall prepare and submit to the Authority, the Mayor, the District of Columbia Council, the Comptroller General of the United States, and the appropriate congressional committees a report containing a summary of the most recent calculations made under subsection (b).

(d) AUDIT OF INITIAL CALCULATIONS.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct an audit of the initial calculations described in subsection (b).

(2) CONDUCT OF AUDIT.—In conducting the audit, the Comptroller General of the United States—

(A) shall provide an opinion as to the accuracy of the information contained in the report described in subsection (b); and

(B) shall identify any material weaknesses in the systems, procedures, or methodology used by the Board of Education—

(i) in determining the number of students, including nonresident students, enrolled in the District of Columbia public schools and in public charter schools established in accordance with this title and the number of students whose tuition for enrollment in other school systems is paid for by funds available to the District of Columbia public schools; and

(ii) in assessing and collecting fees and tuition from nonresident students.

(3) SUBMISSION OF AUDIT.—Not later than 45 days after the date on which the Comptroller General of the United States receives the initial annual report from the Board of Education under subsection (c), the Comptroller General shall submit to the Authority, the Mayor, the District of Columbia Council, and the appropriate congressional committees the audit conducted under this subsection.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Comptroller General of the United States $75,000 for fiscal year 1996 for the purpose of carrying out this subsection.

SEC. 2303. PAYMENTS TO PUBLIC CHARTER SCHOOLS.

(a) IN GENERAL.—

(1) ESCROW FOR PUBLIC CHARTER SCHOOLS.—Except as provided in subsection (b), for any fiscal year, not later than 10 days after the date of enactment of the District of Columbia Appropriations Act for such fiscal year, the Mayor shall place in escrow an amount equal to the aggregate of the amounts determined under section 2301(b)(1)(B) for use only by District of Columbia public charter schools.

(2) TRANSFER OF ESCROW FUNDS.—

(A) 1997 INITIAL PAYMENT.—Beginning in 1997, not later than October 15 of each year, the Mayor shall transfer, by electronic funds transfer, an amount equal to 75 percent of the amount of the annual payment for a public charter school determined by using the formula established pursuant to section 2301(b) to a bank designated by each public charter school.

(B) 1997 FINAL PAYMENT.—

(i) Except as provided in clause (ii), not later than May 1 of each year beginning in 1997, the Mayor shall transfer the remainder of the annual payment for a public charter school in the same manner as the initial payment was made under subparagraph (A).

(ii) Beginning in 1997, not later than March 15, if the enrollment number of a public charter school has changed from the number reported to the Mayor, District of Columbia Council, Board of Education, the Authority, and the eligible chartering authority that approved its charter as required under section 2302(a)(2), the Mayor shall increase the payment in an amount equal to 50 percent of the amount provided for each student who has enrolled without another student withdrawing or dropping out, or shall reduce the payment in an amount equal to 50 percent of the amount provided for each student who has withdrawn or dropped out of school without another student replacement.

(C) PRO RATA REDUCTION OR INCREASE IN PAYMENTS.—

(i) If the funds made available to the District of Columbia public schools for any fiscal year are insufficient to pay the full amount that each school is eligible to receive under this subtitle for such year, the Mayor shall ratably reduce such amounts for such year.

(ii) If additional funds become available for making payments under this subtitle for such fiscal year, amounts that were reduced under subparagraph (A) shall be increased on the same basis as such amounts were reduced.

(D) UNEXPENDED FUNDS.—Any funds that remain in the escrow account for public charter schools on September 30 of a fiscal year shall revert to the general fund of the District of Columbia.

(b) EXCEPTION FOR NEW SCHOOLS.—

(1) AUTHORIZATION.—There are authorized to be appropriated $200,000 for any fiscal year for the purpose of carrying out this subsection.

(2) DISBURSEMENT TO MAYOR.—The Secretary of the Treasury shall make available and disburse to the Mayor, not later than August 1 of each of the years 1996 through 2000, such funds as have been appropriated under paragraph (1).

(3) ESCROW.—The Mayor shall place in escrow, for use by public charter schools, any sum disbursed under paragraph (2) that has not yet been paid under paragraph (4).

(4) PAYMENTS TO SCHOOLS.—The Mayor shall pay to public charter schools described in paragraph (5), in accordance with this subsection, any sum disbursed under paragraph (2).

(5) SCHOOLS DESCRIBED.—The schools referred to in paragraph (4) are public charter schools that—

(A) did not operate as public charter schools during any portion of the fiscal year preceding the fiscal year for which funds are authorized to be appropriated under paragraph (1); and

(B) operated as public charter schools during the fiscal year for which funds are authorized to be appropriated under paragraph (1).

(6) FORMULA.—

(A) 1996.—The amount of the payment to a public charter school described in paragraph (5) that begins operation in fiscal year 1996 shall be calculated by multiplying $6,300 by 1/12 of the total anticipated enrollment as set forth in the petition to establish the public charter school; and

(B) 1997 THROUGH 2000.—The amount of the payment to a public charter school described in paragraph (5) that begins operation in any of fiscal years 1997 through 2000 shall be calculated by multiplying the uniform dollar amount used in the formula established under 2301(b) by 1/12 of the total anticipated enrollment as set forth in the petition to establish the public charter school.

(7) PAYMENT TO SCHOOLS.—

(A) TRANSFER.—On September 1 of each of the years 1996 through 2000, the Mayor shall transfer, by electronic funds transfer, the amount determined under paragraph (6) for each public charter school from the escrow account established under subsection (a) to a bank designated by each such school.

(B) PRO RATA AND REMAINING FUNDS.—Subparagraphs (C) and (D) of subsection (a)(2) shall apply to payments made under this subsection.

Subtitle F—School Facilities Repair and Improvement

PART 1—SCHOOL FACILITIES

SEC. 2351. AGREEMENT FOR TECHNICAL ASSISTANCE.

(a) IN GENERAL.—Not later than December 31, 1995, the Administrator of the General Services Administration and the Superintendent shall enter into a Memorandum of Agreement or Understanding (referred to in this subtitle as the "Agreement") authorizing, to the extent provided in this subtitle, the Administrator to provide technical assistance to the District of Columbia public schools regarding school facilities repair and improvements, including contracting for and supervising the repair and improvements of such facilities and the coordination of such efforts.

(b) AGREEMENT PROVISIONS.—The Agreement shall include the following:

(1) GENERAL AUTHORITY.—Provisions that give the Administrator authority—

(A) to supervise and direct District of Columbia public school personnel responsible for public school facilities repair and improvements;

(B) to develop, coordinate and implement a systemic and comprehensive facilities revitalization program, taking into account the "Preliminary Facilities Master Plan 2005" (prepared by the Superintendent's Task Force on Education Infrastructure for the 21st Century) to repair and improve District of Columbia public school facilities, including a list of facilities and renovation schedule that prioritizes facilities to be repaired and improved;

(C) to accept private goods and services for use by District of Columbia public schools, in consultation with the nonprofit corporation referred to in section 2603;

(D) to recommend specific repair and improvement projects in District of Columbia public school facilities by members and units of the National Guard and military reserve, consistent with section 2351(b)(1)(B); and

(E) to access all District of Columbia public school facilities and any records or documents regarding such facilities.

(2) COOPERATION.—Assurances by the Administrator and the Superintendent to cooperate with each other, and with the nonprofit corporation referred to in section 2603, in any way necessary, to ensure implementation of the Agreement.

(c) DURATION OF AGREEMENT.—The Agreement shall remain in effect until the agency designated pursuant to section 2352(a)(2) assumes responsibility for the District of Columbia public school facilities but shall terminate not later than 24 months after the date that the Agreement is signed, whichever is earlier.

SEC. 2352. FACILITIES REVITALIZATION PROGRAM.

(a) PROGRAM.—Not later than 24 months after the date that the Agreement is signed, the Mayor and the District of Columbia Council shall—

(1) in consultation with the Administrator, the Authority, the Board of Education, and the Superintendent, design and implement a facilities repair, maintenance, improvement, and management program; and

(2) designate a new or existing agency or authority to administer such program to repair, improve, and maintain the physical condition and safety of District of Columbia public school facilities.

(b) PROCEEDS.—Such management program shall include provisions that—

(1) identify short-term funding for capital and maintenance of such facilities, which may include retaining proceeds from the sale or lease of a District of Columbia public school facility; and

(2) identify and designate long-term funding for capital and maintenance of such facilities.

(c) IMPLEMENTATION.—Upon implementation of such program, the agency or authority created or designated pursuant to subsection (a)(2) shall assume authority and responsibility for repair, maintenance, improvement, and management of District of Columbia public schools.

SEC. 2353. DEFINITIONS.

For purposes of this subtitle, the following terms have the following meanings:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the General Services Administration.

(2) FACILITIES.—The term "facilities" means buildings, structures, and real property.

SEC. 2354. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for each of fiscal years 1996 and 1997, $2,000,000 to the District of Columbia public schools for use by the Administrator to carry out this subtitle.

PART 2—WAIVERS

SEC. 2361. WAIVERS.

(a) IN GENERAL.—All District of Columbia fees, all requirements found in the document "The District of Columbia Public Schools Standard Contract Provisions" published by the District of Columbia public schools for use with construction maintenance projects, shall be waived, for purposes of repair and improvement of the District of Columbia public schools for a period of 24 months after the date of enactment of this Act.

(b) LIMITATION.—

(1) WAIVER APPLICATION.—A waiver under subsection (a) shall apply only to contractors, subcontractors, and any other groups, entities, or individuals who donate materials and services to the District of Columbia public schools.

(2) INSURANCE REQUIREMENTS.—Nothing in this section shall be construed to waive the requirements for a contractor to maintain adequate insurance coverage.

SEC. 2362. APPLICATION FOR PERMITS.

An application for a permit during the 24-month period described in section 2311(a), required by the District of Columbia government for the repair or improvement of a District of Columbia public school shall be acted upon not later than 20 days after receipt of the application by the respective District of Columbia permitting authorities.

Subtitle G—Department of Education "D.C. Desk"

SEC. 2401. ESTABLISHMENT.

There shall be established within the Office of the Secretary of the Department of Education a District of Columbia Technical Assistance Office (in this subtitle referred to as the "D.C. Desk").

SEC. 2402. DIRECTOR FOR DISTRICT OF COLUMBIA COORDINATED TECHNICAL ASSISTANCE.

The D.C. Desk shall be administered by a Director for District of Columbia Coordinated Technical Assistance. The Director shall be appointed by the Secretary and shall not be paid at a rate that exceeds the maximum rate of basic pay payable for GS-15 of the General Schedule.

SEC. 2403. DUTIES.

The Director of the D.C. Desk shall—

(1) coordinate with the Superintendent a comprehensive technical assistance strategy by the Department of Education that supports the District of Columbia public schools first year reforms and long-term plan described in section 2101;

(2) identify all Federal grants for which the District of Columbia public schools are eligible to apply to support implementation of its long term plan;

(3) identify private and public resources available to the District of Columbia public schools that are consistent with the long-term plan described in section 2101; and

(4) provide additional technical assistance as assigned by the Secretary which supports reform in the District of Columbia public schools.

Subtitle H—Residential School

SEC. 2451. PLAN.

(a) IN GENERAL.—The Superintendent may develop a plan to establish a residential school for the 1997-1998 school year.

(b) REQUIREMENTS.—If developed, the plan for the residential school shall include, at a minimum—

(1) options for the location of the school, including renovation or building of a new facility;

(2) financial plans for the facility, including annual costs to operate the school, capital expenditures required to open the facility, maintenance of facilities, and staffing costs; and

(3) staff development and training plans.

SEC. 2452. USE OF FUNDS.

Funds under this subtitle shall be used for—

(1) planning requirements as described in section 2451; and

(2) capital costs associated with the start-up of a residential school, including the purchase of real and personal property and the renovation of existing facilities.

SEC. 2453. FUTURE FUNDING.

The Superintendent shall identify, not later than December 31, 1996, in a report to

the Mayor, City Council, the Authority, the Appropriations Committees of the House of Representatives and the Senate, the House Governmental Reform Committee, the House Economic and Educational Opportunities Committee, and the Senate Labor and Human Resources Committee and the Governmental Affairs Committee, non-Federal funding sources for operation of the residential school.

SEC. 2454. GIFTS.

The Superintendent may accept donations of money, property, and personal services for purposes of the establishment and operation of a residential school.

SEC. 2455. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the District $2,000,000 for fiscal year 1996 to carry out this subtitle for initial start-up expenses of a residential school in the District of Columbia, of which not more than $100,000 may be used to carry out section 2451.

Subtitle I—Progress Reports and Accountability

SEC. 2501. DISTRICT OF COLUMBIA COUNCIL REPORT.

Not later than 60 days after the date of the enactment of this Act, the Chairman of the District of Columbia Council shall submit to the appropriate congressional committees a report describing legislative and other actions the District of Columbia Council has taken or will take to facilitate the implementation of the reforms described in section 2502.

SEC. 2502. SUPERINTENDENT'S REPORT ON REFORMS.

Not later than August 1, 1996, the Superintendent shall submit to the appropriate congressional committees, the Board of Education, the Mayor, and the District of Columbia Council a progress report that includes the following:

(1) The status of the approval by the Board of Education of the core curriculum—

(A) recommended by the Panel under section 2252(a)(1); or

(B) selected or developed by the Superintendent under section 2261.

(2) The status of the approval by the Board of Education of the district-wide assessments for measuring student achievement—

(A) recommended by the Panel under section 2252(a)(2); or

(B) selected or developed by the Superintendent under section 2261.

(3) The status of the establishment and implementation of promotion gates under section 2263.

(4) Identification of strategies to assist students who do not meet promotion gate criteria.

(5) The status of the implementation of a policy that provides rewards and sanctions for individual schools based on student performance on district-wide assessments.

(6) A description of the activities carried out under the program established under section 2604(e).

(7) The status of implementation by the Board of Education, after consultation with the Superintendent and unions (including unions that represent teachers and unions that represent principals) of a policy for performance-based evaluation of principals and teachers.

(8) A description of how the private sector partnership described in subtitle K is working collaboratively with the Board of Education and the Superintendent.

(9) The status of implementation of policies developed by the Superintendent and the Board of Education that establish incentive pay awards for staff of District of Columbia public schools who meet annual performance goals based on district-wide assessments at individual schools.

(10) A description of how staffing decisions have been revised to delegate staffing to individual schools and transfer additional decisionmaking with respect to budgeting to the individual school level.

(11) A description of, and the status of implementation of, policies adopted by the Board of Education that require competitive appointments for all positions.

(12) The status of implementation of policies regarding alternative teacher certification requirements.

(13) The status of implementation of testing requirements for teacher licensing renewal.

(14) The status of efforts to increase the involvement of families in the education of students, including—

(A) the development of family resource centers;

(B) the expansion of Even Start programs described in part B of chapter 1 of title I of the Elementary and Secondary Education Act of 1965; and

(C) the development and implementation of policies to increase parental involvement in education.

(15) A description of, and the status of implementation of, a policy to allow District of Columbia public schools to be used after school hours as community centers, including the establishment of at least one prototype pilot project in one school.

(16) A description of, and the status of implementation of, a policy to increase the participation of tutors and mentors for students, beginning not later than the 8th grade.

(17) A description of the status of implementation of the agreement with the Administrator of the General Services Administration under part 1 of subtitle E.

(18) A description of the status of the District of Columbia public school central office budget and staffing reductions from the level at the end of fiscal year 1995 and a review of the market-based provision of services provided by the central office to schools.

(19) The development by the Superintendent of a system of parental choice among District of Columbia public schools where per pupil funding follows the student ("Public School Vouchers") and adoption by the Board of Education.

(20) The status of the processing of public charter school petitions submitted to the Board of Education in accordance with subtitle B.

(21) The status of the revision and implementation by the Board of Education of the discipline policy for the District of Columbia public schools in order to ensure a safe, disciplined environment conducive to learning.

Subtitle J—Low-Income Scholarships

SEC. 2551. DISTRICT OF COLUMBIA SCHOLARSHIP CORPORATION.

(a) GENERAL REQUIREMENTS.—

(1) IN GENERAL.—There is authorized to be established a private, nonprofit corporation, to be known as the "District of Columbia Scholarship Corporation" (referred to in this subtitle as the "Corporation"), which is not an agency or establishment of the United States Government.

(2) DUTIES.—The Corporation shall have the responsibility and authority to administer, publicize, and evaluate the District of Columbia Scholarship Program, and to determine student and school eligibility.

(3) CONSULTATION.—The Corporation shall exercise its authority in a manner consistent with maximizing educational choices and opportunities for the maximum number of interested families, and in consultation with other school scholarship programs in the District of Columbia.

(4) APPLICATION OF PROVISIONS.—The Corporation shall be subject to the provisions of this Act, and, to the extent consistent with this section, to the District of Columbia Nonprofit Corporation Act (D.C. Code, 29-501 et seq.).

(5) RESIDENCE.—The Corporation shall have its place of business in the District of Columbia and shall be considered, for purposes of venue in civil actions, to be a resident thereof.

(b) ORGANIZATION AND MANAGEMENT, BOARD OF DIRECTORS.—

(1) MEMBERSHIP.—

(A) IN GENERAL.—The Corporation shall have a Board of Directors (referred to in this subtitle as the "Board"), comprised of 7 members with 6 members of the Board appointed by the President not later than 30 days after receipt of nominations from the Speaker of the House of Representatives and the majority leader of the Senate.

(B) HOUSE NOMINATIONS.—The President shall appoint 3 of the members from a list of 9 individuals nominated by the Speaker of the House of Representatives in consultation with the minority leader of the House of Representatives.

(C) SENATE NOMINATIONS.—The President shall appoint 3 members from a list of 9 individuals nominated by the majority leader of the Senate in consultation with the minority leader of the Senate.

(D) DEADLINE.—The Speaker of the House of Representatives and majority leader of the Senate shall submit their nominations to the President not later than 30 days after the date of the enactment of this Act.

(E) APPOINTEE OF MAYOR.—The Mayor shall appoint 1 member not later than 60 days after the date of the enactment of this Act.

(F) POSSIBLE INTERIM MEMBERS.—If the President does not appoint the 6 members of the Board in the 30-day period described in subparagraph (A), the nominees of the Speaker of the House of Representatives and of the Senate, together with the appointee of the Mayor, shall serve as an interim Board of Directors with all the powers and other duties of the Board described in this subtitle, until the President makes the appointments as described in this subsection.

(2) POWERS.—All powers of the Corporation shall vest in and be exercised under the authority of its Board of Directors.

(3) ELECTIONS.—Members of the Board annually shall elect 1 of the members to be chairperson.

(4) RESIDENCY.—All members appointed to the Board must be residents of the District of Columbia at the time of appointment and while serving on the Board.

(5) NONEMPLOYEE.—No member of the Board may be an employee of the United States Government or the District of Columbia government when appointed or during tenure on the Board, unless the individual is on a leave of absence from such a position while serving on the Board.

(6) INCORPORATION.—The members of the initial Board of Directors shall serve as incorporators and shall take whatever steps are necessary to establish the Corporation under the District of Columbia Nonprofit Corporation Act (D.C. Code 29-501 et seq.).

(7) GENERAL TERM.—The term of office of each member shall be 5 years, except that

any member appointed to fill a vacancy occurring prior to the expiration of the term for which the predecessor was appointed shall be appointed for the remainder of such term.

(8) CONSECUTIVE TERM.—No member of the Board shall be eligible to serve in excess of 2 consecutive terms of 5 years each. A partial term shall be considered as 1 full term. Any vacancy on the Board shall not affect its power, but shall be filled in a manner consistent with this subtitle.

(9) NO BENEFIT.—No part of the income or assets of the Corporation shall inure to the benefit of any Director, officer, or employee except as salary or reasonable compensation for services.

(10) POLITICAL ACTIVITY.—The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

(11) NO OFFICERS.—The members of the Board shall not, by reason of such membership, be considered to be officers or employees of the United States.

(12) STIPENDS.—The members of the Board, while attending meetings of the Board or while engaged in duties related to such meetings or other activities of the Board pursuant to this subtitle, shall be entitled to a stipend. Such stipend shall be at the rate of $150 per day for which the Board member has been officially recorded as having worked, except that no member may be paid a total stipend amount in any calendar year in excess of $5,000.

(c) OFFICERS AND STAFF.—

(1) EXECUTIVE DIRECTOR.—The Corporation shall have an Executive Director, and such other staff, as may be appointed by the Board for terms and at rates of compensation to be fixed by the Board.

(2) ANNUAL RATE.—No staff of the Corporation may be compensated by the Corporation at an annual rate of pay which exceeds the basic rate of pay in effect from time to time for level IV of the Executive Schedule under section 5312 of title 5, United States Code.

(3) CITIZENSHIP.—No individual other than a citizen of the United States may be a member of the Board of Directors, or staff of the Corporation.

(4) SERVICE.—All officers and employees shall serve at the pleasure of the Board.

(5) QUALIFICATION.—No political test or qualification may be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, or employees of the Corporation.

(d) POWERS OF THE CORPORATION.—

(1) GENERALLY.—The Corporation is authorized to obtain grants from, and make contracts with, individuals and with private, State, and Federal agencies, organizations, and institutions.

(2) HIRING AUTHORITY.—The Corporation may hire, or accept the voluntary services of, consultants, experts, advisory boards, and panels to aid the Corporation in carrying out the purposes of this subtitle.

(e) FINANCIAL MANAGEMENT AND RECORDS.—

(1) AUDITS.—The accounts of the Corporation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants. The audits shall be conducted at the place where the accounts of the Corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Corporation and necessary to facilitate the audits shall be made available to the person conducting the audit.

(2) REPORT.—The report by each such independent audit shall be included in the annual report to Congress required by section 2602.

SEC. 2552. FUNDING.

(a) FUND.—There is hereby established in the Treasury a fund that shall be known as the District of Columbia Scholarship Fund, to be administered by the Secretary of the Treasury.

(b) DISBURSEMENT.—The Secretary of the Treasury shall make available and disburse to the corporation, at the beginning of each of fiscal years 1996 through 2000, such funds as have been appropriated to the District of Columbia Scholarship Fund for the fiscal year in which such disbursement is to be made.

(c) AVAILABILITY.—Funds authorized to be appropriated under this subtitle shall remain available until expended.

(d) USES.—Funds authorized to be appropriated under this subtitle shall be used by the Corporation in a prudent and financially responsible manner, solely for scholarships, contracts, and administrative costs.

(e) AUTHORIZATION.—

(1) IN GENERAL.—There are authorized to be appropriated to the Fund—

(A) $5,000,000 for fiscal year 1996; and

(B) $7,000,000 for fiscal year 1997, and $10,000,000 for each of fiscal years 1998 through 2000.

(2) LIMITATION.—Not more than $500,000 may be used in any fiscal year by the Corporation for any purpose other than assistance to students.

SEC. 2553. SCHOLARSHIPS AUTHORIZED.

(a) IN GENERAL.—The District of Columbia Scholarship Corporation established under section 2501 is authorized in accordance with this subtitle to award scholarships to students in grades K–12—

(1) who are District of Columbia residents; and

(2) whose families are at or below 185 percent of the Federal poverty guidelines updated annually in the Federal Register by the Department of Health and Human Services under authority of section 673(2) of the Omnibus Budget Reconciliation Act of 1981.

(b) USE OF SCHOLARSHIP.—A scholarship may be used only for—

(1) the cost of the tuition of a private or independent school located within the geographic boundaries of the District of Columbia or the cost of the tuition of public, private, or independent school located within Montgomery County, Maryland; Prince Georges County, Maryland; Arlington County, Virginia; Alexandria City, Virginia; Falls Church City, Virginia; or Fairfax County, Virginia; or

(2) the cost of fees and other expenses for instructional services provided to students on school grounds outside of regular school hours or the cost of transportation for a student enrolled in a District of Columbia public school, public charter school, or independent or private school participating in the tuition scholarship program.

(c) NOT SCHOOL AID.—A scholarship shall be considered assistance to the student and shall not be considered assistance to the school.

SEC. 2554. ELIGIBILITY.

(a) IN GENERAL.—A student who is entitled to receive a public school education in the District of Columbia and who meets the requirements of section 2553(a) is eligible for a scholarship under subsections (c) and (d) of section 2555.

(b) PRIORITY IN YEAR ONE.—In fiscal year 1996, priority shall be given to students currently enrolled in a District of Columbia public school or preparing to enter kindergarten in 1996.

(c) SUBSEQUENT PRIORITY.—In subsequent fiscal years, priority shall be given to scholarship recipients from the preceding year.

SEC. 2555. SCHOLARSHIPS.

(a) AWARDS.—From the funds made available under this subtitle, the Corporation shall award scholarships and make payments, on behalf of the student, to participating schools as described in section 2559.

(b) NOTIFICATION.—Each school that enrolls scholarship students shall notify the Corporation—

(A) not later than 10 days after the date that a student is enrolled, of the names, addresses, and grade level of each scholarship student to the Corporation; and

(B) not later than 10 days after the date of the withdrawal of any scholarship student.

(c) TUITION SCHOLARSHIP AMOUNT.—

(1) BELOW POVERTY LEVEL.—For a student whose family income is at or below the poverty level, a tuition scholarship amount may not exceed the lesser of—

(A) the cost of a school's tuition; or

(B) $3,000 in 1996 with such amount adjusted in proportion to changes in the Consumer Price Index of all urban consumers published by the Department of Labor for each of fiscal years 1997 through 2000.

(2) ABOVE POVERTY LEVEL.—For a student whose family income is greater than the poverty level, but not more than 185 percent above the poverty level, a tuition scholarship amount may not exceed the lesser of—

(A) 50 percent of the cost of a school's tuition; or

(B) $1,500 in 1996 with such amount adjusted in proportion to changes in the Consumer Price Index of all urban consumers published by the Department of Labor for each of fiscal years 1997 through 2000.

(d) FEE OR TRANSPORTATION SCHOLARSHIP AMOUNT.—The fee or transportation scholarship amount may not exceed the lesser of—

(1) fees for instructional services provided to students on school grounds outside of regular school hours or the costs of transportation for students enrolled in the District of Columbia public schools, public charter schools, or independent or private schools participating in the tuition scholarship program; or

(2) $500 in fiscal year 1996 with such amount adjusted in proportion to the changes in the Consumer Price Index of all urban consumers published by the Department of Labor for each of the fiscal years 1997 through 2000.

(e) PROPORTION OF DIFFERENT TYPES OF SCHOLARSHIPS.—In each year, the Corporation shall ensure that the number of scholarships awarded for tuition and the number awarded for fees or transportation shall be equal, to the extent practicable.

(f) FUNDING SHORTFALL.—If, after the District of Columbia Scholarship Corporation determines the total number of eligible applicants for an academic year surpasses the amount of funds available in a fiscal year to fund all awards for such academic year, a random selection process shall be used to determine which eligible applicants receive awards.

(g) EXCEPTION.—Subsection (e) shall not apply to individuals receiving scholarship priority described in subsections (b) and (c) of section 2554.

SEC. 2556. SCHOOL ELIGIBILITY FOR TUITION SCHOLARSHIPS.

(a) APPLICATION.—A school that desires to accept tuition scholarship students for a school year shall file an application with the

Corporation by July 1 of the preceding school year, except that in fiscal year 1996, schools shall file such applications by such date as the Corporation shall designate for such purpose. In the application, the school shall—

(1) certify that it has operated during the current school year with not less than 25 students,

(2) assure that it will comply with all applicable requirements of this subtitle; and

(3) provide the most recent financial audit, completed not earlier than 3 years before the date such application is filed, from an independent certified public accountant using generally accepted auditing standards.

(b) ELIGIBILITY CERTIFICATION.—

(1) IN GENERAL.—Except as provided in paragraph (3), not later than 60 days after receipt of such information, the Corporation shall certify the eligibility of a school to participate in the tuition scholarship program.

(2) CONTINUATION.—Eligibility shall continue in subsequent years unless revoked as described in subsection (d).

(3) EXCEPTION FOR 1996.—In fiscal year 1996 after receipt of the information described in subsection (a), the Corporation shall certify the eligibility of a school to participate in the tuition scholarship program at the earliest practicable date.

(c) NEW SCHOOLS.—

(1) IN GENERAL.—A school that did not operate in the preceding academic year may apply for a 1-year provisional certification of eligibility to participate in the tuition scholarship program for a single school year by providing to the Corporation not later than July 1 of the preceding calendar year for which such school intends to begin operations—

(A) a list of the organization's board of directors;

(B) letters of support from not less than 10 members of the community;

(C) a business plan;

(D) intended course of study;

(E) assurances that it will begin operations with not less than 25 students; and

(F) assurances that it will comply with all applicable requirements of this subtitle.

(2) CERTIFICATION.—Not later than 60 days after the date of receipt of the information referred to in paragraph (1), the Corporation shall certify in writing the school's provisional eligibility for the tuition scholarship program unless good cause exists to deny certification.

(3) DENIAL OF CERTIFICATION.—If certification or provisional certification is denied for participation in the tuition scholarship program, the Corporation shall provide a written explanation to the applicant school of the reasons for such decision.

(d) REVOCATION OF ELIGIBILITY.—

(1) IN GENERAL.—Upon written petition from the parent of a tuition scholarship student or on the Corporation's own motion, the Corporation may, after notice and hearing, revoke a school's certification of eligibility for tuition scholarships for the subsequent school year for good cause, including a finding of a pattern of violation of program requirements described in section 2557(a).

(2) EXPLANATION.—If the eligibility of a school is revoked, the Corporation shall provide a written explanation for its decision to such school.

SEC. 2557. TUITION SCHOLARSHIP PARTICIPATION REQUIREMENTS FOR INDEPENDENT AND PRIVATE SCHOOLS.

(a) INDEPENDENT AND PRIVATE SCHOOL REQUIREMENTS.—Independent and private schools participating in the tuition scholarship program shall—

(1) not discriminate on the basis of race, color, or national origin, or on the basis of a student's disabilities if the school is equipped to provide an appropriate education;

(2) abide by all applicable health and safety requirements of the District of Columbia public schools;

(3) provide to the Corporation not later than June 30 of each year the most recent financial audit completed not earlier than 3 years before the date the application is filed from an independent certified public accountant using generally accepted auditing standards;

(4) abide by all local regulations in effect for independent or private schools;

(5) provide data to the Corporation as set forth in section 2562, and conform to tuition requirements as set forth in section 2555; and

(6) charge tuition scholarship recipients the same tuition amount as other students who are residents of the District of Columbia and enrolled in the same school.

(b) COMPLIANCE.—The Corporation may require documentation of compliance with the requirements of subsection (a), but neither the Corporation nor any governmental entity may impose additional requirements upon independent and private schools as a condition of participation.

(c) WITHDRAWAL FROM PROGRAM.—Schools may withdraw from the tuition scholarship program at any time, refunding to the Corporation the proportion of any scholarship payments already received for the remaining days in the school year on a pro rata basis. If a school withdraws during an academic year, it shall permit scholarship students to complete the year at their own expense.

SEC. 2558. CHILDREN WITH DISABILITIES.

Nothing in this subtitle shall affect the rights of students or the obligations of the District of Columbia public schools under the Individuals with Disabilities Education Act.

SEC. 2559. PAYMENTS FOR TUITION SCHOLARSHIPS.

(a) IN GENERAL.—

(1) PROPORTIONAL PAYMENT.—The Corporation shall make tuition scholarship payments to participating schools not later than October 15 of each year equal to half the total value of the scholarships awarded to students enrolled at such school, and half of such amount not later than January 15 of the following calendar year.

(2) PRO RATA AMOUNTS FOR STUDENT WITHDRAWL.—

(A) BEFORE PAYMENT.—If a student withdraws before a tuition scholarship payment is made, the school shall receive a pro rata amount based on the school's tuition for the number of days the student was enrolled.

(B) AFTER PAYMENT.—If a student withdraws after a tuition scholarship payment is made, the school shall refund to the Corporation the proportion of any scholarship payments already received for the remaining days of the school year on a pro rata basis. Such refund shall occur not later than 30 days after the date of the withdrawal of a student.

(b) FUND TRANSFERS.—The Corporation shall make tuition scholarship payments to participating schools by electronic funds transfer. If such an arrangement is not available, the school shall submit an alternative proposal to the Corporation for approval.

SEC. 2560. TUITION SCHOLARSHIP APPLICATION PROCEDURES.

The Corporation shall implement a schedule and procedures for processing applications for the tuition scholarship program that includes a list of eligible schools, distribution of information to parents and the general public, and deadlines for steps in the application and award process.

SEC. 2561. TUITION SCHOLARSHIP REPORTING REQUIREMENTS.

(a) IN GENERAL.—A school enrolling tuition scholarship students shall report not later than July 30 of each year in a manner prescribed by the Corporation, the following data:

(1) Standardized test scores, if any, for scholarship students.

(2) Grade advancement for scholarship students.

(3) Disciplinary actions taken with respect to scholarship students.

(4) Graduation, college admission test scores, and college admission rates, if applicable for scholarship students.

(5) Types and amounts of parental involvement required for all families.

(6) Student attendance for scholarship students.

(7) General information on curriculum, programs, facilities, credentials of personnel, and disciplinary rules.

(b) CONFIDENTIALITY.—No personal identifiers may be used in the body of such report except that the Corporation may request such confidential information solely for the purpose of verification.

SEC. 2562. FEE OR TRANSPORTATION SCHOLARSHIP PROCEDURES AND CRITERIA.

(a) POLICIES AND PROCEDURES.—The Corporation shall implement policies and procedures and criteria for administering scholarships for use with providers approved by the Corporation either for the cost of fees for instructional services provided to students on school grounds outside of regular school hours or for the costs of transportation for students enrolled in District of Columbia public schools, public charter schools, or independent or private schools participating in the tuition scholarship program.

(b) INFORMATION DISSEMINATION.—The Corporation shall distribute information describing the policies and procedures and criteria developed pursuant to subsection (a), using the most efficient and practicable methods available, to potential applicants and other interested parties within the geographic boundaries of the District of Columbia.

SEC. 2563. PROGRAM APPRAISAL.

(a) STUDY.—Not later than 4 years after the date of enactment of this Act, the Corporation shall provide for an evaluation of the tuition scholarship program, including—

(1) comparison of test scores between tuition scholarship students and District of Columbia public school students of similar background, including by income level;

(2) comparison of graduation rates between tuition scholarship students and District of Columbia public school students of similar background, including by income level; and

(3) satisfaction of parents of scholarship students.

(b) REPORT TO CONGRESS.—Not later than September 1 of each year, the Corporation shall submit a progress report on the scholarship program to the appropriate congressional committees.

SEC. 2564. JUDICIAL REVIEW.

(a) IN GENERAL.—

(1) JURISDICTION.—The United States District Court for the District of Columbia shall have jurisdiction over any legal challenges to the tuition scholarship program and shall provide expedited review.

(2) PROTECTABLE INTERESTS.—Parents and children shall be considered to have a separate protectable interest and entitled to intervene as defendants in any such action.

(3) TIMELY REVIEW.—The court shall render a prompt decision.

(b) APPEALS.—If the tuition scholarship program or any part thereof is enjoined or ruled invalid, the decision is directly appealable to the United States Supreme Court.

Subtitle K—Partnerships With Business

SEC. 2601. PURPOSE.

It is the purpose of this title to leverage private sector funds utilizing initial Federal investments in order to provide students and teachers within the District of Columbia public schools and public charter schools with access to state-of-the-art educational technology, to establish a regional job training and employment center, to strengthen workforce preparation initiatives for students within the District of Columbia public schools and public charter schools, and to coordinate private sector investments in carrying out this title.

SEC. 2602. DUTIES OF THE SUPERINTENDENT OF THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS.

Not later than 45 days after the date of the enactment of this Act, the Superintendent of the District of Columbia public schools—

(1) shall provide a grant to a private, nonprofit corporation that meets the eligibility criteria under section 2603 for the purposes of carrying out the duties under section 2604; and

(2) shall establish a nonprofit organization in accordance with the District of Columbia Nonprofit Corporation Act for the purpose of carrying out the duties under section 2605.

SEC. 2603. ELIGIBILITY CRITERIA FOR PRIVATE, NONPROFIT CORPORATION.

A private, nonprofit corporation shall be eligible to receive a grant under section 2602(1) if the corporation is a national business organization which is incorporated in the District of Columbia and which—

(1) has a board of directors which includes members who are also chief executive officers of technology-related corporations involved in education and workforce development issues;

(2) has extensive practical experience with initiatives that link business resources and expertise with education and training systems;

(3) has experience in working with State and local educational entities throughout the United States on the integration of academic studies with workforce preparation programs; and

(4) has a nationwide structure through which additional resources can be leveraged and innovative practices disseminated.

SEC. 2604. DUTIES OF THE PRIVATE, NONPROFIT CORPORATION.

(a) DISTRICT EDUCATION AND LEARNING TECHNOLOGIES ADVANCEMENT COUNCIL.—

(1) ESTABLISHMENT.—The corporation shall establish a council to be known as the "District Education and Learning Technologies Advancement Council" or "DELTA Council" (in this title referred to as the "council").

(2) MEMBERSHIP.—

(A) IN GENERAL.—The corporation shall appoint members to the council. An individual shall be appointed as a member to the council on the basis of the commitment of the individual, or the entity which the individual is representing, to providing time, energy, and resources to the council.

(B) COMPENSATION.—Members of the council shall serve without compensation.

(3) DUTIES.—The council—

(A) shall advise the corporation in the duties of the corporation under subsections (b) through (d) of this section; and

(B) shall assist the corporation in leveraging private sector resources for the purpose of carrying out such duties of the corporation.

(b) ACCESS TO STATE-OF-THE-ART EDUCATIONAL TECHNOLOGY.—

(1) IN GENERAL.—The corporation, in conjunction with the Superintendent, students, parents, and teachers, shall establish and implement strategies to ensure access to state-of-the-art educational technology within the District of Columbia public schools and public charter schools established in accordance with this Act.

(2) TECHNOLOGY ASSESSMENT.—

(A) IN GENERAL.—In establishing and implementing the strategies under paragraph (1), the corporation, not later than 90 days after the date of the enactment of this Act, shall provide for an assessment of the current availability of state-of-the-art educational technology within the District of Columbia public schools and public charter schools established in accordance with this Act.

(B) CONDUCT OF ASSESSMENT.—In providing for the assessment under subparagraph (A), the corporation—

(i) shall provide for on-site inspections of the state-of-the-art educational technology within a minimum sampling of District of Columbia public schools and public charter schools established in accordance with this Act; and

(ii) shall ensure proper input from students, parents, teachers, and other school officials through the use of focus groups and other appropriate mechanisms.

(C) RESULTS OF ASSESSMENT.—The corporation shall ensure that the assessment carried out under this paragraph provides, at a minimum, necessary information on state-of-the-art educational technology within the District of Columbia public schools and public charter schools established in accordance with this Act, including—

(i) the extent to which typical public schools within the District of Columbia have access to such state-of-the-art educational technology and training for such technology;

(ii) how such schools are using such technology;

(iii) the need for additional technology and the need for infrastructure for the implementation of such additional technology;

(iv) the need for computer hardware, software, training, and funding for such additional technology or infrastructure; and

(v) the potential for computer linkages among District of Columbia public schools and public charter schools.

(3) SHORT-TERM TECHNOLOGY PLAN.—

(A) IN GENERAL.—Based upon the results of the technology assessment under paragraph (2), the corporation shall develop a 3-year plan that includes goals, priorities, and strategies for obtaining the resources necessary to implement strategies to ensure access to state-of-the-art educational technology within the District of Columbia public schools and public charter schools established in accordance with this Act.

(B) IMPLEMENTATION.—The corporation, in conjunction with schools, students, parents, and teachers, shall implement the plan developed under subparagraph (A).

(4) LONG-TERM TECHNOLOGY PLAN.—Prior to the completion of the implementation of the short-term plan under paragraph (3), the corporation shall develop a plan under which the corporation will continue to coordinate the donation of private sector resources for maintaining the continuous improvement and upgrading of state-of-the-art educational technology within the District of Columbia public schools and public charter schools established in accordance with this Act.

(c) DISTRICT EMPLOYMENT AND LEARNING CENTER.—

(1) ESTABLISHMENT.—The corporation shall establish a center to be known as the "District Employment and Learning Center" or "DEAL Center" (in this title referred to as the "center"), which shall serve as a regional institute providing job training and employment assistance.

(2) DUTIES.—

(A) JOB TRAINING AND EMPLOYMENT ASSISTANCE PROGRAM.—The center shall establish a program to provide job training and employment assistance in the District of Columbia.

(B) CONDUCT OF PROGRAM.—In carrying out the program established under subparagraph (A), the center—

(i) shall provide job training and employment assistance to youths who have attained the age of 18 but have not attained the age of 26, who are residents of the District of Columbia, and who are in need of such job training and employment assistance for an appropriate period not to exceed 2 years;

(ii) shall work to establish partnerships and enter into agreements with appropriate governmental agencies of the District of Columbia to serve individuals participating in appropriate Federal programs, including programs under the Job Training Partnership Act (29 U.S.C. 1501 et seq.), the Job Opportunities and Basic Skills Training Program under part F of title IV of the Social Security Act, the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.), and the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.);

(iii) shall conduct such job training, as appropriate, through a consortia of colleges, universities, community colleges, and other appropriate providers in the District of Columbia metropolitan area;

(iv) shall design modular training programs that allow students to enter and leave the training curricula depending on their opportunities for job assignments with employers; and

(v) shall utilize resources from businesses to enhance work-based learning opportunities and facilitate access by students to work-based learning and work-experience through temporary work assignments with employers in the District of Columbia metropolitan area.

(C) COMPENSATION.—The center may provide compensation to youths participating in the program under this paragraph for part-time work assigned in conjunction with training. Such compensation may include needs-based payments and reimbursement of expenses.

(d) WORKFORCE PREPARATION INITIATIVES.—

(1) IN GENERAL.—The corporation shall establish initiatives with the District of Columbia public schools and public charter schools established in accordance with this Act, appropriate governmental agencies, and businesses and other private entities, to facilitate the integration of rigorous academic studies with workforce preparation programs in District of Columbia public schools and public charter schools.

(2) CONDUCT OF INITIATIVES.—In carrying out the initiatives under paragraph (1), the corporation shall, at a minimum, actively develop, expand, and promote the following programs:

(A) Career academy programs in secondary schools, as established in certain District of

Columbia public schools, which provide a "school-within-a-school" concept, focusing on career preparation and the integration of the academy programs with vocational and technical curriculum.

(B) Programs carried out in the District of Columbia that are funded under the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.).

(e) PROFESSIONAL DEVELOPMENT PROGRAM FOR TEACHERS AND ADMINISTRATORS.—

(1) ESTABLISHMENT OF PROGRAM.—The corporation shall establish a consortium consisting of the corporation, teachers, school administrators, and a consortium of universities located in the District of Columbia (in existence on the date of the enactment of this Act) for the purpose of establishing a program for the professional development of teachers and school administrators employed by the District of Columbia public schools and public charter schools established in accordance with this Act.

(2) CONDUCT OF PROGRAM.—In carrying out the program established under paragraph (1), the consortium established under such paragraph, in consultation with the World Class Schools Panel and the Superintendent, shall, at a minimum, provide for the following:

(A) Professional development for teachers which is consistent with the model professional development programs for teachers under section 402(a)(3), or is consistent with the core curriculum developed by the Superintendent under section 411(a)(1), as the case may be, except that in fiscal year 1996, such professional development shall focus on curriculum for elementary grades in reading and mathematics that have been demonstrated to be effective for students from low-income backgrounds.

(B) Private sector training of teachers in the use, application, and operation of state-of-the-art technology in education.

(C) Training for school principals and other school administrators in effective private sector management practices for the purpose of site-based management in the District of Columbia public schools and training in the management of public charter schools established in accordance with this Act.

(f) OTHER PRIVATE SECTOR ASSISTANCE AND COORDINATION.—The corporation shall coordinate private sector involvement and voluntary assistance efforts in support of repairs and improvements to schools in the District of Columbia, including—

(1) private sector monetary and in-kind contributions to repair and improve school building facilities consistent with section 601;

(2) the development of proposals to be considered by the Superintendent for inclusion in the long-term reform plan to be developed pursuant to section 101, and other proposals to be submitted to the Superintendent, the Board of Education, the Mayor, the District of Columbia Council, the Authority, the Administrator of the General Services Administration, or the Congress; and

(3) a program of rewards for student accomplishment at participating local businesses.

SEC. 2605. JOBS FOR D.C. GRADUATES PROGRAM.

(a) IN GENERAL.—The nonprofit organization established under section 2602(2) shall establish a program, to be known as the "Jobs for D.C. Graduates Program", to assist the District of Columbia public schools and public charter schools established in accordance with this Act in organizing and implementing a school-to-work transition system with a priority on providing assistance to at-risk youths and disadvantaged youths.

(b) CONDUCT OF PROGRAM.—In carrying out the program established under subsection (a), the nonprofit organization, consistent with the policies of the nationally-recognized Jobs for America's Graduates, Inc.—

(1) shall establish performance standards for such program;

(2) shall provide ongoing enhancement and improvements in such program;

(3) shall provide research and reports on the results of such program; and

(4) shall provide pre-service and in-service training of all staff.

SEC. 2606. MATCHING FUNDS.

The corporation shall, to the extent practicable, provide funds, an in kind contribution, or a combination thereof, for the purpose of carrying out the duties of the corporation under section 2604, as follows:

(1) For fiscal year 1996, $1 for every $1 of Federal funds provided under this title for section 2604.

(2) For fiscal year 1997, $3 for every $1 of Federal funds provided under this title for section 2604.

(3) For fiscal year 1998, $5 for every $1 of Federal funds provided under this title for section 2604.

SEC. 2607. REPORT.

The corporation shall prepare and submit to the Congress on a quarterly basis, or, with respect to fiscal year 1996, on a biannual basis, a report which shall contain—

(1) the activities the corporation has carried out, including the duties of the corporation described in section 2604, for the 3-month period ending on the date of the submission of the report, or, with respect to fiscal year 1996, the 6-month period ending on the date of the submission of the report;

(2) an assessment of the use of funds or other resources donated to the corporation;

(3) the results of the assessment carried out under section 2604(b)(2); and

(4) a description of the goals and priorities of the corporation for the 3-month period beginning on the date of the submission of the report, or, with respect to fiscal year 1996, the 6-month period beginning on the date of the submission of the report.

SEC. 2608. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—

(1) DELTA COUNCIL; ACCESS TO STATE-OF-THE-ART EDUCATIONAL TECHNOLOGY; WORKFORCE PREPARATION INITIATIVES; OTHER PRIVATE SECTOR ASSISTANCE AND COORDINATION.—There are authorized to be appropriated to carry out subsections (a), (b), (d) and (f) of section 2604 $1,000,000 for each of the fiscal years 1996, 1997, and 1998.

(2) DEAL CENTER.—There are authorized to be appropriated to carry out section 2604(c) $2,000,000 for each of the fiscal years 1996, 1997, and 1998.

(3) PROFESSIONAL DEVELOPMENT PROGRAM FOR TEACHERS AND ADMINISTRATORS.—There are authorized to be appropriated to carry out section 2604(e) $1,000,000 for each of the fiscal years 1996, 1997, and 1998.

(4) JOBS FOR D.C. GRADUATES PROGRAM.—There are authorized to be appropriated to carry out section 2605—

(A) $2,000,000 for fiscal year 1996; and

(B) $3,000,000 for each of the fiscal years 1997 through 2000.

(b) AVAILABILITY.—Amounts authorized to be appropriated under subsection (a) are authorized to remain available until expended.

SEC. 2609. TERMINATION OF FEDERAL SUPPORT; SENSE OF THE CONGRESS RELATING TO CONTINUATION OF ACTIVITIES.

(a) TERMINATION OF FEDERAL SUPPORT.—The authority under this title to provide assistance to the corporation or any other entity established pursuant to this title (except for assistance to the nonprofit organization established under section 2602(2) for the purpose of carrying out section 2605) shall terminate on October 1, 1998.

(b) SENSE OF THE CONGRESS RELATING TO CONTINUATION OF ACTIVITIES.—It is the sense of the Congress that—

(1) the activities of the corporation under section 2604 should continue to be carried out after October 1, 1998, with resources made available from the private sector; and

(2) the corporation should provide oversight and coordination of such activities after such date.

Subtitle L—Parent Attendance at Parent-Teacher Conferences

SEC. 2651. ESTABLISHMENT.

(a) POLICY.—Notwithstanding any other provision of law, the Mayor of the District of Columbia is authorized to develop and implement a policy requiring all residents with children attending a District of Columbia public school system to attend and participate in at least 1 parent-teacher conference every 90 days during the school year.

(b) WITHHOLD BENEFITS.—The Mayor is authorized to withhold payment of benefits received under the program under part A of title IV of the Social Security Act as a condition of participation in these parent-teacher conferences.

SEC. 2652. SUBMISSION OF PLAN.

If the Mayor elects to utilize the powers granted under section 2651, the Mayor shall submit to the Secretary of Health and Human Services a plan for implementation. The plan shall include—

(1) plans to administer the program;

(2) plans to conduct evaluations on the success or failure of the program;

(3) plans to monitor the participation of parents;

(4) plans to withhold and reinstate benefits; and

(5) long-term plans for the program.

SEC. 2653. REPORTS TO CONGRESS.

Beginning on October 1, 1996 and each year thereafter, the District shall annually report to the Secretary of Health and Human Services and to the Congress on the progress and results of the program described in section 2651 of this Act.

This Act may be cited as the "District of Columbia Appropriations Act, 1996".

The PRESIDING OFFICER. Pursuant to that same order, the Senate insists on its amendment and requests a conference with the House and authorizes the Chair to appoint conferees.

EDIBLE OIL REGULATORY REFORM ACT

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 436 just received from the House.

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

The clerk will state the bill by title.

A bill (H.R. 436) to require the head of any Federal agency to differentiate between fats, oils, and greases of animal, marine, or vegetable origin, and other oils and greases, in issuing certain regulations, 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.

AMENDMENT NO. 3044

(Purpose: To make minor and technical changes, and for other purposes)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for Mr. CHAFEE, for himself, Mr. BAUCUS, Mr. PRESSLER, Mr. LUGAR, and Mr. HARKIN, proposes an amendment numbered 3044.

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

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

The amendment is as follows:

On page 2, line 8, after "to" insert "the transportation, storage, discharge, release, emission, or disposal of".

On page 2, line 9, strike "any" and insert "that".

On page 2, line 18, strike "such" and insert "that".

On page 2, line 22, strike "different" the first place it occurs.

On page 2, line 23, strike "as provided" and insert "based on considerations".

On page 3, line 12, strike "carrying oil in bulk as cargo or cargo residue".

On page 3, line 13, after "carried" insert "as cargo".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3044) was agreed to.

Mr. CHAFEE. Mr. President, the Senate recently received from the House H.R. 436, the Edible Oil Regulatory Reform Act. The bill would amend the Oil Pollution Act of 1990, or OPA-90. As chairman of the Environment and Public Works Committee, which has exclusive jurisdiction over OPA-90, I support the Senate's passage of H.R. 436 by unanimous consent without delay.

As a member of the Environment and Public Works Committee at the time the committee reported the bill that became OPA-90, I am well acquainted with the statute. As many of us will recall, the Congress enacted OPA-90 in the aftermath of the catastrophic *Exxon Valdez* oilspill in Prince William Sound, AK.

One of the key elements of OPA-90 requires all vessels to demonstrate a certain minimum level of financial responsibility to cover the costs of cleanup and damages in the event of an oilspill. The intent behind this requirement is to ensure that an entity that discharges oil into our natural environment pay for the costs and damages arising from the spill—not the U.S. taxpayer. This intent remains sound and should continue to inform the application of the statute.

In passing OPA-90, however, Congress did not intend to abandon the use of common sense. As the act currently stands, there is no distinction made in the financial responsibility requirements for oil-carrying vessels, regardless of the kind of oil being carried. Therefore, a vessel carrying sunflower oil is held to the same requirements under OPA-90 as a carrier of deep crude.

H.R. 436 simply recognizes that vegetable oils and animal fats are different from petroleum oils. Most important, they are different in ways that make it less likely that a spill of vegetable oil or animal fat will cause the same kind of environmental damage as would a petroleum oilspill. For example, vegetable oils and animal fats contain none of the toxic components of petroleum oil.

This is not to suggest that a spill of vegetable oil or animal fat will have no adverse environmental impacts. Experience has shown to the contrary, especially in the case of the Blue Earth River spill in Minnesota in the mid-1960's. Here it is important to note that H.R. 436 would not provide an exemption for carriers of vegetable oil or animal fats. They still would be subject to a mandatory minimum financial responsibility requirement under OPA-90.

Thus, H.R. 436 will lend more rationality to the application of OPA-90 while maintaining the fundamental integrity of the act's purpose and approach. I commend my colleagues in the House for recognizing an opportunity to improve the implementation of an environmental statute.

Finally, as chairman of the Environment and Public Works Committee, let me say that I appreciate the willingness of all Senators to expedite action on this bill. Without unanimous consent, H.R. 436 would have been referred to the Committee on Environment and Public Works. My review of the bill has convinced me that it is a straightforward, commonsense piece of legislation on which committee hearings are unnecessary and to which I can lend my support.

Mr. PRESSLER. Mr. President, I urge my colleagues to support the passage of H.R. 436, the Edible Oil Regulatory Reform Act. Passage of this measure is long overdue.

The problem this measure would address is how Federal agencies regulate the shipment of edible oils, as compared with toxic oils. Action is needed because agencies currently do not make a distinction between these two kinds of oils. Unless we pass H.R. 436, we face a potential loss in agricultural exports and diminished farm income.

This issue is not new to this body. Last year, I joined Senator LUGAR and Senator HARKIN in sponsoring similar legislation that passed the Senate but did not become law.

As a result, earlier this year, I joined Senator LUGAR and 14 other Senators in introducing S. 679, the Senate counterpart to H.R. 436. By passing H.R. 436, we immediately can clear this bill for the President's signature.

The bill is simple and very straightforward. Under H.R. 436, regulatory agencies would be required to establish separate standards governing shipments of edible oilseeds and shipments of toxic oils, such as petroleum. Presently, Federal agencies enforce the Oil Pollution Act of 1990 in a manner that treats animal fats and vegetable oils in the same way as toxic oils.

Mr. President, this kind of enforcement was never congressional intent. The bill we are considering today would state clearly to Federal agencies that edible oils are not to be treated in the same manner as toxic oils. However, let me be clear. Under no circumstance would this bill change the Oil Pollution Act of 1990 as it relates to toxic oils.

This bill has strong support. I ask unanimous consent that a list of organizations supporting the measure be printed in the RECORD at this point.

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

ORGANIZATIONS SUPPORTING ANIMAL FAT/VEGETABLE OIL AMENDMENT

American Bakers Association.
American Crop Protection Association.
American Feed Industry Association.
American Frozen Food Institute.
American Meat Institute.
American Soybean Association.
Beer Institute.
Biscuit and Cracker Manufacturers' Association.
Chicago Board of Trade.
Chocolate Manufacturers Association.
Corn Refiners Association.
Flavor & Extract Manufacturers' Association.
Food Industry Environmental Council.
Food Marketing Institute.
Fragrance Material Association.
Grocery Manufacturers of America.
Independent Bakers Association.
Institute of Shortening and Edible Oils.
International Dairy Foods Association.
National American Wholesale Grocers Assn.
National Association of Margarine Manufacturers.
National Broiler Council.
National Cattlemen's Association.
National Confectioners Association.
National Corn Growers Association.
National Cotton Council of America.
National Cottonseed Products Association.
National Council of Farmer Cooperatives.
National Fish Meal & Oil Association.
National Fisheries Institute.
National Food Processors Association.
National Grain and Feed Association.
National Grain Trade Council.
National Industrial Transportation League.
National Institute of Oilseed Products.
National Oilseed Processors Association.
National Pasta Association.
National Pork Producers Council.
National Renderers Association.
National Soft Drink Association.
National Sunflower Association.
National Turkey Federation.

North American Export Grain Association.
Snack Food Association.
U.S. Canola Association.

Mr. PRESSLER. The need for H.R. 436 is compelling. Without action, we are diminishing inadvertently agricultural exports. In addition, existing regulations could have a chilling effect on the development of new crops and new uses of crop production.

Farm exports are nearing all time highs. The future for oilseeds is equally bright. However, current enforcement of the Oil Pollution Act works against this progress. It has become clearly evident that existing regulations would seriously impact exports of U.S. agricultural commodities, especially vegetable oils and animal fats. Unless we pass this bill, the U.S. animal fat and vegetable oil industries are faced with lost export sales of more than $125 million. It is a critical time for oilseed crushers, who are operating at peak capacity with the new oilseed crop. Losing export markets could lead to an oversupply situation that could cut the value of the U.S. soybean crop by more than $1 billion.

New crops and new industrial uses for agricultural raw materials mean greater demand for farm commodities. New industrial crops allow farmers to diversify their farming systems and income sources, improve crop rotations and reduce reliance on government commodity programs.

Jobs and income would be generated as new crops are taken from the farm gate to the processors and on to the wholesalers and retailers. The predominant post-farming activity would be in the transportation, manufacturing, distribution and support sectors of farm states.

New crops to grow in South Dakota are likely to be edible oilseeds. The most likely candidates are crambe, industrial rapeseed and canola. They could compliment South Dakota's production of sunflowers, which is a major industry in my state. Production in 1994 was valued at nearly $150 million. Most of the sunflower production in South Dakota is for oil, and at least 40 percent of the sunflower production in South Dakota is exported.

In summary, Mr. President, there is a great need for this bill to become law. The bill simply would put common sense into existing regulations and would help those regulations come into line with Congressional intent. And the winners out of all this are our farmers and ranchers. I urge passage of H.R. 436.

Mr. LUGAR. Mr. President, I am pleased to support passage of legislation to encourage regulatory common sense. Senators PRESSLER, HARKIN, and others joined me in introducing the Senate version of the Edible Oil Regulatory Reform Act (S. 679) on April 5. I am pleased that the House approved its version of this bill (H.R. 436) on October 10, and urge my colleagues to support Senate passage.

This legislation will correct two problems: First, the regulation of edible oils in a manner similar to toxic oils like petroleum, and second, the requirement that Certifications of Financial Responsibility [COFR] accompanying vessels carrying edible oils equal those of vessels carrying toxic oils. This bill is similar to legislation which passed Congress last year, but was not given final approval.

In response to the *Exxon Valdez* oil-spill in 1990, Congress passed the Oil Pollution Act of 1990, which requires several Federal agencies to enhance regulatory activities with regard to the shipping and handling of hazardous oils.

In 1993, the Transportation Department proposed regulations to guard against oil spills, and require response plans if spills did occur. DOT proposed to treat vegetable oils—that is, salad oils—in the same way as petroleum. Among other things, salad oils would have been officially declared hazardous materials, with all the regulatory requirements and extra costs which that designation entails.

This was a classic example of regulatory overreaching. Vegetable oil, of course, is different from petroleum. Vegetable oil processors thought it entirely appropriate that they undertake response plans to guard against major spills.

The industry did not argue that they should be example from regulation. The industry argue that regulators should take into account obvious differences—in toxicity, biodegradability, environmental persistence and other factors—between vegetable oils on the one hand, and toxic petroleum oils on the other.

Secretary Pena eventually agreed with us and prompted modification of DOT's position. However, he does not have jurisdiction over all agencies with a role in regulating oil spills. More recently, the industry has been working with other agencies which have a role in regulating oils and ensuring adequate financial responsibility in the event of a spill.

No one is any longer proposing to call salad dressing or mayonnaise hazardous material, but agencies are requiring that spill response plans for vegetable oils be quite similar to those for petroleum.

The most recent problem arose in December, 1994, when Coast Guard regulations subjected vessels carrying vegetable oil to the same standard of liability and financial responsibility as supertankers carrying petroleum. On December 28, 1994, the Coast Guard began requiring the same standard—a $1,200 per gross ton or $10 million of financial responsibility—on vessels carrying vegetable oil and petroleum oil in U.S. waters or calling at U.S. ports. On July 1, similar standards were phased in on barges operating on U.S. navigable waterways.

Prior to December 28, a COFR requirement of $150 per gross ton applied to all vessels regardless of the hazardous nature or toxicity of the cargo. The vegetable oil industry does not seek a return to this earlier standard, but seeks regulation under a $600 per gross ton COFR requirement that Coast Guard regulations apply to vessels carrying other commodities. It is worth noting that this new financial responsibility standard for edible oil would be four times the COFR required on toxic petroleum oils prior to December 28, 1994.

Application of the most stringent standard to vessels carrying vegetable oil adds to the cost of transporting U.S. vegetable oil to foreign markets. The additional costs of these burdensome regulations are passed back to farmers in reduced prices for commodities. Consumers may also bear a burden in higher food prices. In addition, there have been instances in 1995 where this unjustified additional cost has made U.S. vegetable oil uncompetitive and has resulted in lost exports.

H.R. 436 would not exempt vegetable oil shipments from COFR requirements or regulation. It would only apply a more appropriate standard of financial responsibility to vegetable oil, similar to that applied to vessels carrying other commodities.

The scientific data collected to date indicate that the animal fats and vegetable oils industry has an excellent spill history justifying differentiation of these edible materials from toxic oils. Specifically, these products account for less than one half of one percent of all oil spills in the U.S. In addition, most spills of these products are less than 1,000 gallons.

The industry seeks a separate category for vegetable oils. This is as much because of scientific differences in the oils as it is for economic reasons. There is no reason why non-toxic vegetable oils must be in the same category as toxic oils.

Second, the industry seeks response requirements that recognize the different characteristics of animal fats and vegetable oils within this separate category. A separate category without separate response requirements reflecting different toxicity and biodegradability is nothing more than a hollow gesture.

The Senate and House of Representatives last year passed virtually identical legislation on different legislative vehicles to ensure that both of these objectives are accomplished. Under H.R. 436, the underlying principles of the Oil Pollution Act of 1990 would remain unchanged with the language to require differentiation of animal fats and vegetable oils from other oils. The House approved this language twice

last year as part of H.R. 4422 and H.R. 4852. The Senate passed the bill as S. 2559. Since final action on this legislation was not completed in the last Congress, it is before the Senate again.

This bill does not tell the Coast Guard or any other agency what it must put into regulations. The legislation simply says that in rulemaking under the Federal Water Pollution Control Act or the Oil Pollution Act of 1990, these agencies must differentiate between vegetable oils and animal fats on one hand, and other oils including petroleum on the other.

The bill specifies that the agencies should consider differences in the physical, chemical, biological or other properties and the effects on human health and the environment effects of these oils.

This bill does not exempt vegetable oils from the Oil Pollution Act of 1990. It is a modest effort to encourage common sense in an area of regulation that has not always been marked by that characteristic. I hope my colleagues will support the legislation.

Mr. HARKIN. Mr. President, I am pleased that we have been able to work out the details on this legislation to clear the way for its passage today. It seems that we have been working on this issue for quite a long time, and it is gratifying to reach this resolution. Certainly this bill will provide a significant measure of regulatory relief to those in the food and agriculture industry who have been affected by the imposition of regulations on the storage, transportation, and handling of edible oils that are really designed for hazardous petroleum oils.

Senator LUGAR and I introduced legislation to resolve this instance of unnecessary regulation a year and a half ago. Unfortunately, we were not able to get the measure passed in the same bill by both the House and Senate last fall, although it did pass both Houses in different bills. I was pleased to join Senator LUGAR again this year in reintroducing the legislation along with Senator PRESSLER. I am also grateful for the help provided by Senator CHAFEE and Senator BAUCUS in working out modifications to the bill to ensure that it will adequately address the problems we are seeking to solve without potentially creating unintended or unforeseen problems.

This legislation is simply designed to bring common sense to Federal regulations involving the transportation, handling, and storage of edible oils. Common sense tells us regulations pertaining to these substances need not, and should not, be as stringent as those applicable to other oils, such as petroleum oils or other toxic oils, which pose a far more significant level of health, safety, and environmental risk in the event of a spill, discharge, or mishandling. Animal fats and vegetable oils are essential components of food products that we consume every day. The scientific evidence indicates they are not toxic in the environment, are essential nutritional components, are biodegradable, and are not persistent in the environment.

Regrettably, a commonsense approach to regulation of animal fats and vegetable oils has been more difficult to achieve than one might think, as the experience under implementation of the Oil Pollution Act of 1990 demonstrates. Although some of the problems have been worked out, there still exists in the industry substantial uncertainty whether regulators will properly differentiate edible fats and oils from petroleum and other toxic oils. This legislation will resolve the uncertainty and eliminate the costs associated with this kind of unnecessary regulation.

The bill will not exempt edible oils from regulation, but will only require that regulators differentiate animal fats and vegetable oils from other oils, including petroleum oil, considering differences in physical, chemical, biological, and other properties, and in the effects on human health and the environment, of the classes of oils. The bill will do no more than alleviate the substantial threat of overregulation of animal fats and vegetable oils in ways that clearly could not have been intended by Congress. It will bring some reasonableness and clarity to issues that are now characterized by confusion and uncertainty.

Mr. DOLE. Mr. President, I ask unanimous consent that the bill be deemed read the third time and passed, as amended, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the RECORD.

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

So the bill (H.R. 436), as amended, was passed.

BILL READ FOR THE FIRST TIME—H.R. 1833

Mr. DOLE. Mr. President, I inquire of the chair if H.R. 1833 has arrived from the House of Representatives?

The PRESIDING OFFICER. Yes, it has.

Mr. DOLE. Therefore, I ask for its first reading.

The bill (H.R. 1833) was read the first time.

Mr. DOLE. I now ask for its second reading, and I object on behalf of the Democratic leader.

The PRESIDING OFFICER. Objection is heard. The bill will remain at the desk to be read a second time following the next adjournment of the Senate.

DAVID J. WHEELER FEDERAL BUILDING

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 217, S. 1097.

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

The clerk will state the bill by title.

A bill (S. 1097) to designate the Federal building located at 1550 Dewey Avenue, Baker City, Oregon, as the "David J. Wheeler Federal Building," 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.

Mr. DOLE. Mr. President, I ask unanimous consent that the bill be deemed read the third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

So the bill (S. 1097) was passed, as follows:

S. 1097

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF DAVID J. WHEELER FEDERAL BUILDING.

The Federal building located at 1550 Dewey Avenue, Baker City, Oregon, shall be known and designated as the "David J. Wheeler Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "David J. Wheeler Federal Building".

ORDER TO PROCEED TO H.R. 1833 ON NOVEMBER 7, 1995

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate proceed to H.R. 1833, the ban on partial birth abortions on Tuesday, November 7, at 11 a.m.

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

MESSAGES FROM THE HOUSE

At 11:36 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill in which it requests the concurrence of the Senate:

H.R. 1833. An act to amend title 18, United States Code, to ban partial-birth abortions.

At 5:05 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2546. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1996, and for other purposes.

The message also announced that the Speaker appoints the following Members as additional conferees in the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2491) to provide for reconciliation pursuant to section 105 of the concurrent resolution on the budget for fiscal year 1996: From the Committee on Commerce, for consideration of title XVI of the House bill, and subtitle B of title VII of the Senate amendment, and modifications committed to conference: Mr. HASTERT and Mr. GREENWOOD.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2099) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for fiscal year ending September 30, 1996, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. LEWIS, Mr. DELAY, Mrs. VUCANOVICH, Mr. WALSH, Mr. HOBSON, Mr. KNOLLENBERG, Mr. FRELINGHUYSEN, Mr. NEUMANN, Mr. LIVINGSTON, Mr. STOKES, Mr. MOLLOHAN, Mr. CHAPMAN, Ms. KAPTUR, and Mr. OBEY as the managers of the conference on the part of the House.

MEASURES COMMITTED

Pursuant to section 312(b) of the Congressional Budget Control and Impoundment Act, the following bill was committed as indicated:

S. 1372. A bill to amend the Social Security Act to increase the earnings limit, and for other purposes; to the Committee on Finance.

MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 1833. An act to amend title 18, United States Code, to ban partial-birth abortions.

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–1568. A communication from the Chief of Legislative Affairs, Department of the Navy, transmitting, pursuant to law, notice relative to renewing a lease; to the Committee on Armed Services.

EC–1569. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, a statement regarding transactions involving exports to the People's Republic of China; to the Committee on Banking, Housing, and Urban Affairs.

EC–1570. A communication from the Director of the Office of Management and Budget, the Executive Office of the President, transmitting, pursuant to law, the report on appropriations legislation within five days of enactment; to the Committee on the Budget.

EC–1571. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report on transportation user fees; to the Committee on Commerce, Science, and Transportation.

EC–1572. A communication from the Administrator of the Federal Aviation Administration, the Department of Transportation, transmitting, pursuant to law, the report on the Final Environmental Impact Statement (EIS) on the Effects of Implementation of the Expanded East coast Plan (EECP) Over the State of New Jersey; to the Committee on Commerce, Science, and Transportation.

EC–1573. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report on the 1995 status of the Nation's Surface Transportation System; to the Committee on the Environment and Public Works.

EC–1574. A communication from the Comptroller General, transmitting, pursuant to law, reports and testimony for the month of Septmember 1995; to the Committee on Governmental Affairs.

EC–1575. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the report on the efforts to promote the use of frequent traveler programs by Federal employees; to the Committee on Governmental Affairs.

EC–1576. A communication from the members of the United States of America Railroad Retirement Board, transmitting, pursuant to law, a report relative to referrals, matters transmitted, hearings conducted, and actions to collect civil penalties for fiscal year 1995; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PRESSLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 288. A bill to abolish the Board of Review of the Metropolitan Washington Airports Authority, and for other purposes (Rept. No. 104–166).

By Mr. PRESSLER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1139. A bill to amend the Merchant Marine Act, 1936, and for other purposes (Rept. No. 104–167).

By Mr. ROTH, from the Committee on Finance, with an amendment:

S. 1318. An original bill to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. McCONNELL:

S. 1378. A bill to combat public corruption, and for other purposes; to the Committee on the Judiciary.

By Mr. SIMPSON:

S. 1379. A bill to make technical amendments to the Fair Debt Collection Practices Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. D'AMATO:

S. 1380. A bill to require forfeiture of counterfeit access devices, and for other purposes; to the Committee on the Judiciary.

By Mr. LAUTENBERG:

S. 1381. A bill to amend the Internal Revenue Code of 1986 to allow individuals who are involuntarily unemployed to withdraw funds from individual retirement accounts and other qualified retirement plans without incurring a tax penalty; to the Committee on Finance.

By Mr. DOLE (for himself and Mr. DASCHLE):

S. 1382. A bill to extend the Middle East Peace Facilitation Act; considered and passed.

By Mr. STEVENS:

S. 1383. A bill to authorize the Secretary of Transportation to issue a certificate of documentation and coastwise trade endorsement for the vessel *Westfjord*; to the Committee on Commerce, Science, and Transportation.

S. 1384. A bill to authorize the Secretary of Transportation to issue a certificate of documentation and coastwise trade endorsement for the vessel *God's Grace II*; to the Committee on Commerce, Science, and Transportation.

By Mr. BREAUX (for himself, Mr. CONRAD, Mr. DORGAN, Mr. KERREY, Mr. DASCHLE, and Mr. HOLLINGS):

S. 1385. A bill to amend title XVIII of the Social Security Act to provide for coverage of periodic colorectal screening services under part B of the Medicare program; to the Committee on Finance.

By Mr. BURNS (for himself and Mr. SHELBY):

S. 1386. A bill to provide for soft-metric conversion, and for other purposes; to the Committee on Governmental Affairs.

By Mr. NUNN:

S. 1387. A bill to provide for innovative approaches for homeownership opportunity, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BREAUX (for himself and Mr. JOHNSTON):

S.J. Res. 42. Joint resolution designating the Civil War Center at Louisiana State University as the United States Civil War Center, making the center the flagship institution for planning the sesquicentennial commemoration of the Civil War, and for other purposes; to the Committee on Energy and Natural Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McCONNELL:

S. 1378. A bill to combat public corruption, and for other purposes; to the Committee on the Judiciary.

THE ANTI-CORRUPTION ACT OF 1995

Mr. McCONNELL. Mr. President, I rise to introduce the Anti-Corruption Act of 1995, a bill which will strengthen the ability of Federal law enforcement officials to combat election fraud and public corruption by State and local officials. A few excerpts from recent news articles will demonstrate the need for this bill:

The San Diego Union-Tribune writes on October 1 of recent reports,

[T]hat cats and dogs are on the state's voter rolls, that God is registered to vote in

Hollywood, and that a San Francisco man who died in 1982 has consistently voted for the past decade.

The St. Louis Post-Dispatch reports on the same day of the city comptroller who, a few days earlier, pleaded guilty to—

[I]ncome tax evasion in exchange for dismissal of charges that he conspired with others to defraud voters in the comptroller's election two years ago.

The Dallas Morning News reports on September 30, of citizens in rural Costilla County, CO, who,

[S]purred an investigation by the state attorney general that led to a raft of indictments and guilty pleas for election fraud [and p]rompted a second investigation by the attorney general that found fraud and embezzlement by county officials.

The Hartford Courant reports on August 28, of new efforts to combat voter fraud because of irregularities, including,

[T]wenty-seven felons who voted in 1994 in the race for the 2nd District Congressional seat.

It is no wonder the American people become more disgusted with our system every day. Allegations of vote buying and cries of "voting irregularities" pervade every close election.

We would like to think that the losing candidates are only motivated by sour grapes. But too often, investigations turn up cases where a dead, nonetheless patriotic, American manages to roll out of his eternal slumber to do his or her civic duty before the polls close.

Americans' faith is further eroded by daily scandals involving public officials reported in their local paper. This past summer, officials formally closed a nearly 5-year corruption investigation that rocked my own State of Kentucky. Operation BOPTROT resulted in more than a dozen convictions of State legislators, appointed State officials and lobbyists. The BOPTROT sting operation involved bribery and influence peddling at the highest level of Kentucky State government. Although the BOPTROT investigation was closed in early August, FBI officials made it clear that the State has not yet been cleansed of public corruption: "Public corruption remains the FBI's No. 1 priority in Kentucky," according to the lead FBI investigator.

A central problem in preventing corruption in elections and government operations is a lack of Federal guidelines defining what is illegal. Another problem is the jurisdiction over this illegal activity. This bill I am introducing aims at correcting both of these problems.

The bill simply states that if anyone engages in any activity to deprive people of the honest services of their public officials, they will be fined and face a possible 10-year sentence in Federal prison. This includes rigging elections, intimidating voters, buying votes, and bribing officials.

And, this bill makes every act of elections fraud—at every level of government—a Federal offense. It gives Federal prosecutors the jurisdictional authority they need to investigate and prosecute entrenched local corruption.

We have made dramatic changes to the voter registration laws; while it is easier to register and vote, it is also easier to commit election fraud. This bill is needed to discourage those who would seek to defraud the government and abuse the public trust.

Moreover, as we ask the States to assume more responsibility for providing government services, we must ensure that we possess the tools for weeding out and punishing corrupt practices.

The bill also addresses public corruption as it relates to drug trafficking. The facilitation by public officials of drug trafficking would be classified as a class B felony under title 18 of the United States Code.

And, anyone attempting to bribe or actually bribing a public official for help in drug trafficking would be guilty of a class B felony.

Drug use and drug trafficking are back on the rise. It is a lucrative business. Aiding and abetting it can offer a huge stipend to public officials, worth many times their government salaries. This bill would make drug stings sting a lot more—for the pushers and for corrupt politicians.

Mr. President, I have spoken out repeatedly over the years on these issues and on this specific piece of legislation. In past years, this bill, included as an amendment to other pieces of anticrime legislation, has passed the Senate with overwhelming, bipartisan support. But it has never made it to the final conference report.

The bill has also had wide support among the U.S. attorneys, who would be on the front lines prosecuting these crimes. In fact, two former U.S. attorneys in Kentucky have endorsed this bill.

Mr. President, I ask unanimous consent that their letters in support of this legislation be printed in the RECORD.

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

ROBINSON & MCELWEE,
Lexington, KY, October 26, 1995.

Hon. MITCH MCCONNELL,
Russell Senate Building, Washington, DC.

DEAR SENATOR MCCONNELL: I am writing in support of the Anti-Corruption Act you are introducing. As you know, Kentucky has been victimized by public corruption at the highest levels of state government. My first-hand experience in Operation BOPTROT, resulting in the conviction of almost two dozen officials, made me aware of the gaps in federal law and jurisdiction over influence peddling and corruption.

Your bill would provide federal law enforcement officials with the necessary tools to fight these plagues on the taxpayers. And, it would send a message to public officials everywhere that there will be grave consequences for failing to uphold the public trust.

The American people grow more and more cynical about our government and much of the blame can be laid at those who breach the confidence placed in them by the voters. Your bill will help restore the faith citizens should have in our great system.

I am confident your bill will be widely supported among your colleagues and I wish you every success in speedy passage.

Sincerely,

KAREN K. CALDWELL.

JOSEPH M. WHITTLE,
Prospect, KY, October 16, 1995.

Hon. MITCH MCCONNELL,
Russell Senate Building, Washington, DC.

DEAR SENATOR MCCONNELL: I am pleased to write in support of your Anti-Corruption Act, a bill you have introduced in previous Congresses and which has been adopted by a majority of the Senate.

Since the bill addresses election fraud and corruption by government officials, it is of particular importance to Kentucky in view of the 5-year Operation BOPTROT effort. My involvement in Operation BOPTROT made me aware that current federal law is not fully adequate to deal with public corruption. This bill will give federal law enforcement agents the power and authority to vigorously fight election fraud, influence peddling and public corruption.

Most of all, your bill will help restore confidence the American people should have in their government and public servants.

I wish you success in getting the bill passed. I know it has enjoyed wide support in the past, and I am confident that the bill will continue to have support among your colleagues.

Respectfully,

JOSEPH M. WHITTLE.

Mr. MCCONNELL. Mr. President, I am confident this bill will gain the support of the Attorney General.

I am certain that in our renewed effort to gain the public trust, this legislation will be received with resounding approval. I urge my colleagues to support this much-needed legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1378

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 "Anti-Corruption Act of 1995".

SEC. 2. PUBLIC CORRUPTION.

(a) OFFENSES.—Chapter 11 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 226. Public corruption

"(a) STATE AND LOCAL GOVERNMENT.—

"(1) HONEST SERVICES.—Whoever, in a circumstance described in paragraph (3), deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of a State or political subdivision of a State of the honest services of an official or employee of the State or political subdivision shall be fined under this title, imprisoned not more than 10 years, or both.

"(2) FAIR AND IMPARTIAL ELECTIONS.—Whoever, in a circumstance described in paragraph (3), deprives or defrauds, or endeavors

to deprive or to defraud, by any scheme or artifice, the inhabitants of a State or political subdivision of a State of a fair and impartially conducted election process in any primary, run-off, special, or general election through one or more of the following means, or otherwise—

"(A) through the procurement, casting, or tabulation of ballots that are materially false, fictitious, or fraudulent or that are invalid, under the laws of the State in which the election is held;

"(B) through paying or offering to pay any person for voting;

"(C) through the procurement or submission of voter registrations that contain false material information, or omit material information;

"(D) through the filing of any report required to be filed under Federal or State law regarding an election campaign that contains false material information or omits material information; or

"(E) through engaging in intimidating, threatening, or deceptive conduct, with the intent to prevent or unlawfully discourage any person from voting for the candidate of that person's choice, registering to vote, or campaigning for or against a candidate,

shall be fined under this title, imprisoned not more than 10 years, or both.

"(3) CIRCUMSTANCES IN WHICH OFFENSE OCCURS.—The circumstances referred to in paragraphs (1) and (2) are that—

"(A) for the purpose of executing or concealing a scheme or artifice described in paragraph (1) or (2) or attempting to do so, a person—

"(i) places in any post office or authorized depository for mail matter, any matter or thing to be sent or delivered by the Postal Service, deposits or causes to be deposited any matter or thing to be sent or delivered by any private or commercial interstate carrier, or takes or receives therefrom any such matter or thing, or knowingly causes to be delivered by mail or such carrier according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing;

"(ii) transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce any writings, signs, signals, pictures, or sounds;

"(iii) transports or causes to be transported any person or thing, or induces any person to travel in or to be transported in, interstate or foreign commerce; or

"(iv) uses or causes the use of any facility in interstate or foreign commerce;

"(B) the scheme or artifice affects or constitutes an attempt to affect in any manner or degree, or would if executed or concealed affect, interstate or foreign commerce;

"(C) in the case of an offense described in paragraph (1), the honest services of the official or employee relate to a governmental office of a State or political subdivision of a State which receives funds derived from an Act of Congress in an amount not less than $10,000 during the 12-month period immediately preceding or following the date of the offense; or

"(D) in the case of an offense described in paragraph (2), an objective of the scheme or artifice is to secure the election of an official who, if elected, would have any authority over the administration of funds derived from an Act of Congress totaling $10,000 or more during the 12-month period immediately preceding or following the election or date of the offense.

"(b) FEDERAL GOVERNMENT.—Whoever deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of the United States of the honest services of a public official or a person who has been selected to be a public official shall be fined under this title, imprisoned not more than 10 years, or both.

"(c) OFFENSE BY AN OFFICIAL AGAINST AN EMPLOYEE OR OFFICIAL.—

"(1) CRIMINAL OFFENSE.—Whoever, being an official, public official, or person who has been selected to be a public official, directly or indirectly discharges, demotes, suspends, threatens, harasses, or in any manner discriminates against an employee or official of the United States or of a State or political subdivision of a State, or endeavors to do so, in order to carry out or to conceal a scheme or artifice described in subsection (a) or (b), shall be fined under this title, imprisoned not more than 5 years, or both.

"(2) CIVIL ACTION.—(A) Any employee or official of a State or political subdivision of a State who is discharged, demoted, suspended, threatened, harassed, or in any manner discriminated against because of lawful acts done by the employee or official as a result of a violation of this section or because of actions by the employee on behalf of himself or herself or others in furtherance of prosecution under this section (including investigation for, initiation of, testimony for, or assistance in such a prosecution) may bring a civil action in any court of competent jurisdiction and obtain all relief necessary to make the employee or official whole, including—

"(i) reinstatement with the same seniority status that the employee or official would have had but for the violation;

"(ii) the amount of backpay;

"(iii) a penalty of two times the amount of backpay;

"(iv) interest on the actual amount of backpay; and

"(v) compensation for any special damages sustained as a result of the violation, including reasonable litigation costs and reasonable attorney's fees.

"(B) To obtain recovery under subsection (c)(2)(A) (iii) or (v) against a State or political subdivision, the employee or individual bringing the action shall establish by a preponderance of evidence that any violation of this section was—

"(i) the result of widespread violations within the State or political subdivision; or

"(ii) the result of conduct authorized by a senior official within the State or political subdivision.

"(C) In cases in which a State or political subdivision is sued and found liable for recovery under subsection (c)(2)(A) (iii) or (v), the State or political subdivision may bring an action for contribution for such recovery from any employee or official whose action led to the recovery under subsection (c)(2)(A) (iii) or (v).

"(D) An employee or official shall not be afforded relief under subparagraph (A) if the employee or official participated in the violation of this section with respect to which relief is sought.

"(E)(i) A civil action or proceeding authorized by this paragraph shall be stayed by a court upon certification of an attorney for the Government that prosecution of the action or proceeding may adversely affect the interests of the Government in a pending criminal investigation or proceeding.

"(ii) The attorney for the Government shall promptly notify the court when a stay may be lifted without such adverse effects.

"(d) DEFINITIONS.—As used in this section—

"(1) the term 'official' includes—

"(A) any person employed by, exercising any authority derived from, or holding any position in the government of a State or any subdivision of the executive, legislative, judicial, or other branch of government thereof, including a department, independent establishment, commission, administration, authority, board, and bureau, and a corporation or other legal entity established and subject to control by a government or governments for the execution of a governmental or intergovernmental program;

"(B) any person acting or pretending to act under color of official authority; and

"(C) any person who has been nominated, appointed, or selected to be an official or who has been officially informed that he or she will be so nominated, appointed, or selected;

"(2) the term 'person acting or pretending to act under color of official authority' includes a person who represents that he or she controls, is an agent of, or otherwise acts on behalf of an official, public official, and person who has been selected to be a public official;

"(3) the terms 'public official' and 'person who has been selected to be a public official' have the meanings stated in section 201 and include any person acting or pretending to act under color of official authority; and

"(4) the term 'State' means a State of the United States, the District of Columbia, Puerto Rico, and any other commonwealth, territory, or possession of the United States.".

(b) TECHNICAL AMENDMENTS.—(1) The chapter analysis for chapter 11 of title 18, United States Code, is amended by adding at the end the following new item:

"226. Public corruption.".

(2) Section 1961(1) of title 18, United States Code, is amended by inserting "section 226 (relating to public corruption)," after "section 224 (relating to sports bribery),".

(3) Section 2516(1)(c) of title 18, United States Code, is amended by inserting "section 226 (relating to public corruption)," after "section 224 (bribery in sporting contests),".

SEC. 3. INTERSTATE COMMERCE.

(a) IN GENERAL.—Section 1343 of title 18, United States Code, is amended—

(1) by inserting ", or uses or causes the use of any facility in interstate or foreign commerce," after "sounds"; and

(2) by inserting "or attempting to do so" after "for the purpose of executing such scheme or artifice".

(b) TECHNICAL AMENDMENTS.—(1) The heading of section 1343 of title 18, United States Code, is amended to read as follows:

"§ 1343. Fraud by use of facility of interstate commerce".

(2) The chapter analysis for chapter 63 of title 18, United States Code, is amended by amending the item relating to section 1343 to read as follows:

"1343. Fraud by use of facility in interstate commerce.".

SEC. 4. NARCOTICS-RELATED PUBLIC CORRUPTION.

(a) OFFENSES.—Chapter 11 of title 18, United States Code, is amended by inserting after section 219 the following new section:

"§ 220. Narcotics and public corruption

"(a) OFFENSE BY PUBLIC OFFICIAL.—A public official who, in a circumstance described in subsection (c), directly or indirectly, corruptly demands, seeks, receives, accepts, or

agrees to receive or accept anything of value personally or for any other person in return for—

"(1) being influenced in the performance or nonperformance of any official act; or

"(2) being influenced to commit or to aid in committing, or to collude in, or to allow or make opportunity for the commission of any offense against the United States or any State, shall be guilty of a class B felony.

"(b) OFFENSE BY PERSON OTHER THAN A PUBLIC OFFICIAL.—A person who, in a circumstance described in subsection (c), directly or indirectly, corruptly gives, offers, or promises anything of value to any public official, or offers or promises any public official to give anything of value to any other person, with intent—

"(1) to influence any official act;

"(2) to influence the public to commit or aid in committing, or to collude in, or to allow or make opportunity for the commission of any offense against the United States or any State; or

"(3) to influence the public official to do or to omit to do any act in violation of the official's lawful duty, shall be guilty of a class B felony.

"(c) CIRCUMSTANCES IN WHICH OFFENSE OCCURS.—The circumstances referred to in subsections (a) and (b) are that the offense involves, is part of, or is intended to further or to conceal the illegal possession, importation, manufacture, transportation, or distribution of any controlled substance or controlled substance analogue.

"(d) DEFINITIONS.—As used in this section—

"(1) the terms 'controlled substance' and 'controlled substance analogue' have the meanings stated in section 102 of the Controlled Substances Act (21 U.S.C. 802);

"(2) the term 'official act' means any decision, action, or conduct regarding any question, matter, proceeding, cause, suit, investigation, or prosecution which may at any time be pending, or which may be brought before any public official, in such official's official capacity, or in such official's place of trust or profit; and

"(3) the term 'public official' means—

"(A) an officer or employee or person acting for or on behalf of the United States, or any department, agency, or branch of Government thereof in any official function, under or by authority of any such department, agency, or branch of Government;

"(B) a juror;

"(C) an officer or employee or person acting for or on behalf of the government of any State, commonwealth, territory, or possession of the United States (including the District of Columbia), or any political subdivision thereof, in any official function, under or by the authority of any such State, commonwealth, territory, possession, or political subdivision; and

"(D) any person who has been nominated or appointed to a position described in subparagraph (A), (B), or (C), or has been officially informed that he or she will be so nominated or appointed.".

(b) TECHNICAL AMENDMENTS.—(1) Section 1961(1) of title 18, United States Code, is amended by inserting "section 220 (relating to narcotics and public corruption)," after "Section 201 (relating to bribery),".

(2) Section 2516(1)(c) of title 18, United States Code, is amended by inserting "section 220 (relating to narcotics and public corruption)," after "section 201 (bribery of public officials and witnesses),".

(3) The chapter analysis for chapter 11 of title 18, United States Code, is amended by inserting after the item for section 219 the following new item:

"220. Narcotics and public corruption.".

By Mr. SIMPSON:

S. 1379. A bill to make technical amendments to the Fair Debt Collection Practices Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE FAIR DEBT COLLECTION PRACTICES AMENDMENTS ACT OF 1995

• Mr. SIMPSON. Mr. President, today, I am introducing legislation to make technical amendments to the Fair Debt Collections Practices Act.

The original act was passed in 1977 to stop the abusive debt collection practices of third-party debt collectors. In that regard, it has worked well.

Debt collectors were told that if they ran honest, ethical operations they would not have problems with the act—that only the lawless collectors would be penalized. The law-abiding among them would thus not need to worry nor would they have to hire lawyers to interpret the act.

In that regard, the act may well have reached too far. Certainly, unscrupulous collectors have been forced to play by the rules, but it may law-abiding collectors have found themselves unjustly burdened by many minor provisions found in the act. There have been hundreds of lawsuits based on technical and totally unintentional violations of the act.

We should remember that collection agencies are, in most cases, the smallest of small businesses. Also, some 38 percent are owned or operated by women, one of the highest of such percentages in all business categories.

These companies cannot afford huge legal bills and they certainly cannot get free legal representation. Because of the large increase in the number of such lawsuits, many collection agencies have seen huge increases in their insurance premiums.

The most distressing result is that small and highly dedicated group of attorneys is using the act to extort money from collection agencies. For example, the act has a $1,000 minimum statutory damage provision, even for the smallest, technical violation. These attorneys will comb collection files to find the smallest violation and then sue collection agencies for the $1,000 amount. The agency is usually forced to pay a settlement because, even if they have done nothing wrong, the legal fees required to defend such an action will run many thousands of dollars. Some agencies have even set aside money each month to pay off the demands of these lawyers, even though the company knows it has not violated the spirit of the act.

Let me cite some examples of ridiculous lawsuits that would be eliminated under this legislation.

A Nevada agency was sued for allegedly violating the prohibition against third-party contacts after the agency sued the debtor in court to obtain a judgment. The consumer attorney felt that communicating with the court was a third-party violation.

An agency that collects students loans for the Department of Education was similarly challenged in court. At issue was the language used by the agency in its letters as required by the Department. The language stated that no legal action is required for the Department to enforce an administrative garnishment against a debtor. The attorney argued that the notice was deceptive because it did not state that the debtor has a right to a hearing before the garnishment is enforced.

What about the collectors who are big enough to fight back? In many cases, collection agencies that can afford this costly litigation are not bothered by claimant attorneys. So effectively, the act has served to selectively penalize the small collector. To compound confusion, different courts have handed down totally contradictory decisions and opinions regarding the provisions of the act. Thus we have a Federal law requiring collectors to follow procedures that vary from State to State. The situation has become so confusing that the Federal Trade Commission has asked Congress to clarify the opposing court decisions and that, in part, is one of the purposes of this legislation.

In addition, the bill gets rid of the $1,000 statutory damages "carrot" that has, through its misuse, become a winning lottery ticket for some lawyers. Certainly a debt collector who wrongfully damages a debtor should be required to pay for those damages—and the legislation will preserve such compensation. A collector will be held responsible for actual damages, but not for an arbitrary standard that is not imposed by most other consumer laws.

Additionally, when Congress passed the Truth in Lending Simplification Act in the 1980's, it cleared up a major problem in class action lawsuits by limiting the total damages and number of such suits that could be filed against one defendant. Because of an oversight, the Fair Debt Collections Practices Act was not made part of the legislation and today debt collectors face a legal financial burden that other companies covered by consumer protection enforcement laws are protected against. This legislation corrects that oversight.

The legislation would allow judges to award defendants the cost of their actions plus legal fees if one of these suits is brought in bad faith. Rule 68 of the Federal Rules of Civil Procedure would now apply to lawsuits associated with the Fair Debt Collections Practices Act. Under that standard, when a defendant offers a settlement and the plaintiff refuses, if the ultimate court award is equal to or less than such an offer, the plaintiff has to pay the defendant's legal costs. This rule has

worked well and should help end technical lawsuits.

Collectors are also being attacked by another class of attorneys—district or county attorneys who are setting up "for profit," collection agencies that compete directly with private enterprise. Under a very narrow reading of the act, these State and local officials contend they are not covered by the legislation. In some areas, these public officials are telling merchants that they will not accept debts for collection if they have previously been turned over to a private collection agency. At present, the local government collection agencies are only collecting bad checks but they may well branch into other collection fields. Do not be fooled. These public officials are not collecting bad checks as part of their government function. No, only merchants who join the program can get this type of law enforcement. Individuals who have received bad checks cannot use the service. This amounts to law enforcement judged by the size of your wallet.

This legislation would still allow local officials to operate such collection activities but they would have to comply with the Fair Debt Collections Practices Act. No longer would such operations be able to charge a consumer $120 for a $5 returned check as has happened in some cases.

The legislation does not remove any of the other basic consumer safeguards that are in the act. Still in place are the restrictions against harassment by collectors, calls in the middle of the night, informing employers about debts and the all important safeguard that makes it illegal for a collector to do anything in a deceptive manner.

Mr. President, the amount of debt owed to American businesses that goes unpaid is skyrocketing. In the latest figures available, 226.2 million accounts totaling $79 billion were turned over to third-party collection agencies in 1993. It is estimated that bad debt cases cost every man, woman, and child in America $250 per year. That means that a family of four will pay $1,000 more for goods and services during each year. The figures for bad checks are even more staggering. On average, Americans write more than 1.5 million checks a day that are subsequently dishonored by U.S. banks.

In 1992 some 533 million checks totaling $16 billion were returned to U.S. banks. Projections for 1995 estimate that 619 million checks will "bounce." By the year 200 the estimate is that 731 million will be returned. Our Nation's economy can't afford such losses and businesses deserve the services of an affordable collection industry that is not bogged down by the technical and nuisance lawsuits.•

By Mr. D'AMATO:

S. 1380. A bill to require forfeiture of counterfeit access devices, and for other purposes; to the Committee on the Judiciary.

FORFEITURE LEGISLATION

• Mr. D'AMATO. Mr. President, I introduce legislation that will close a loophole which has proven to be a bonus to counterfeiters and a detriment to law enforcement. Simply stated, this legislation allows equipment used to counterfeit access devices to be treated like any other contraband and forfeited.

Currently under law, certain items are designated as contraband. Narcotics, illegal firearms, and counterfeit currency often come to mind when the issue of contraband is raised. Contraband also includes property designed or intended as the means of committing a criminal offense. Since narcotics are contraband, illegal drugs can be seized from a suspected drug dealer, as well as the vehicle in which the drug transaction occurred.

This bill would allow counterfeit access devices to be treated as contraband. Access devices are the means in which the account owner can access his or her own account, including credit cards and cellular phones. Counterfeiters can gain entry to this account and, in a matter of minutes, reach the owner's cash or use the owner's service. Criminals who perpetuate credit card fraud use equipment, such as an embosser and encoder, to imprint new numbers onto a piece of plastic. They are then able to use the credit cards to the limit for cash withdrawal using a valid credit card number. In telecommunications fraud, the offender can use an electronic serial number reader [ESN] to attract cellular phone numbers and store them for unauthorized use. By using a computer and a device called an E-chip, the offender can reprogram any cellular phone to call on another person's bill. Once the legitimate owner of the stolen cellular phone number realizes that their phone has been used by a criminal, the criminal is using another innocent owner's cellular number.

Law enforcement agencies do all they can to catch the offenders. The New York Times reported on an imaginative operation devised by the U.S. Secret Service to find perpetrators of cellular phone fraud, through the use of a computer bulletin board. I ask unanimous consent that the text of this article be included in the RECORD, Mr. President, and I would like to take this opportunity to congratulate the Secret Service for working to end fraud on this and other fronts.

The problem, however, is that when the perpetrators of credit card and cellular phone fraud are apprehended, and even convicted, the equipment used by the offenders is often returned to them after their sentence is served! Although this process seems preposterous, it is real. A credit card counterfeiter frequently receives his or her embosser and encoder once released from custody. The apparatus used to commit the cellular phone theft of services is also frequently remitted to the user, even if he or she was convicted. With their equipment intact, they are ready to commit fraud again if they so desire. The problem of counterfeit access devices costs the cellular phone companies and the banks billions of dollars every year. These costs get passed on to the customer.

Remittance of equipment used in counterfeiting access devices is certainly not the intent of law enforcement or prosecutors. These dedicated officials work tirelessly to do the right thing. Why is it that the devices are not forfeited? It is simply because the law has not been updated to keep up with technology.

The process is already in place for other contraband, such as narcotics, counterfeit currency and illegal firearms. It should not be too much of a stretch to extend the same procedures and safeguards that are available for these contrabands to counterfeit credit cards and cloned cellular phones.

This legislation will not end the counterfeiting of access devices but it will end the practice of returning tools to those who may use it for illicit purposes. Any hurdle that we can create for the repeat offender should be clearly established in law. The message from this Congress must be: for every ingenious way that criminals can commit their crimes, Congress is prepared to stop them.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1380

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FORFEITURE OF COUNTERFEIT ACCESS DEVICES.

Section 80302(a) of title 49, United States Code, is amended—

(1) in paragraph (4), by striking "or" the last place it appears;

(2) in paragraph (5), by striking the period and inserting "; or"; and

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

"(6) a counterfeit access device, device-making equipment, or scanning receiver (as those terms are defined in section 1029 of title 18).".

[From the New York Times, Sept. 12, 1995]

SECRET SERVICE GOES ON LINE AND AFTER HACKERS

(By Clifford J. Levy)

It was a classic sting operation, the kind of undercover gambit that has nabbed bad guys for decades: Federal agents disguised as big-time thieves set up shop and put the word out on the street that they were eager for business. Soon shifty characters were stopping by, officials said, peddling stolen goods that were worth millions of dollars.

But as the agents revealed yesterday, the meeting place for this subterfuge was not some grimy storefront. It was a computer bulletin board that the United States Secret Service has rigged together to troll for people who are illegally trafficking in the codes that program cellular phones.

The "computer service," which led to the arrests of at least six suspected hackers and the possibility of more, is the latest indication that law enforcement agencies are being forced to try novel strategies to keep up with the startling growth in computer-assisted crime. Cellular-phone fraud alone cost companies $482 million last year, the cellular-phone industry estimates.

According to the criminal complaint in the case, a Secret Service agent used the Internet, the global computer network, to announce that the bulletin board catered to those involved in breaking into computers and in cellular-phone and credit-card fraud.

"People all over the country responded," said Peter A. Cavicchia 2d, the special agent in charge of the Newark office of the Secret Service, which ran the investigation. "They felt they could do this with impunity."

The Secret Service, which is the Federal agency charged with going after cellular phone and credit card fraud, has long been known to monitor commercial computer online services like Prodigy and America Online, as well as smaller, private computer bulletin boards, for illegal activities.

But officials said this case represented the first time that the Secret Service had created an entirely new computer bulletin board, which is basically a system that links different computer users, allowing them to chat with and leave messages for each other. There have been a few instances of other law enforcement agencies creating bulletin boards for investigations.

"If they are selling the stuff in cyberspace, law enforcement has to be willing to go there," said Donna Krappa, an assistant United States Attorney in Newark, who is on the team prosecuting the case. "And the way to do that is to have a fence in cyberspace."

As Federal law enforcement officials detailed it, the investigation unfolded much like a traditional sting that draws in people hawking stolen televisions, jewelry or cars. The agents made contact with the suspects, then worked to gain their confidence and allay their suspicions.

The difference, of course, was that most of these discussions were conducted with computers talking over telephone lines.

Last January, a Secret Service special agent, Stacey Bauerschmidt, using the computer nickname Carder One, established a computer bulletin board that she called Celco 51.

It is relatively easy to put together a private computer bulletin board, requiring only a computer, a modem, phone lines and communications software. Special Agent Bauerschmidt was assisted by an informer with experience as a computer hacker, officials said. The equipment and phone line for the scheme were located in a Bergen County, N.J., apartment building.

After buying hundreds of the stolen phone codes, the Secret Service conducted raids in several states late last week, arresting the six people and seizing more than 20 computer systems, as well as equipment for making cellular phones operate with stolen codes, said the United States Attorney in Newark, Faith S. Hochberg.

Officials said that of those arrested, two of them, Richard Lacap of Katy, Tex., and Kevin Watkins of Houston, were particularly sophisticated because they actually broke into the computer systems of cellular phone companies to obtain the codes.

It is more common for thieves to steal the codes by using scanners that intercept the signals that the phones send when making calls.

"We consider this to be one of the most significant of the wireless fraud busts that have come down so far," said Michael T. Houghton, a spokesman for the Cellular Telecommunications Industry Association, a trade group. "These guys took it another degree."

The others arrested were identified as Jeremy Cushing of Huntington Beach, Calif., Al Bradford of Detroit, and Frank Natoli and Michael Clarkson, both of Brooklyn.●

By Mr. LAUTENBERG:

S. 1381. A bill to amend the Internal Revenue Code of 1986 to allow individuals who are involuntarily unemployed to withdraw funds from individual retirement accounts and other qualified retirement plans without incurring a tax penalty; to the Committee on Finance.

INDIVIDUAL RETIREMENT ACCOUNTS LEGISLATION

● Mr. LAUTENBERG. Mr. President, today I am introducing legislation to allow persons who are involuntarily unemployed to withdraw funds from individual retirement accounts [IRAs] and other retirement plans, without the tax penalty that would otherwise apply.

Mr. President, over 7.5 million people were unemployed in September, which translates to an unemployment rate of 5.6 percent. Many of the unemployed will find themselves with no income, substantial fixed expenses, and severely impaired ability to make ends meet.

In most cases, these Americans have been laid off not because they are poor workers, or because they do not try hard enough. They are simply the innocent victims of corporate down-sizing, or other forces larger than themselves.

For those unlucky enough to be laid off when business slows, the experience is often traumatic. There is a sense of rejection and betrayal. There is anger. And perhaps most importantly, there is fear—fear for oneself, and for one's family.

The fear is understandable. While their short-term employment prospects are often bleak, the unemployed face enormous financial pressures. As mortgages and rent payments come due, and bills pile up, millions of American families find themselves trapped by high fixed expenses, and without a paycheck to make ends meet.

Unemployment insurance can help, but it often falls far short of families' real needs, particularly in areas like my home State of New Jersey, where the costs of housing and other basic necessities are unusually high. Even if a family manages to survive on unemployment compensation, there may not be enough to overcome joblessness by relocating, or training for a new job. Compounding matters, the benefits of the long-term unemployed often expire.

Yet in many cases, Mr. President, the unemployed do have their own savings in an IRA or other retirement plan. These savings can provide a financial life raft to get through this unexpected financial storm. Unfortunately, it is a life raft with a large hole, because, for those under age 59½, withdrawals generally trigger a stiff, 10-percent tax penalty.

Mr. President, Americans do not believe in hitting people when they are down. And I believe there is something fundamentally wrong with imposing a heavy penalty on those who want to gain access to their own money to cope with unemployment.

The bill I am introducing proposes to eliminate the 10-percent penalty for people who have been laid off and who are trying to find work. It is targeted to people who need it—those who have been eligible for unemployment compensation for at least 30 days.

I think that is only fair.

Mr. President, while the bill's primary purpose is to provide relief to the unemployed, it would also provide at least two additional benefits.

First, it should increase the savings rate, by encouraging Americans to participate in IRA's and other retirement plans. Currently, many people, particularly young people, are reluctant to tie up their money for decades in a retirement plan. They're concerned, understandably, that their savings would be inaccessible in an emergency, such as an unexpected period of unemployment, without the imposition of a heavy penalty.

Allowing greater flexibility during periods of involuntary unemployment, Mr. President, should reduce this concern, and that should lead to increased savings.

The bill also should provide another indirect benefit. By unlocking savings and injecting money into the economy during periods of high unemployment, the legislation would provide a modest countercyclical stimulus. This would help revive a slow economy to the benefit of all Americans.

Mr. President, the concept of allowing early withdrawals from retirement plans for specific compelling reasons is not new. In fact, I first introduced this proposal a few years ago, and it has been included in previous legislation adopted by the Senate.

In sum, Mr. President, this bill would provide relief to the unemployed, increase our Nation's savings rate, and provide an automatic stimulus to the economy during slow periods.

I urge my colleagues to support the bill, and 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. 1381

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WAIVER OF EARLY DISTRIBUTION PENALTY DURING PERIODS OF INVOLUNTARY UNEMPLOYMENT.

(a) IN GENERAL.—Paragraph (2) of section 72(t) of the Internal Revenue Code of 1986 (relating to exceptions to 10-percent additional tax on early distributions from qualified plans) is amended by adding at the end thereof the following new subparagraph:

"(D) DISTRIBUTIONS FOR PERSONS WHO ARE INVOLUNTARILY UNEMPLOYED.—Any distributions which are made during any applicable involuntary unemployment period. For purposes of this subparagraph—

"(i) the term 'applicable involuntary unemployment period' means the consecutive period beginning on the 30th day after the first date on which an individual is entitled to receive unemployment compensation and ending with the date on which the individual begins employment which disqualifies the individual from receiving such compensation (or would disqualify if such compensation had not expired by reason of a limitation on the number of weeks of compensation); and

"(ii) the term 'unemployment compensation' has the meaning given such term by section 85(b)."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made after the date of the enactment of this Act.●

By Mr. STEVENS:

S. 1383. A bill to authorize the Secretary of Transportation to issue a certificate of documentation and coastwise trade endorsement for the vessel Westfjord; to the Committee on Commerce, Science, and Transportation.

S. 1384. A bill to authorize the Secretary of Transportation to issue a certificate of documentation and coastwise trade endorsement for the vessel *God's Grace II;* to the Committee on Commerce, Science, and Transportation.

CERTIFICATE OF DOCUMENTATION LEGISLATION

● Mr. STEVENS. Mr. President, today I am introducing separate bills to provide certificates of documentation for the vessels *Westfjord* and *God's Grace II.*

The *Westfjord*, hull number X-53-109, is a 53' Chris Craft recreational vessel owned by Gary and Neoma Scheff of Craig, AK. It was built in Algonac, MI in 1954. Because records of the vessel have been lost, it has been determined to be ineligible to be documented for use in the coastwise trade. The Scheffs intend to use the vessel as a charter vessel.

The *God's Grace II*, Alaska registration number AK5916B, is a 32' commercial fishing vessel owned by Winston Gillies of Kenai, AK. It was built in North Vancouver, BC in 1965. The vessel was originally built for one of the Kenai packing companies and has been used for fishing off Alaska for 30 years.

Because the *God's Grace II* is less than 5 gross tons, Mr. Gillies has been able to operate the vessel in the coastwise trade without documentation. Mr. Gillies would now like to extend the boat to 36' in order to be able to fish in the Class C, 35- to 60-foot, category of the halibut and sablefish individual fishing quota [IFQ] program. If he extends the vessel, the vessel will exceed 5 tons and he will be required to have documentation.

I ask for unanimous consent that these two bills be printed in the RECORD.

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

S. 1383

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding sections 12106, 12107, and 12108 of title 46, United State Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsements for employment in the coastwise trade for the vessel *Westfjord* (Hull number X53-109).

S. 1384

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsements for employment in the coastwise trade for the vessel *God's Grace II* (Alaska registration number AK5916B).●

By Mr. BREAUX (for himself, Mr. CONRAD, Mr. DORGAN, Mr. KERREY, Mr. DASCHLE, and Mr. HOLLINGS):

S. 1385. A bill to amend title XVIII of the Social Security Act to provide for coverage of periodic colorectal screening services under part B of the Medicare Program; to the Committee on Finance.

THE COLORECTAL CANCER SCREENING ACT OF 1995

● Mr. BREAUX. Mr. President, I introduce a measure that I believe should garner widespread support in both parties. The Colorectal Cancer Screening Act of 1995 would provide screening under Medicare for the third most prevalent type of cancer, cancer of the colon and rectum, which will strike 138,200 Americans this year. The bill would provide screening in a cost-effective manner which would ensure that doctors and their patients, not the Federal Government, decide which of the several recommended screening procedures are used. I am joined by Senators CONRAD, DORGAN, KERREY, DASCHLE, and HOLLINGS.

Let me share with you some of the frightening facts about colorectal cancer. According to the American Cancer Society, 55,300 Americans will die this year from this disease. Of the 138,200 new cases that will be reported, about half will be among men—70,700—and half among women—67,500. Only lung and prostate cancer attack more Americans. In my own State of Louisiana, 2,000 citizens will get this type of cancer this year.

As with most cancers, early detection is key to surviving colorectal cancer. About 90 percent of colorectal cancer victims whose cancer is detected in an early localized stage survive beyond 5 years. That number drops to between 50 and 60 percent when the cancer has spread regionally and to less than 10 percent when it has spread more widely.

Mr. President, colorectal cancer is a major cost to the Medicare Program. According to the Centers for Disease Control, 168,000 seniors were hospitalized with colon or rectum cancer in 1991—the most recent year for which data is available. The average hospital stay for these patients was 16 days.

While private health plans are beginning to provide coverage for colorectal cancer screening, Medicare—which serves older Americans who are most at risk—does not. According to a report from the Congressional Officer of Technology Assessment released earlier this year, screening for colorectal cancer is more cost-effective than many of the other procedures the Medicare Program already covers. Screening provides benefits at a cost of about $13,000 per life-year saved, versus $40,000 to $50,000 per life-year saved for some preventive and other services that Medicare already covers. At a time when we are looking for ways to control the overall cost of the Medicare Program, we must continue our efforts to use those limited funds in ways that are cost-effective.

Mr. President, I know that other Members of this body have introduced a bill to provide for colorectal cancer screening. This measure differs from theirs in only a few ways. First, this bill is not procedure-specific. It would provide Medicare coverage for all of the colon cancer screening recommended by the American College of Physicians and which the Office of Technology Assessment found to be cost-effective. Second, they would allow the Secretary to add new procedures once they are developed. This is critically important to encouraging innovation and research in this area. As a number of medical companies have explained in recent correspondence, legislation that "limits Medicare reimbursement to only a few of the current screening technologies does not allow for the development and diffusion of new medical procedures which might ultimately prove more effective and cost-efficient in the detection of colorectal cancer." Mr. President, I believe Medicare should cover all types of recommended screening and let the patient and his doctor, not the Federal Government, decide which one is appropriate.

This bill would follow the guidelines approved by the American College of Physicians on April 23, 1990, which read as follows:

Recommendations:

1. Screening with fecal occult blood tests is recommended annually for individuals age 50 and older.

2. Screening with sigmoidoscopy is recommended every 3–5 years or with air-contrast barium enema every 5 years for individuals age 50 or older.

3. For individuals age 40 and older who have familial polyposis coli, inflammatory bowel disease, or a history of colon cancer in a first degree relative, i.e., parent or sibling, screening with air-contrast barium enema or colonoscopy in addition to annual fecal occult blood tests, is recommended every 3–5 years.

For individuals over the age of 50 who are on Medicare and at average risk of colorectal cancer, this bill would allow payment for: every 12 months, a fecal blood test; and every 5 years, a sigmoidoscopy, barium enema, or other procedure approved by the Secretary. For individuals at high risk of colorectal cancer, the bill would allow Medicare reimbursement for: every 12 months, a fecal blood test; and every 2 years, a colonoscopy, barium enema, or other procedure approved by the Secretary.

Here's how the American Cancer Society described these different procedures in its 1995 Cancer Facts and Figures report:

The stool blood test is a simple method to test feces for hidden blood. The specimen is obtained by the patient at home and returned to the physician's office, a hospital, or a clinic for analysis. The Society recommends annual testing after age 50.

In proctosigmoidoscopy, the physician uses a hollow lighted tube or a fiberoptic sigmoidoscope to inspect the rectum and lower colon. To detect cancers higher in the colon, longer, flexible instruments are used. The American Cancer Society recommends sigmoidoscopy, preferably flexible, every 3 to 5 years after age 50.

If any of these tests reveal possible problems, more extensive studies, such as colonoscopy (examination of the entire colon) and barium enema (an x-ray procedure in which the intestines are viewed), may be needed.

Mr. President, if we are to provide screening for colorectal cancer, which I believe is desperately needed, we should allow all types of procedures recommended by the American College of Physicians and described by the American Cancer Society. This bill would do just that. I know that other Members of this body have indicated their support for colorectal cancer screening under Medicare. My hope is that we can all join together on a proposal that will give seniors and their doctors the maximum choice and protection from this dreaded disease.

I ask unanimous consent that the full text of the Colorectal Cancer Screening Act of 1995 and the recommendations from the American College of Physicians on screening for colorectal cancer be printed in the RECORD.

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

S. 1385

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 "Colorectal Cancer Screening Act of 1995".

SEC. 2. MEDICARE COVERAGE OF COLORECTAL SCREENING SERVICES.

(a) IN GENERAL.—Section 1834 of the Social Security Act (42 U.S.C. 1395m) is amended by inserting after subsection (d) of following new subsection:

"(e) FREQUENCY AND PAYMENT LIMITS FOR COLORECTAL SCREENING PROCEDURES.—

"(1) SCREENING FECAL-OCCULT BLOOD TESTS.—

"(A) PAYMENT LIMIT.—In establishing fee schedules under section 1833(h) with respect to screening fecal-occult blood tests provided for the purpose of early detection of colon cancer, except as provided by the Secretary under paragraph (3)(A), the payment amount established for tests performed—

"(i) in 1996 shall not exceed $5; and

"(ii) in a subsequent year, shall not exceed the limit on the payment amount established under this subsection for such tests for the preceding year, adjusted by the applicable adjustment under section 1833(h) for tests performed in such year.

"(B) FREQUENCY LIMITS.—Subject to revision by the Secretary under paragraph (3)(B), no payment may be made under this part for a screening fecal-occult blood test provided to an individual for the purpose of early detection of colon cancer if the test is performed—

"(i) on an individual under 50 years of age; or

"(ii) within the 11 months after a previous screening fecal-occult blood test.

"(2) PERIODIC COLORECTAL SCREENING PROCEDURES FOR INDIVIDUALS NOT AT HIGH RISK FOR COLORECTAL CANCER—

"(A) PAYMENT AMOUNT.—The Secretary shall establish a payment amount under section 1848 with respect to periodic colorectal screening procedures provided for the purpose of early detection of colon cancer that is consistent with payment amounts under such section for similar or related services, except that such payment amount shall be established without regard to subsection (a)(2)(A) of such section. The Secretary shall establish a single payment amount for periodic colorectal screening procedures, which shall be based on the cost of a flexible sigmoidoscopy or barium enema procedure, as the Secretary determines appropriate.

"(B) FREQUENCY LIMITS.—Subject to revision by the Secretary under paragraph (4)(B), no payment may be made under this part for a periodic colorectal screening procedure provided to an individual for the purpose of early detection of colon cancer if the procedure is performed—

"(i) on an individual under 50 years of age; or

"(ii) within the 59 months after a previous periodic colorectal screening procedure.

"(D) PERIODIC COLORECTAL SCREENING PROCEDURE DEFINED.—The term 'periodic colorectal screening procedure' means a flexible sigmoidoscopy, barium enema screening procedure, or other screening procedure for colorectal cancer, as determined by the Secretary.

"(3) SCREENING FOR INDIVIDUALS AT HIGH RISK FOR COLORECTAL CANCER.—

"(A) PAYMENT AMOUNT.—The Secretary shall establish a payment amount under section 1848 with respect to each eligible procedure for screening for individuals at high risk for colorectal cancer (as determined in accordance with criteria established by the Secretary) provided for the purpose of early detection of colon cancer that is consistent with payment amounts under such section for similar or related services, except that such payment amount shall be established without regard to subsection (a)(2)(A) of such section. The Secretary may establish a payment amount for a barium enema procedure pursuant to this paragraph that is different from the payment amount established pursuant to paragraph (2) for a periodic colorectal screening procedure for an individual not a high risk for colorectal cancer so long as the payment amount established pursuant to paragraph (2) is not based on the cost of a barium enema procedure.

"(B) ELIGIBLE PROCEDURES.—Procedures eligible for payment under this part for screening for individuals at high risk for colorectal cancer for the purpose of early detection of colorectal cancer shall include a screening colonoscopy, a barium enema screening procedure, or other screening procedures for colorectal cancer as the Secretary determines appropriate.

"(C) FREQUENCY LIMIT.—Subject to revision by the Secretary under paragraph (4)(B), no payment may be made under this part for a screening procedure for individuals at high risk for colorectal cancer provided to an individual for the purpose of early detection of colon cancer if the procedure is performed within the 23 months after a previous screening procedure.

"(D) FACTORS CONSIDERED IN ESTABLISHING CRITERIA FOR DETERMINING INDIVIDUALS AT HIGH RISK.—In establishing criteria for determining whether an individual is at high risk for colorectal cancer for purposes of this paragraph, the Secretary shall take into consideration family history, prior experience of cancer or precursor neoplastic polyps, a history of chronic digestive disease condition (including inflammatory bowel disease, Crohn's Disease or ulcerative colitis), the presence of any appropriate recognized gene markers for colorectal cancer and other predisposing factors.

"(4) REDUCTIONS IN PAYMENT LIMIT AND REVISION OF FREQUENCY.—

"(A) REDUCTIONS IN PAYMENT LIMIT.—The Secretary shall review from time to time the appropriateness of the amount of the payment limit established for screening fecal-occult blood tests under paragraph (1)(A). The Secretary may, with respect to tests performed in a year after 1998, reduce the amount of such limit as it applies nationally or in any area to the amount that the Secretary estimates is required to assure that such tests of an appropriate quality are readily and conveniently available during the year.

"(B) REVISION OF FREQUENCY AND DETERMINATION OF ELIGIBLE PROCEDURES.—

"(i) REVIEW.—The Secretary shall review periodically the appropriate frequency for performing screening fecal-occult blood tests, periodic colorectal screening procedures, and screening procedures for individuals at high risk for colorectal cancer based on age and such other factors as the Secretary believes to be pertinent, and shall review periodically the availability, effectiveness, and cost of screening procedures for colorectal cancer other than those specified in this section.

"(ii) REVISION OF FREQUENCY AND DETERMINATION OF ELIGIBLE PROCEDURES.—The Secretary, taking into consideration the review made under clause (i), may revise from time to time the frequency with which such tests and procedures may be paid for under this subsection and may determine that additional screening procedures shall be considered to be 'periodic colorectal screening procedures' or an eligible procedure for the screening of individuals at high risk for colorectal cancer, but no such revision shall apply to tests or procedures performed before January 1, 1999.

"(5) LIMITING CHARGES OF NONPARTICIPATING PHYSICIANS.—

"(A) IN GENERAL.—In the case of a periodic colorectal screening procedure provided to an individual for the purpose of early detection of colon cancer or a screening provided to an individual at high risk for colorectal cancer for the purpose of early detection of colon cancer for which payment may be made under this part, if a nonparticipating physician provides the procedure to an individual enrolled under this part, the physician may not charge the individual more than the limiting charge (as defined in section 1848(g)(2)).

"(B) ENFORCEMENT.—If a physician or supplier knowing and willfully imposes a charge in violation of subparagraph (A), the Secretary may apply sanctions against such physician or supplier in accordance with section 1842(j)(2).".

(b) CONFORMING AMENDMENTS.—(1) Paragraphs (1)(D) and (2)(D) of section 1833(a) of the Social Security Act (42 U.S.C. 1395l(a)) are each amended by striking "subsection (h)(1)," and inserting "subsection (h)(1) or section 1834(e)(1),".

(2) Section 1833(h)(1)(A) of such Act (42 U.S.C. 1395l(h)(1)(A)) is amended by striking "The Secretary" and inserting "Subject to paragraphs (1) and (3)(A) of section 1834(e), the Secretary".

(3) Clauses (i) and (ii) of section 1848(a)(2)(A) of such Act (42 U.S.C. 1395w-4(a)(2)(A)) are each amended by striking "a service" and inserting "a service (other than a periodic colorectal screening procedure provided to an individual for the purpose of early detection of colon cancer or an eligible screening procedure provided to an individual at high risk for colorectal cancer for the purpose of early detection of colon cancer)".

(4) Section 1862(a) of such Act (42 U.S.C. 1395y(a)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (E), by striking "and" at the end;

(ii) in subparagraph (F), by striking the semicolon at the end and inserting ", and"; and

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

"(G) in the case of screening fecal-occult blood tests, periodic colorectal screening procedures, and screening procedures provided for the purpose of early detection of colon cancer, which are performed more frequently than is covered under section 1834(e);"; and

(B) in paragraph (7), by striking "paragraph (1)(B) or under paragraph (1)(F)" and inserting "subparagraphs (B), (F), or (G) of paragraph (1)".

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 shall apply to services furnished on or after January 1, 1996.

[From the American College of Physicians]

SCREENING FOR COLORECTAL CANCER

DISEASE

Invasive colorectal cancers arise from adenomas or originate (de novo) from the mucosa of the colon. Progression from adenoma to invasive cancer takes about five years.

Colorectal cancer accounts for 150,000 new cases each year and 61,000 deaths. It is the second most common form of cancer in the US. On the average, it deprives patients of nearly 10 percent of their expected life span.

Risk factors for colorectal cancer include inflammatory bowel disease, familial ployposis syndromes, family history, and a previous history of noeplasms. A diagnosis of familial polyposis syndrome or inflammatory bowel disease requires monitoring.

SCREENING TEST(S)

Several tests and procedures have been proposed for colorectal cancer screening; the most common are digital examination, fecal occult blood tests (FOBT), and sigmoidoscopy. Air-contrast barium enemas and colonoscopy have been proposed for screening individuals at high risk of developing colorectal cancer.

The digital rectal examination entails a manual exploration of the rectum.

Fecal occult blood tests entail smearing a stool specimen on a slide and submitting the specimen for analysis. Recommended practice is to take two samples on each of three consecutive days, while on a diet designed to reduce the frequency of false positives.

Sigmoidosocpy is the inspection of the interior of the colon through an endoscope inserted via the rectum. Sigmoidolscopes vary in length and may be rigid or flexible. When available, use of a flexible scope is preferred; otherwise, a rigid scope is acceptable.

Air-contrast barium enema and colonoscopy allow the inspection of the entire colon. The former involves the administration of barium into the rectum, followed by x-ray study of the entire intestine; the latter introduction of a fiberoptic instrument.

RECOMMENDATIONS

1. Screening with fecal occult blood tests is recommend annually for individual age 50 and older.

2. Screening with sigmoidoscopy is recommended every 3-5 years or with air-contrast barium enema every 5 years for individuals age 50 and older.

3. For individuals age 40 and older who have familial polyposis coli, inflammatory bowel disease, or a history of colon cancer in a first degree relative, i.e., parent or sibling, screening with air-contrast barium enema or colonoscopy in addition to annual fecal occult blood tests, is recommended every 3-5 years.

RATIONALE

Although there is little direct evidence of the effectiveness of colorectal cancer screening, there is indirect evidence, based on the natural history of the disease and the effectiveness of screening tests, that screening should reduce colorectal cancer incidence and mortality.

Risks associated with colorectal cancer screening include perforations from sigmoidoscopy, colonoscopy and barium enema and the extensive diagnostic tests associated with false-positive results of fecal occult blood testing.

Individuals at high risk for colorectal cancer due to familial polyposis coli or inflammatory bowel disease, a history of colorectal cancer in a first degree relative should be encouraged to have a complete examination of the colon. Factors influencing the choice between air contrast barium enema and colonoscopy include cost and access to qualified physicians able to perform safe and accurate studies.●

By Mr. NUNN:

S. 1387. A bill to provide for innovative approaches for homeownership opportunity, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE HOMESTEADING AND NEIGHBORHOOD RESTORATION ACT OF 1995

Mr. NUNN. Mr. President, I rise today to discuss one of our Nation's most critical problems—the lack of affordable housing for low income people. As my colleagues know, housing is one of the most basic human needs. Lack of it is a problem which plagues every State, in both urban and rural areas. Today I would like to remind my colleagues of an organization founded on the belief that this is unacceptable. This organization is Habitat for Humanity International.

Habitat is a nonprofit, ecumenical Christian housing ministry founded in 1976 by Millard and Linda Fuller and based in Americus, GA. Its ambitious goal is nothing less than to eliminate poverty housing and homelessness from the world. Since 1976, Habitat has constructed 40,000 homes worldwide, in every U.S. State and in 45 other countries. As a result of Habitat's efforts, a quarter of a million people worldwide are living in safe, decent, and affordable housing.

Though Habitat has chapters all over the globe, its work is done on a truly grass roots, individual basis. Through volunteer labor and tax deductible donations of money and materials, Habitat joins with the partner family to build or rehabilitate a house. Habitat houses are then sold to partner families at no profit, financed with affordable loans with no interest. The homeowners' monthly mortgage payments go into a revolving fund which finances the building of more houses.

As the numbers I mentioned a moment ago demonstrate, this has been a fantastically successful concept. In my view, though, the idea at the heart of Habitat's success is the idea of "sweat equity." Part of the deal presented to a potential homeowner is that they must contribute their own hard work and sweat to the construction of their home and the homes of others. In this way, the family builds a tangible bond to the finished product, and therefore has a strong interest in maintaining it. In addition, the contribution of sweat equity leads new homeowners to a stronger sense of community responsibility—contributing to the decency and safety of their street and neighborhood.

In this way, Habitat not only builds new homes, it also helps rebuild the internal sense of community that has declined in our Nation. By giving families

a home—not a handout from a faceless Government bureaucrat, not a benefit check, but an opportunity to dedicate their hard work to owning their own home—Habitat helps to combat the despair and apathy evident in so many of our communities.

For these reasons, I am introducing today the Homesteading and Neighborhood Restoration Act of 1995. This legislation, which is supported by such diverse interests as former President Carter, Speaker GINGRICH, and HUD Secretary Cisneros, directs the Secretary of Housing and Urban Development to reprogram $50 million in existing HUD funds into a grant program for Habitat for Humanity and other low cost housing organizations. In keeping with Habitat's policy of refusing to accept Government funds for actual construction work on dwellings, the funds could only be used for land acquisition or infrastructure improvements, and only in the United States. The bill directs that half of the reprogrammed dollars would be granted to Habitat, and the other half would be held in reserve for other similar organizations to compete for. Any funds not claimed by qualified organizations would be granted to Habitat.

My estimates indicate that the funds included in this legislation would allow Habitat to begin construction on 5,000 new dwellings across the Nation immediately. Additionally, as new homeowners begin to pay back their loans, the money would be recycled to build even more homes.

So many times we in Congress must allocate Government dollars based on a sense of trust—with very little assurance that the taxpayers' funds will actually yield any results at all. Thankfully, this legislation does not necessitate Congress taking such a leap of faith. The successes of Habitat for Humanity are standing already in brick and mortar in 40,000 places around the world. This legislation will enable them to expand their successes to many more locations. This is a private initiative that really works, and I urge my colleagues to support it.

By Mr. BREAUX (for himself and Mr. JOHNSTON):

S.J. Res. 42. A joint resolution designating the Civil War Center at Louisiana State University as the U.S. Civil War Center, making the center the flagship institution for planning the sesquicentennial commemoration of the Civil War, and for other purposes; to the Committee on Energy and Natural Resources.

U.S. CIVIL WAR CENTER JOINT RESOLUTION

• Mr. BREAUX. Mr. President, today I am introducing a joint resolution on behalf of myself and Senator JOHNSTON to designate the U.S. Civil War Center as the flagship institution charged with planning and facilitating the sesquicentennial of the American Civil War in 2011.

While the date may still seem far off, it is important to remember that this will be a particularly important anniversary as it will be the last opportunity for most of us to commemorate the Civil War. The Civil War Center at Louisiana State University in Baton Rouge, LA, offers the most appropriate setting for the organization of this remembrance. There is no other center in the United States that currently studies the war from the perspective of every conceivable discipline, profession, and occupation. The center will be able to coordinate with the numerous Civil War commemorative organizations throughout the Nation. Funding for the activities throughout the sesquicentennial will come from private donations and grants.

Since the end of the commemoration of the centennial of the war in 1965, the United States has come a long way toward healing some of the lingering wounds of the war. Recent events have emphasized that many of them still must be addressed, as racism, violence, and regional economics remain problems in our united Nation. If we are to continue to learn from our differences, the commemoration of the sesquicentennial offers the opportunity to reflect on where we once were and where we will next go.

I urge my colleagues to join me in the designation of the U.S. Civil War Center as the flagship institution for the sesquicentennial.

Mr. President, I ask unanimous consent that the text of the joint resolution and the letter of support from the center's advisory board be printed in the RECORD.

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

S.J. RES. 42

Whereas the sesquicentennial of the beginning of the Civil War will occur in the year 2011;

Whereas the sesquicentennial will be the last significant opportunity for most Americans alive in the year 2011 to recall and commemorate the Civil War;

Whereas the Civil War Center at Louisiana State University in Baton Rouge, Louisiana, has as principal missions to create a comprehensive database that contains all Civil War materials and to facilitate the study of the war from the perspectives of all ethnic cultures and all professions, academic disciplines, and occupations;

Whereas the 2 principal missions of Civil War Center are consistent with the commemoration of the sesquicentennial; and

Whereas advance planning to facilitate the 4-year commemoration of the sesquicentennial is required: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF UNITED STATES CIVIL WAR CENTER.

The Civil War Center, located on Raphael Semmes Drive at Louisiana State University in Baton Rouge, Louisiana, shall be known and designated as the "United States Civil War Center".

SEC. 2. REFERENCES.

Any references in a law, map, regulation, document, paper, or other record of the United States to the center referred to in section 1 shall be deemed to be a reference to the "United States Civil War Center".

SEC. 3. FLAGSHIP INSTITUTION.

The center referred to in section 1 shall be the flagship institution for planning the sesquicentennial commemoration of the Civil War.

U.S. CIVIL WAR CENTER ADVISORY BOARD

DEAR SENATOR: As members of the United States Civil War Center's Advisory Board, we strongly encourage your cosponsorship of Senator John Breaux's resolution to designate the United States Civil War Center as the flagship institution charged with planning and facilitating the Sesquicentennial of the American Civil War in the years 2011–2015.

The Civil War Center at Louisiana State University in Baton Rouge, Louisiana, offers the most appropriate facility to ensure that the commemoration embraces all of the possibilities for an experience that will affect all Americans profoundly and that will have longlasting effects.

Knowing that we all have much to learn from the five years our nation was at war with itself, we urge you to join Senator Breaux in cosponsoring this resolution.

Ed Bearss, Historian; Ken Burns, Florentine Films; William C. Davis, Historian; Rita Dove, U.S. Poet Laureate and Consultant to the Library of Congress; William Ferris, Director, Center for the Study of South Culture.

Shelby Foote, Novelist, Historian; Grady McWhitney, Historian; T. Michael Parrish, Historian; R.E. Turner, Chairman of the Board, Turner Broadcasting; Tom Wicker, Novelist, Journalist.•

ADDITIONAL COSPONSORS

S. 607

At the request of Mr. WARNER, the names of the Senator from Utah [Mr. HATCH] and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of S. 607, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify the liability of certain recycling transactions, and for other purposes.

S. 704

At the request of Mr. SIMON, the names of the Senator from Oregon [Mr. HATFIELD], the Senator from Virginia [Mr. WARNER], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 704, a bill to establish the Gambling Impact Study Commission.

S. 837

At the request of Mr. WARNER, the names of the Senator from California [Mrs. BOXER], the Senator from North Dakota [Mr. CONRAD], the Senator from Connecticut [Mr. DODD], and the Senator from North Dakota [Mr. DORGAN] were added as cosponsors of S. 837, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 250th anniversary of the birth of James Madison.

S. 949

At the request of Mr. GRAHAM, the names of the Senator from New York [Mr. MOYNIHAN] and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of S. 949, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 200th anniversary of the death of George Washington.

S. 1150

At the request of Mr. SANTORUM, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 1150, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the Marshall plan and George Catlett Marshall.

S. 1228

At the request of Mr. D'AMATO, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 1228, a bill to impose sanctions on foreign persons exporting petroleum products, natural gas, or related technology to Iran.

S. 1265

At the request of Mr. LEAHY, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 1265, a bill to authorize the Secretary of Agriculture to make temporary assistance available to support community food security projects designed to meet the food needs of low-income people, increase the self-reliance of communities in providing for their own food needs, and promote comprehensive, inclusive, and future-oriented solutions to local food, farm, and nutrition problems, and for other purposes.

S. 1274

At the request of Mr. LOTT, the name of the Senator from Wyoming [Mr. THOMAS] was added as a cosponsor of S. 1274, a bill to amend the Solid Waste Disposal Act to improve management of remediation waste, and for other purposes.

S. 1329

At the request of Mr. DOLE, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of S. 1329, a bill to amend title 38, United States Code, to provide for educational assistance to veterans, and for other purposes.

S. 1370

At the request of Mr. CRAIG, the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of S. 1370, a bill to amend title 10, United States Code, to prohibit the imposition of any requirement for a member of the Armed Forces of the United States to wear indicia or insignia of the United Nations as part of the military uniform of the member.

S. 1372

At the request of Mr. MCCAIN, the names of the Senator from Alaska [Mr. STEVENS] and the Senator from Pennsylvania [Mr. SANTORUM] were added as cosponsors of S. 1372, a bill to amend the Social Security Act to increase the earnings limit, and for other purposes.

S. 1375

At the request of Mr. BURNS, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 1375, a bill to preserve and strengthen the foreign market development cooperator program of the Department of Agriculture, and for other purposes.

AMENDMENTS SUBMITTED

THE SENIOR CITIZENS' FREEDOM TO WORK ACT

ROCKEFELLER AMENDMENT NO. 3043

Mr. ROCKEFELLER proposed an amendment to the bill (S. 1372) to amend the Social Security Act to increase the earnings limit, and for other purposes; as follows:

At the appropriate place insert the following: "It is the sense of the Senate that the conferees on the part of the Senate on H.R. 2491 should not agree to any reductions in Medicare beyond the $89 billion needed to maintain the solvency of the Medicare trust fund through the year 2006, and should reduce tax breaks for upper-income taxpayers and corporations by the amount necessary to ensure deficit neutrality."

THE FAT, OILS AND GREASES DIFFERENTIATION ACT OF 1995

CHAFEE (AND OTHERS) AMENDMENT NO. 3044

Mr. DOLE (for Mr. CHAFEE, for himself, Mr. BAUCUS, Mr. PRESSLER, Mr. LUGAR, and Mr. HARKIN) proposed an amendment to the bill (H.R. 436) to require the head of any Federal agency to differentiate between fats, oils, and greases of animal, marine, or vegetable orgin, and other oils and greases, in issuing certain regulations, and for other purposes; as follows:

On page 2, line 8, after "to" insert "the transportation, storage, discharge, release, emission, or disposal of".

On page 2, line 9, strike "any" and insert "that".

On page 2, line 18, strike "such" and insert "that".

On page 2, line 22, strike "different" the first place it occurs.

On page 2, line 23, strike "as provided" and insert "based on considerations".

On page 3, line 12, strike "carrying oil in bulk as cargo or cargo residue".

On page 3, line 13, after "carried" insert "as cargo".

NOTICE OF HEARING

SUBCOMMITTEE ON FORESTS AND PUBLIC LANDS

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Forests and Public Lands to consider four miscellaneous land bills. The first is S. 1371, the Snowbasin land exchange bill, to exchange certain lands in Utah. S. 590, a land exchange for the relief of Matt Clawson, and S. 985, to exchange certain lands in Gilpin County, CO, will also be the subject of the hearing. The last bill to be considered is S. 1196, to transfer certain National Forest System lands adjacent to the Townsite of Cuprum, ID. The subcommittee will not receive testimony on S. 901 and S. 1169 as previously announced.

The hearing will take place Tuesday, November 7, 1995, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Mark Rey at (202) 224–6470.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. GREGG. I ask unanimous consent that the Committee on Finance be permitted to meet Thursday, November 2, 1995, beginning at 10 a.m. in room SD–215, to conduct a markup of S. 1318, the Amtrak and Local Rail Revitalization Act of 1995.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Thursday, November 2, 1995, at 9:30 a.m. for a hearing on S. 704, the Gambling Impact Study Commission Act.

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

SPECIAL COMMITTEE ON AGING

Mr. GREGG. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on Thursday, November 2, at 10 a.m. to hold a hearing to discuss Medicare and Medicaid fraud.

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

SPECIAL COMMITTEE TO INVESTIGATE WHITEWATER DEVELOPMENT AND RELATED MATTERS

Mr. GREGG. Mr. President, I ask unanimous consent that the special committee to investigate Whitewater development and related matters be authorized to meet during the session of the Senate on Thursday, November 2, 1995, to conduct a hearing on the handling of the documents in Deputy White House Counsel Vincent Foster's office after his death.

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

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. GREGG. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, November 2, 1995, for purposes of conducting a subcommittee hearing which is scheduled to begin at 9:30 a.m. The purpose of this oversight hearing is to receive testimony from academicians and State and local officials on alternatives to Federal forest land management. Testimony will also be sought comparing land management cost and benefits on Federal and State lands.

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

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. GREGG. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure be granted permission to conduct a hearing Thursday, November 2, at 10 a.m., hearing room SD-406, on courthouse construction and related GSA public buildings program matters.

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

ADDITIONAL STATEMENTS

FOREIGN OPERATIONS APPROPRIATIONS CONFERENCE REPORT

• Mr. MCCAIN. Mr. President, during the vote yesterday on an amendment I offered to the Senate amendment to the amendment in disagreement in the foreign operations appropriations conference report, there was some confusion over the administration's position despite the assurances in my statement that the administration supported my amendment. To clarify this issue, I ask that a letter of support from Assistant Secretary of State for Legislative Affairs Wendy Sherman be included in the RECORD.

The letter follows:

DEPARTMENT OF STATE,
Washington, DC, Nov. 1, 1995.

Hon. JOHN MCCAIN,
Senate.

DEAR SENATOR MCCAIN: In response to your inquiry regarding the Department's position on counternarcotics assistance to Burma, I would like to reiterate the comments contained in the Department's September 14 letter to Senators McConnell and Leahy commenting on key provisions in the FY 1996 Foreign Operations Appropriations bill, as reported by the Subcommittee.

In that letter, the Department of State noted that:

"The existing political situation in Burma precludes significant cooperation on drug control, but we need flexibility to decide whether it is in our interest to cooperate in specific, limited cases as they arise. Burma is the world's number one heroin producer and sixty percent of the heroin that comes to the streets of the United States originates in Burma. The Administration must have the opportunity to work against a problem which affects the daily lives of the American people in such a harmful way."

The Department's opposition to legislative restrictions on counternarcotics aid to Burma remains unchanged.

I trust that this information is responsive to your inquiry. The Department of State greatly appreciates your continuing support for our position and we continue to support the substance of your legislative language to facilitate limited and carefully structured counternarcotics cooperation with Burma while at the same time maintaining our policy on human rights and democracy. If you need further information, please do not hesitate to contact us.

Sincerely,

WENDY R. SHERMAN,
Assistant Secretary Legislative Affairs.•

ARCTIC NATIONAL WILDLIFE REFUGE

• Mr. HARKIN. Mr. President, I was greatly disappointed by the vote of the Senate last Friday to open the ANWR to oil exploration. This was a tremendous mistake that, if uncorrected, will be a significant blow to the environment.

Mr. President, it is time for government to practice fiscal responsibility. However, we should not destroy the Arctic National Wildlife Refuge [ANWR] in an effort to balance the budget. Our children do not deserve to inherit a huge debt. However, they do deserve to inherit our Nation's abundant wildlife and wilderness in the same or better condition as we did. Cheating our children of this inheritance is not sound fiscal policy.

The attempt to open the ANWR for the exploration of oil is not something new. In fact, a battle has been developing for over 15 years. Congress has voted to protect this area in the past and must continue to fight this battle and preserve the ANWR in the future.

The Budget Committee claims that opening the ANWR for oil exploration may generate $1.4 billion in leasing revenues during a 4-year period. This sounds like a lot of money and is a lot of money. Yet, this figure represents a mere two-tenths of 1 percent of the budget deficit. Should we sacrifice a unique ecological environment whose value is priceless in order to pay off less than one-half of 1 percent of our total debt? This just does not make sense.

Oil is valuable and can be priced. But how can we price the 150,000-member porcupine caribou herd that migrates to the ANWR each year to give birth to their calves? How can we price the culture of the Gwich'in people who have been in northeast Alaska for 20,000 years? How can we price an entire ecosystem that is the life support of over 165 different species?

Mr. President, inclusion of the ANWR provision in our budget reconciliation plan is unacceptable. It is not fair to our children and future generations to come. I urge the conferees to drop this ill-advised antienvironment provision from the bill.•

SOCIAL ROULETTE

• Mr. LUGAR. Mr. President, I ask unanimous consent that the attached article be printed in the CONGRESSIONAL RECORD at the appropriate place.

The article follows:

[From the Washington Post, Sept. 22, 1995]

SOCIAL ROULETTE

The spread of legalized gambling is the political issue that has yet to roar, but may do so soon—and should. In a decade, casino gambling has spread from two states to at least 35. Gambling is done on riverboats, on Indian reservations, in well-established downtowns. Native American tribes (including some that have rediscovered their existence for the primary purpose of setting up casinos) are the best publicized entrepreneurs in this field, partly because they can operate free of many regulations. Estimates on how much money is involved here are all over the lot, depending on what sorts of gambling are counted in, but a study by U.S. News & World Report concluded that counting state lotteries and the like, $330 billion was wagered legally in 1992, up 1,800 percent since 1976.

Rep. Frank Wolf (R-Va.), along with Sens. Paul Simon (D-Ill.) and Richard Lugar (R-Ind.), thinks the country ought to take a long look as it hurtles toward turning itself into one gigantic open town. They have introduced useful bills to create a national commission that would undertake, as Mr. Wolf puts it, "an objective, credible and factual study of the effects of gambling" on communities, including its impact on crime rates, political corruption and family life, and also to examine its economic costs and benefits.

Those pushing casinos into communities make large claims about their economic benefits, but the jobs and investment casinos created are rarely stacked up against the jobs lost and the investment and spending forgone in other parts of a local economy. The Commission's study could be of great use to communities pondering whether to wager their futures on roulette, slot machines and blackjack. The Wolf bill wants a report from the commission in three years; the Simon-Lugar bill wants it in half that time. We're inclined to think the quicker the better.

The "gaming industry," as it calls itself, is fighting these proposals. One hopes that at next week's House Judiciary Committee hearing on the Wolf bill, gambling's representatives will be asked why they fear a national commission. If all their claims about gambling's beneficial effects are true, a commission would presumably verify them. If critics of gambling are wrong in seeing it as being linked to crime, corruption and social breakdown, the commission would presumably find that out too. Could it be that those with an interest in the spread of gambling fear what a fair study will find?

True to form, gambling now has its own trade association, and gambling interests—

tribal and others—have stepped up their campaign contributions to both parties. To pick a few examples: Golden Nugget, the well-known Las Vegas casino, gave $230,000 in "soft money" to the Republican Party last year; Frank Fertitta Jr., chairman of Station Casinos Inc., also gave $230,000 to the GOP; the Mashantucket Pequot Tribe gave $365,000 to the Democrats in the 1993-94 election cycle and covered its bets with $100,000 to the Republicans in November of 1994.

The country is in the presence of a powerful and growing industry and an important social phenomenon. At the least, the federal government should help the country figure out what is going on, which is why what Mr. Wolf, Mr. Lugar and Mr. Simon are doing is so important.•

THE MILLION MAN MARCH

• Mr. SIMON. Mr. President, the significance of the Million Man March in Washington will be debated a year from now, and perhaps then with greater understanding. But we should not wait a year to learn from it.

From my perspective there was both good and bad to the assemblage. The good included:

Hundreds of thousands—the latest estimate is 800,000—of African American men came to Washington to send a message to the Nation and to their black male counterparts. To the Nation the message of the gathering was simple: There is still too much racism and injustice. To other African American men: We must do better.

To have close to a million men as part of a demonstration and not have a single incident that called for police action is a tribute to participants and to those staging the event.

Those cleaning up the inevitable debris from such a huge gathering, I am told, found not a single beer can. These were men gathered for a mission, not a party.

The size of the crowd, coupled with the decision in the recent O.J. Simpson trial and the Rodney King episode, has the Nation talking about race more candidly, though the barriers of prejudice or embarrassment or awkwardness make candid talk between whites and blacks less common than it should be.

Inevitably, comparisons are made with the 1963 throng that Martin Luther King addressed. The 1963 gathering had these advantages over the recent gathering:

It was inclusive. It was a call for the Nation to come together. Both the crowd and the message were impressive. And partly as a result of that gathering, great strides were made against the cruder forms of segregation and injustice. In a brief message, Dr. King called upon all of us—across the barriers of race and sex and religion and ethnic background—to do better.

The anti-Jewish message that Minister Farrakhan has delivered—though not at this gathering—should be offensive to all thoughtful people.

I am old enough to have been part of the civil rights efforts of the 1950s and 1960s. The whites who were with us disproportionately in that struggle to secure opportunity for African Americans were not Lutheran, which I am, not Catholic, which my wife is, nor Methodist nor Presbyterian nor Baptist, but Jewish. The Jews have experienced centuries of discrimination, and rose in significant numbers in behalf of others discriminated against. It is ironic that people of little understanding but large ambition have mistakenly believed that you can build blacks up by tearing Jews down.

My son is a professional photographer. He took pictures at this event, and when one of the marchers saw his credentials and read the name "Martin Simon," he asked my son: "You're Jewish, aren't you?" And not in a tone of pleasant inquiry. We are not Jewish, but what if we were? Should that make any difference?

In contrast to Martin Luther King, Minister Farrakhan delivered a lengthy speech with no coherence. He had an opportunity to ask the nation for two or three things of importance, but he muffed the opportunity. That he is a person of considerable ability, no one can question. Like all of us, he can grow in the future—away from some of his prejudices. He accurately sensed the dissatisfaction level among African American men. The 1963 gathering will be remembered for the huge crowd and the message. The 1995 gathering will be remembered for the huge crowd.

One other concern: The anti-white and anti-Jewish inflammatory rhetoric of some of the pre-march rallies led by Minister Farrakhan's followers will do nothing for either blacks or whites. At one meeting, which David Jackson, a white reporter for the Chicago Tribune, attended—and was the only white at the gathering—a speaker said, "We ought to just turn the lights out and boot your * * * out." A small group grabbed him and roughly threw him out of the meeting. That type of conduct does no one any good.

Let me add, I am not anti-Muslim. I sponsored the first Muslim to lead the Senate in prayer. I recognize the discrimination that Muslims encounter, and like all forms of discrimination, it is wrong.

What all of us must do: Talk candidly about the injustices that still exist in our society. And talk not just with "our" group.

Recognize that U.S. poverty exceeds that of any other Western, industrialized nation. Poverty falls disproportionately on minorities and women. We act as if being poor was an act of God, rather than what it is, flawed policy.

Support those who would bring us together as a Nation, and be wary of those who would further divide us.•

THE 35TH ANNIVERSARY OF THE AMERICAN COUNCIL FOR THE ARTS

• Mr. JEFFORDS. Mr. President, 35 years ago, the American Council for the Arts [ACA] was established under the name Community Arts Councils, Inc., as an organization supporting the arts and artists in this country. Over the three-and-a-half decades since its founding, the American Council for the Arts has played a major role in the dramatic increase in the availability of the arts to the American people.

In the early 1960's, ACA served as one of the earliest advocates for the creation of the National Endowment for the Arts and the National Endowment for the Humanities. Nancy Hanks served as one of ACA's first presidents before becoming Chair of the National Endowment for the Arts in 1969. Over the years, ACA board members have included David Rockefeller, Jr., Joanne Woodward, Jane Alexander, Harry Belafonte, Ralph Ellison, Colleen Dewhurst, Joseph Papp, Lane Kirkland, and Kitty Carlisle Hart, among others. In the 1970's, due to the broadening of ACA's objectives and the increasing demand for special constituent services, two separate organizations were spun-off from ACA: the National Assembly of State Arts Agencies and the National Assembly of Local Arts Agencies.

From arts advocacy to publishing, from founding the National Coalition of United Arts Funds, to working on behalf of arts education initiatives, ACA has worked tirelessly on behalf of the arts and culture of this Nation. Every spring, ACA mounts Arts Advocacy Day and the Nancy Hanks Lecture on the Arts and Public Policy in Washington, DC. Advocacy Day brings together arts advocates from across the country to work on behalf of a strong Federal role in funding the arts and culture, and the Nancy Hanks Lecture, now in its 9th year, has quickly become one of the most important public forums on the relationship between Government and the arts. Nancy Hanks Lecturers have included Arthur Schlesinger, Jr.—1988, Leonard Garment—1989, Maya Angelou—1990, John Brademas—1991, Franklin Murphy—1922, Barbara Jordan—1993, David McCullough—1994, and Winton M. Blount—1995. The 1996 lecturer will be Carlos Fuentes.

ACA's National Arts Clearinghouse contains a wealth of arts policy information, and other arts studies, magazines, journals, and documents—an invaluable resource for the study of arts policy. Over the years, ACA has commissioned studies and produced books for artists, arts administrators, policymakers, students, educators, and others. ACA commissioned the first Lou Harris poll on "Americans and the Arts" in 1973 and has recommissioned the poll five times.

ACA has made an enormous contribution to the wealth and vitality of our great Nation. Please join with me in celebrating ACA's 35 years of service to the arts.•

CULTURAL DIVERSITY VERSUS AFFIRMATIVE ACTION

• Mr. INOUYE. Mr. President, it has come to my attention that a recently published book, "Managing Plurality: Beyond Diversity to Effective Organizational Changes," by the past president of the American Psychological Association, Dr. Donald E. Fox, and his colleague, Dr. J. Renae Norton, sensitively explores issues relating to diversity in the labor force and affirmative action. I agree with their contention that affirmative action is not really the problem; but, rather it is the manner in which it is implemented and managed that seems to cause the most difficulties.

I have observed over the last 3 or 4 years that criticisms of affirmative action programs have increased and some people are even calling for their complete elimination. Historically, affirmative action has been particularly beneficial in bringing women and minorities into the work place. Today affirmative action is needed more than ever to insure that all individuals have equal access to opportunities for advancement and positions of more responsibility.

We would all readily admit that when affirmative action is implemented as a numbers game that merely counts how many women or minorities are employed, it works against the needs of business as well as the people it was designed to help. However, our society is changing so rapidly that a diverse work force is becoming the rule rather than the exception. For example, it is estimated that in the very near future, 85 percent of the new jobs in the labor force will be filled by women, minorities, and immigrants. Organizations that are looking to their future will have to evaluate the impact that diversity in our society will have on the marketing of their products or services. What better way for an organization to ensure innovation than through the cultivation of a diverse work force. For example, in my own State of Hawaii, cultural diversity is the rule, not the exception. This diversity is not only accepted, but sought after by organizations seeking to compete in the international market.

Projections show that as the labor pool becomes more diverse, the number of people with technical skills will shrink. It would, therefore, seem logical that the contributions of every employee should be maximized. Organizations would benefit from recruiting and retaining the best and the brightest employees that are in the available labor pool. It should then be easy to see that diversity is not something that organizations create, but something that occurs naturally in every organization.

Frequently, when organizations introduce programs to manage or value diversity, the programs have a tendency to promote group differences rather than exploring the mutual interests of the individuals within the organization. Although I am not a psychologist, in my judgment, it would seem that an organization would do substantially better if they would encourage individuals to maintain their cultural differences and individuality while participating in and contributing to the goals of their organization, and thus hopefully creating a pluralistic work environment. If the organization uses its diversity to its benefit by managing plurality, it can focus on common goals and experiences rather than on the differences among groups, and at the same time address bottom-line business issues. The experience of the military over the past 40 years has, I believe, demonstrated the value of cultural diversity—especially as the military deploys into nations throughout the world on various missions. So, simply stated, it makes eminent sense to me that with proper management, diversity is an asset to the organization and affirmative action is a part of the solution, not the problem.•

CONTINUE SUPPORT FOR BYRNE GRANT FUNDING

• Mr. HARKIN. Mr. President, the Edward Byrne Grant Program is one of the most successful Federal-State crime prevention efforts ever. Working in partnership with State and local governments, the Byrne Program helps local law enforcement improve their criminal justice systems and make communities safer by helping to prevent crime.

Law enforcement officials all across Iowa have told me of the success they have had as a result of these funds. Drug enforcement task forces, improved law enforcement technology, the DARE Program, domestic violence intervention, and countless other valuable antidrug and anticrime efforts have been possible because of the Byrne Grant Program.

Unfortunately, Mr. President, violence, like a communicable disease, has spread to every part of our country and our State. To eradicate this epidemic of violence we must attack both the problem and the symptoms. While the Federal Government cannot have all the answers, the Byrne Program is an important part of the solution. Byrne funding enhances law enforcement initiatives focused on battling criminals already invading our streets, as well as aiding law enforcement in their ongoing efforts to help communities prevent crime before it happens.

The Byrne Program also promotes cooperation among State and local law enforcement agencies to improve the efficiency of their criminal justice systems. A shining example in Iowa is the multijurisdictional drug task forces that form the backbone of Iowa's effort to combat drug related crimes. These task forces are composed of State and local law enforcement officers as well as State and local attorneys. They cover almost 70 of Iowa's 99 counties. Officers pool resources and equipment to carry out drug investigations and the attorneys provide legal advice to ensure a sound drug investigation. In Waterloo, IA, the State and local task force even works with the U.S. attorneys office to form a Federal, State, and local crime fighting team.

And Mr. President, like a one-two punch, the Byrne Program's special emphasis on drug abuse prevention gets to the heart of the problem and moves us toward a long-term solution to crime prevention. Violent crimes committed by youth have increased over 50 percent from 1988 to 1992 and drugs are a major factor in many violent crimes. DARE—drug abuse resistance education programs, put police officers in schools talking to kids about drug abuse. DARE programs serve 70,000 Iowa students. Traditional drug abuse programs dwell on the harmful effects of drugs. Iowa's DARE programs help students recognize and resist the many subtle pressures that influence them to experiment with alcohol and other drugs.

Violence in this country will be reduced because of officers on the front line making a difference in their community and getting the resources they need to do the job. The Byrne Grant Program is a critically important component in halting the increased incidences of crime and violence in our society.

I was pleased that our push for increased funding for the Byrne Grant Program paid off. The fiscal year 1996 Commerce, State, Justice bill passed by the Senate, provides a $25 million increase over last year's funding. We need to build on the progress we have made in our fight against crime and continue to support successful and effective programs such as the Edward Byrne Memorial State and Local Law Enforcement Assistance.•

LAWSUIT ABUSE AWARENESS WEEK

• Mr. ROCKEFELLER. Mr. President, I proudly acknowledge a group of citizens in West Virginia who are hard at work to address an issue affecting every citizen of our State: Lawsuit abuse.

In many areas of West Virginia, local citizens are getting involved with a group they call Citizens Against Lawsuit Abuse, with the goal of making

the public more aware of the costs and problems stemming from excessive numbers and kinds of lawsuits.

The CALA effort focuses on education. These citizens are speaking out about an issue that has statewide and national consequences. The costs of lawsuit abuse include higher costs for consumer products, higher medical expenses, higher taxes, and lost business expansion and product development.

The mission of Citizens Against Lawsuit Abuse is to curb lawsuit abuse. Here is an example of West Virginians devoting energy and effort toward solving problems that cost our State jobs, profits, and opportunity.

My own work in this has focused on the problems of our product liability system, and I got involved when I saw the terrible consequences of the country's confusing, patchwork, slow, and often unfair system of product liability rules that badly need reform. The help of individuals, including members of the legal profession, involved in Citizens Against Lawsuit Abuse in West Virginia, has been crucial to the legislative success we are finally with the product liability reform bill that I introduced once again early in this Congress. In May, working closely with Senator GORTON of Washington State, we succeeded in winning Senate approval of our bill and we are now hoping to engage in a conference with the House of Representatives to develop a final bill for the President's signature.

Legal reform of any kind is not a simple issue. The legal system must function to provide justice to every American. But that does not mean that the status quo is necessarily perfect. When lawsuits and the courts can be used in excess or result in imposing costs on other parties, from individuals to non-profit agencies to businesses, without reason, the system should be reviewed and reformed if possible.

Through CALA in West Virginia, nonprofit groups have raised local funds to run educational media announcements and are speaking to local organizations and citizens groups across the State to raise public awareness on the lawsuit abuse issue.

Citizens Against Lawsuit Abuse groups have declared October 30 through November 3, 1995, as "Lawsuit Abuse Awareness Week" in West Virginia.

I want to commend these citizens for their dedication and commitment and to acknowledge this week as a time of public awareness on the serious issues associated with lawsuit abuse.•

A DEEPLY FLAWED IMMIGRATION BILL

• Mr. SIMON. Mr. President, now that the House Judiciary Committee has passed comprehensive immigration reform legislation, many eyes will be turning to the Senate to see what efforts in this area will take place here.

One fundamental question facing the Senate is whether to address illegal and legal immigration reform in the same legislation. Though the House has thus far chosen this path, I do not think the Senate should follow its example. At the very least, we in the Senate ought to limit the drastic and unwarranted cuts in legal immigration that appear in the legislation passed in the House Committee, and should approach the issue of backlogs in family categories with the fairness on which we pride ourselves.

I ask to have printed in the RECORD an October 23, 1995, editorial in the Chicago Tribune entitled "A Deeply Flawed Immigration Bill." The editorial aptly notes that while Congress should take decisive and quick action to enforce our laws against illegal immigration—such as those endorsed on an unprecedented basis by the Clinton administration, it "can approve those without agreeing that legal immigrants are a problem in need of such harsh solutions." I agree with the Tribune's position, and urge my colleagues not to penalize those who have played by the rules for the conduct of those who have chosen not to play by the rules.

The editorial follows:

[From the Chicago Tribune, Oct. 23, 1995]

A DEEPLY FLAWED IMMIGRATION BILL

Since its creation, the United States has been a country of immigrants that welcomed new immigrants. But if Republicans on the House Judiciary Committee get their way, as they seem likely to do, the welcome will be quite a bit chillier for many foreigners who would like to come here legally and become part of America.

This is being done partly in the name of combating illegal immigration, which most Americans rightly think is warranted. But the bill being debated in the Judiciary Committee treats both legal and illegal immigrants as undesirable and out of control.

On illegal immigration, the measure sponsored by Rep. Lamar Smith (R-Tex) has much to recommend it. It authorizes the hiring of more Border Patrol agents and Labor Department inspectors to police the border and the workplace, raises penalties for the use of phony documents, provides money to build fences between the U.S. and Mexico, and streamlines deportation procedures for foreigners who arrive without proper documents.

It also attempts to crack down on employment of illegals by establishing a telephone registry to let employers verify that new hires are cleared to work. The registry, supposedly a pilot project, is probably too ambitious for a useful experiment, since it would affect all employers in five of the seven states getting the most foreigners—California, Texas, Illinois, Florida, New York, New Jersey and Massachusetts. But a smaller undertaking, as suggested by the Clinton administration, could yield valuable lessons.

The real problem lies in the proposed treatment of legal immigrants. First, the bill would drastically reduce the number allowed in, cutting the annual intake from 800,000 to fewer than 600,000. This approach presumes that people who come here legally are a burden, instead of the enriching source of renewal they always have been.

Second, among the categories of people who now get preference in the immigration queue are brothers and sisters, adult children and parents of citizens and legal permanent residents. The Smith bill would eliminate these explicitly or in effect, limiting "family reunification" to spouses and minor children of those already here.

This new priority does not seem misguided. But it can be legitimately criticized on grounds that it would leave in the lurch thousands of people who applied under the old rules and have waited to be admitted—some of them 10 or 15 years.

Barring new applicants in these categories is not unreasonable, but rejecting those already waiting would be callous in the extreme. Yet last week the committee balked at even refunding the $80 application fee these aspiring immigrants have each paid. Slam the door in their face, but only after taking their money—it's not exactly the American way.

Members of Congress from both parties should have no trouble with the bill's resolute measures to fight illegal immigration. But they can approve those without agreeing that legal immigrants are a problem in need of such harsh solutions.•

ORDERS FOR FRIDAY, NOVEMBER 3, 1995

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m., Friday, November 3; that following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and there then be a period for the transaction of morning business until 1 p.m., with Senators permitted to speak therein for up to 5 minutes each, with the following exceptions: Senator THOMAS, 60 minutes; Senator DASCHLE or his designee, 60 minutes; Senator MURKOWSKI, 20 minutes; Senator GRAHAM of Florida, 20 minutes; Senator GRAMS, 10 minutes; Senator GRASSLEY, 10 minutes, and Senator CRAIG, 10 minutes.

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

PROGRAM

Mr. DOLE. Mr. President, for the information of all Senators, the Senate will be in a period of morning business until 1 p.m. At 1 p.m. the Senate could turn to any legislative item cleared for action. Therefore, votes are a possibility.

Also, Senators should be reminded that the majority leader has announced that the Senate will adjourn for the Thanksgiving holiday at the close of business on Friday, November 17, to reconvene on Monday, November 27.

This coming Monday, it is hopeful that the Senate will be able to turn to the State Department reorganization

bill, which has a previous consent of 4 hours. However, no votes will occur on Monday.

Mr. President, let me indicate that I know there are a number of matters that will be coming out of committee in the next few days. It may be that there will be an opportunity to proceed to some minor—I should not say minor, they are very important pieces of legislation, but are those which have no opposition or real problems from either side. We would like to dispose of some of those bills in the next 2 weeks.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. DOLE. Mr. President, if there be no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:44 p.m., adjourned until Friday, November 3, 1995, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Thursday, November 2, 1995*

The House met at 10 a.m.

The Reverend Lou Sheldon, Traditional Values Coalition, Washington DC, offered the following prayer:

Loving and living Lord, we greet You in the name of Jesus Christ. Our hearts and minds stand in awe of Your creative order of all things.

Please convert our hearts to believe and obey Your ways as taught in the Holy Scriptures.

We know that life is so short and Your desire is for all people to come to a saving knowledge of Your redeeming grace and have a personal relationship to You.

Forgive us for our sins and lead us to reject temptation in our lives. May we become sensitive to those with whom we work, especially our wives, children, and family. Give us strength to help the helpless and love the hurting ones.

May we learn from Your Holy Word what is morally right and what is morally wrong. May we come to fully understand that the nation whose God is the Lord is the nation that shall be blessed. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. OBEY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 5, rule I, further proceedings on this question are postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Ohio [Mr. TRAFICANT] come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT 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.

WELCOME REV. LOU P. SHELDON

(Mr. CALVERT asked and was given permission to address the House for 1 minute.)

Mr. CALVERT. Mr. Speaker, it gives me great pleasure to welcome my dear friend, Rev. Lou Sheldon. We are all very blessed to have Reverend Sheldon with us today.

I want to thank him for his uplifting words of prayer for today's session. Indeed, we must pray each day for the strength to uphold the spiritual and moral principles that have guided our great Nation.

Since his ordination, Reverend Sheldon has pastored churches for more than 20 years. Today, he works tirelessly to educate and inform the 31,000 churches with whom he is affiliated. He has been a wise counselor and good friend to me.

His dedication to the Almighty and his strong moral convictions are an inspiration to us all. All of us are grateful for your good work and dedication to the Almighty.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CHAMBLISS). The Chair will receive fifteen 1-minutes on each side this morning.

ENDING WELFARE FOR LOBBYISTS

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, the Wall Street Journal reports that by almost a 3-to-1 margin, the American people agree tax dollars should not be used to fund groups to lobby the Government. I certainly agree with that principle, and I believe that as part of our reforms, we have got to end welfare for lobbyists.

People in groups have every right to petition their Government. They ought to do more of it. But the American people should not have to pay more and more taxes so that some lobbying group that receives money from the Federal Government can spend more and more money up here lobbying to receive more and more money to come up here to lobby for more and more money. That is a vicious spending circle. It has got to stop. No wonder previous Congresses have been unable or unwilling to balance the budget.

Those trying to fight this much-needed reform say it is draconian. But 96 percent of the nonprofit groups who have not abused the process would not be offended. Let us pass this legislation now.

INDEPENDENT COUNSEL TO INVESTIGATE THE SPEAKER

(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, the Ethics Committee investigation into allegations against Speaker GINGRICH makes the O.J. trial look like swift justice.

Since the beginning of this Congress, the Ethics Committee has been meeting to discuss the various charges against Mr. GINGRICH. The complexity of the charges coupled with the fact that they are leveled against the highest ranking Member of the House are two reasons why this inquiry has dragged on. They are also two reasons why we need an outside counsel to take over.

For several months, government watchdog groups like Common Cause and Public Citizen have been calling for the appointment of an outside counsel in this case. They believe, as I do, that the appointment of a fully independent, outside counsel is the only way to assure a fair, thorough, nonpartisan investigation of the Speaker. It is the only way to lift the ethical cloud that hangs over this House.

LOBBYING REFORM

(Mr. NEY asked and was given permission to address the House for 1 minute.)

Mr. NEY. Mr. Speaker, I just want to stand today and agree with my colleague, the gentleman from Ohio [Mr. CHABOT], who just told us about the importance of ending the subsidies that the American taxpayers pay for groups to lobby.

It is a critical issue. We are talking about lobbying reform. Currently, we are talking about PAC reform. These are important issues that should be discussed, but we should not have a fear because a group says you are stifling my voice.

Let us make it clear in this debate. This is an important issue. These are

government dollars, taxpayers' dollars, that are going into these advocacy groups.

In recent research, what was told us is that 70 percent of Americans want to see this changed. We have got to address this in the debate. This has to come before the Halls of Congress. We also have to make it clear that these groups should be advocates for their position. A lot of these groups I agree with. They would be free to advocate their position, but the taxpayers of this country should be free from paying for it.

UNCLE SAM IS NOT THE WORLD'S POLICEMAN

(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, everybody wants peace in Bosnia, but that is not the only issue here. The issue is whether American troops should be the peacekeepers.

Now every time there is a problem in the world these foreign leaders bow down and call America the superpower. Yes, truly we are a superpower. But we are not the only power, ladies and gentlemen. I say, if peacekeepers are needed in Bosnia, where is Great Britain? Where is Italy? Where is Spain, ladies and gentlemen? All of a sudden did they become third-world pushovers? The Constitution did not make Uncle Sam the policeman for the world, and Congress should not make Uncle Sam the neighborhood crime watch leader, either.

I say, before one American gets sent to Bosnia, there must be a consent, approval, and authorization of the Congress of the United States of America.

A BALANCED BUDGET

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, what did my constituents send me to Washington to do? They sent me here to downsize the bloated Federal bureaucracy, cut spending, and most importantly balance the budget. And why do they want the budget balanced? Because of the benefits it will bring them.

A balanced budget means lower interest rates on home mortgages, car loans, and student loans. A balanced budget results in a stronger economy, which means more jobs. A balanced budget means that Government spending is under control and taxes will be cut rather than increased.

Mr. Speaker, for too long Washington bureaucrats have come up with excuse after excuse for not reining in Government spending. But enough is enough. No more Washington gimmicks, and no more excuses. It is time to balance the budget. It is the right thing to do for America's future.

MEDICARE

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, yesterday my Republican colleague followed me here and talked about the difference between the debt and the deficit.

Well, I know very well the difference between the debt and the deficit. I know we have almost a $5 trillion debt. The deficit, though, in 1992 under a Republican President was $290 billion. For that year, that deficit.

Last year it was only $163 billion. That is what I call progress, and it was not done during the 1980's. In fact, during the 1980's, our debt exploded to that $4.9 trillion or whatever it is.

But the truth is really out. We need to balance our budget, but we do not need to do it on the backs of education or Medicare, and that is wrong. That is what the American people are saying in all the polls.

Mr. Speaker, the comments of our Speaker and also the leader of the other body last Sunday in the Washington Post demonstrate the true sentiments of the Republicans on the Medicare plan. Cut health care for seniors as much as necessary to pay for that tax cut, not balancing the budget but for a tax cut.

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It is disgusting to see a PR campaign used to provide for a tax cut. Mr. Speaker, I hope the conference committee and the President will veto that plan.

WHY WE ARE HERE

(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, with all of the speculation about whether the President will sign or veto the Congress' plan to balance the budget in 7 years, we need to remember why we need to balance the budget. A child born today must pay $187,000 during her lifetime just to pay for the interest on the almost $5 trillion national debt.

That is before paying for any government services—Social Security or Medicare for her parents and grandparents—or national defense for herself.

We have to balance the budget for our children's future. We have spent over $5 trillion in Federal welfare programs since 1965 and Americans have concluded that the current welfare system perpetuates dependency and offers no hope for a better future.

We have to reform welfare because it is what Franklin Delano Roosevelt described as "a subtle destroyer of the human spirit."

While American families sent 2 percent of their income in taxes to Washington in 1950—today they send almost one-quarter.

That is why we must provide tax relief to families.

Without reform, Medicare will be bankrupt in 7 years with no legal authority to pay hospital bills for seniors.

These are the stakes.

Americans sent us to Washington to fix these problems.

I hope the President chooses to sign the only budget plan that will address these problems.

WHO PAYS FOR THE TAX CUT?

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, Members of the House, last week the Republicans voted to dramatically slash Medicare by $270 billion, Medicaid by $180 billion. They voted to raid the pension plans of working men and women in this country and to slash educational opportunities for those who seek a college education.

Why did they do it? They did it so they can pay for a tax cut to the wealthiest people in this country. The vast majority of their tax cut goes to the upper 5 percent of the people in this country. They have asked the children, they have asked our college students, and they have asked our pensioners to pay for it.

They say if the President does not agree to it, they are going to force the Government to default. If the Government defaults now, they are going to ask the pensioners once again to pay for it. They are going to ask the retirees to pay again. They are going to ask those people who get an income tax refund to pay again. They are going to ask homeowners with mortgages to pay again. They are prepared to ask everybody to pay in the country, except the wealthiest people in this country, for that tax cut.

They should not be allowed to force this Government to default to provide an unfair tax cut to the wealthiest people in this country.

THE AMERICAN PEOPLE ARE TRYING TO SEND A MESSAGE

(Mr. SCARBOROUGH asked and was given permission to address the House for 1 minute.)

Mr. SCARBOROUGH. Mr. Speaker, I looked at the cover of the U.S. News and World Report which talks about the death of the Democratic Party. I

think all you have to do is listen to the last speakers that have been up here to understand why.

A few speakers ago, we had somebody come to the floor and said he was disgusted with the tax cuts, that we should take pride in the fact the deficit has gone down over the past year or two. What he does not tell you is he is proud of what has happened in the past year or two because he voted for the largest tax increase in the history of the world. He voted for taxes on seniors who they claim to protect. He voted for tax increases on working men and women they claim to protect. He voted for taxes on middle-class people who they claim to protect. He voted for taxes on small businesses that create jobs.

Now it just absolutely amazes me that the Democratic Party despises the jobmaker but loves the jobs. I mean, let us get real here. Read the cover of U.S. News and World Report and figure something out.

The American people are trying to send a message, and that is, "Get government off our backs and lower our taxes."

AMERICA MUST BE CONCERNED ABOUT A DEFAULT

(Mr. DOGGETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOGGETT. Mr. Speaker, a few days ago Speaker GINGRICH went to New York, and he stood defiant to default, proclaiming, "I don't care if we have no executive offices and no bonds for 60 days, not this time."

Well, in order to counter that kind of extremism, the Republicans got a couple of their big campaign contributors from Wall Street to come down here to Washington yesterday and tell them not to be concerned.

I would suggest the American people have every reason to be concerned if we continue to pursue this approach of, "It's NEWT'S way or no way, even if it means the first default in the history of this great Nation." Indeed, perhaps our Republican colleagues would be well advised to read this morning's Washington Post and the comments of one of their senior Members, our colleague, the gentleman from New York [Mr. HOUGHTON], who says, "I think the whole thing is nuts. Nobody knows the potential impact. If you play this hand and lose, you can really do a lot of damage."

It is like threatening to explode an atom bomb in your own backyard. Yes, that is the approach. These Gingrichites who defaulted to the people on Medicare ought not to default to the rest of America as well.

DEMANDING FURTHER INFORMATION ON THE WELFARE, WELL-BEING, AND WHEREABOUTS OF JOURNALIST DAVID ROHDE

(Mr. LONGLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LONGLEY. Mr. Speaker, I am pleased to report that this morning, about 3 hours ago, the United Nations confirmed that the American journalist, David Rohde, who has been reported missing in Bosnian Serb territory, is alive and in Serbian hands. According to Clayton Jones, international editor of the Christian Science Monitor, a high-level Bosnian Serb official informed the United Nations Mr. Rohde is being held in a Bosnian Serb stronghold of Polje.

Mr. Rohde, the Monitor's East European correspondent, has not been heard from since last Saturday. I think it is an important message to send to the Bosnian Serb Government that we demand an immediate accounting of Mr. Rohde's whereabouts, his health and safety, and that we want to make it absolutely clear they will be held responsible for his safety.

In the context of the peace talks that are currently beginning in Dayton, it seems to me the entire integrity of the process rests on whether in fact these governments actually control the territory that they presume to control, and I call for David Rohde's immediate release and return to this country.

THE BIGGEST PENSION RAID IN THE HISTORY OF THE COUNTRY

(Mr. POMEROY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POMEROY. Mr. Speaker, 95 to 4, by a vote of 95 to 4 the Senate overwhelmingly rejected a House Republican proposal to remove solvency safeguards on private pension funds.

In the 1980's $20 billion was yanked out of private pension funds, often the workers' own retirement funds, which were used to finance hostile takeovers that resulted in downsizing and restructuring, ultimately costing them their very jobs.

On three separate occasions, Congress put in place protections to preserve the solvency of these vital pension funds. Now, without so much as a hearing, House Republicans have sought to remove these protections so companies can yank money out of their pension funds. They estimate that $40 billion will be pulled from private pension funds under their proposal.

When we sought a separate vote on this issue, we were rejected. It was included in the budget. And so now, without so much as a hearing, without so much as a separate vote, House Republicans are moving forward a proposal that would allow the biggest pension raid in the history of the country. They must be stopped.

AN HONORARY GEORGIAN FOR THE DAY

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, today we in the Georgia delegation pick up a new Member. To the young men and women from Magnificent High School, I know this is shocking.

But as your own gentleman from Ohio [Mr. HOKE], who for the day, as part of being on the losing side of the World Series, becomes an honorary Georgian. Here is a State flag for him, a tomahawk. I am going to give him some of the other Georgia products off the floor, but in the meantime I yield to him, and I want him to show the American people that he is truly an Atlanta Brave for the day, and he is wearing a Braves tie.

Mr. HOKE. Mr. Speaker, I thank the gentleman for yielding, and I do thank him for this gift and these other gifts. These really are very thrilling, and of course I am fulfilling my side of a bet here.

Because I have to admit any team that could beat the team that had the very best record in all of baseball in the past 40 years, any team that could beat the team that had the highest batting average in the past 40 years of any baseball team, any team that could beat the team that won going away by over 30 games this year, and I am talking about the Cleveland Indians, then the Atlanta Braves do deserve credit.

It was an agreement both with you and also with the Speaker of the House that if I lost these bets I would wear this tie for the day, and in addition, I am going to be sending pirogies to a hunger center on behalf of NEWT GINGRICH and some bratwurst and some other good Cleveland food, and I offer my congratulations to the Atlanta Braves, to the great people of Georgia, and if I do not get hives too badly, I will wear this all day pursuant to my agreement.

Mr. KINGSTON. You will wear it all day. You may want to wear it next season as well.

MEDICARE SHOULD NOT WITHER ON THE VINE

(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, Speaker GINGRICH may use warm and fuzzy words like "preserve" and "strengthen" when he is talking about Medicare in front of the cameras.

But when he is talking to the special interests, he sings a different tune.

Last week, he said that while the new majority did not get rid of Medicare in "round one * * * we believe it's going to wither on the vine." I repeat, wither on the vine.

Well, Mr. Speaker, I am from Marin and Sonoma Counties, CA—the home of the world's greatest grapes and wines—and I can tell you that the only things we let wither on the vine are grapes plagued by disease or ruined by drought.

Never, however, would the people of Sonoma and Marin Counties let Medicare—the root of economic and health security for seniors and their families—wither on the vine.

We know that Medicare must be cared for and preserved for generations to come.

Mr. Speaker, if there is anything rotten and sick around here that deserves to wither on the vine it is the Gingrich Medicare scheme, and not Medicare—one of the most popular and successful programs ever created.

OPPRESSION OF THE CUBAN PEOPLE CONTINUES

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, while his decrepit road show passed through the United States, Cuban dictator Fidel Castro made a cynical statement during a pathetic rally in his support, sponsored by our Democrat colleague from the Bronx and attended by some other congressional groupies. Castro commented that "life changes," referring to his acceptance of foreign capitalist investment, to save his failed, repressive revolution.

Life might change for Castro in his desperation to keep power, but not for the Cuban people who continue mired in misery and oppression. In Cuba, human rights violations continue. Political persecution continues. State control over the economy and the press continues. Persecution against those who practice their religion continues. Nothing, nothing has changed over Castro's 37 years of tyranny.

Yes, life changes, but not for the oppressed people of Cuba. Life will only change for the Cuban people once the Communist tyrant is eliminated from power and the Cuban nation can reclaim its freedom.

INTRODUCTION OF THE NO-BUDGET, NO-PAY PLAN

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, the Wall Street Journal reported this morning that by a margin of almost 2 to 1, American families are counting on President Clinton to veto the Gingrich budget plan. They know the Gingrich plan cuts Medicare too deeply. It hurts working families, and it cuts education and also cuts health care for the poor in this country. They want the President to reject it.

So how will Speaker GINGRICH put pressure on President Clinton? He will try to shut down the Government. For the first time in our history, the first time in the history of the Nation, Speaker GINGRICH wants the United States of America to default on its national debts. That is not only a disgrace, it is something that will hurt working families across America. It will raise interest rates, causing that mortgage payment to go up. It will mean in some instances people will not see their checks coming from the Government on time. That is disgraceful.

That is why I have introduced the no-budget, no-pay plan. Quite simply, if we follow the Gingrich idea, default, close down the Government, Members of Congress are not paid. Pretty simple, but I think Members of Congress will get the message.

WHERE ARE THE PRESIDENT'S COUNTERPROPOSALS?

(Mr. ALLARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLARD. Mr. Speaker, only in Washington do they describe an increase as a cut.

Mr. Speaker, the time has come to balance the budget and finally regain control of the ever expanding deficit. Not only have Republicans put forth a plan to balance the budget in 7 years but we have passed it through the House and the Senate. Now the President wants to veto the Republican plan. Well I just have one question. Where are his counterproposals?

President Clinton supports the Republican goals—a 7-year balanced budget, real welfare reform, middle class tax relief, and a sound Medicare system. The administration is trying to have it both ways. They agree with our principles but are unwilling to make the hard decisions necessary to achieve these goals. Americans are tired of the Washington gimmicks and political excuses—if the White House is serious about what they say, it is time to lay their plans on the table.

□ 1030

SAVE MEDICARE

(Mrs. MALONEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MALONEY. Mr. Speaker, I could stand here and tell you that Republicans in Congress want to end Medicare.

But do not take it from me.

Take it from them.

Here is what the Speaker said about Medicare to a group of insurance lobbyists:

> Now, we don't get rid of it in round one because we don't think that's politically smart and we don't think that's the right way to go through a transition period. But we believe it's going to wither on the vine because we think people are voluntarily going to leave it.

In a recent campaign speech, the leader of the other body bragged, and I quote:

> I was there, fighting the fight, voting against Medicare, one out of twelve, because we knew it would not work in 1965.

Well, Medicare turned out to be one of the most successful Government programs in American history.

The Republicans say they want to save Medicare.

I say, we need to save Medicare from the Republicans.

UNITED STATES COURTING INTERNATIONAL DISASTER

(Mr. MICA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICA. Mr. Speaker, the United States under the misguided leadership of President Clinton, is courting another international disaster. President Clinton did not learn in Somalia, where he turned a humanitarian mission into a bungled fiasco, costing dozens of lives and billions of dollars.

President Clinton did not listen when he sailed into Port-au-Prince Harbor and then retreated, leaving us with hundreds of Haitian opponents dead and a costly legacy for which the American taxpayer is still paying billions.

President Clinton did not hear the pleas for a Pan African force to prevent and preempt a slaughter in Rwanda, where nearly 1 million died, and now we are still paying the United Nations billions.

President Clinton did not support the lifting of an arms embargo to allow Bosnians to defend themselves, and thousands died, and now we are paying the United Nations and NATO billions.

President Clinton still did not get the message when 315 Members of this Congress said we do not want 20,000 American troops in Bosnia, we do not want Americans killed and held hostage, we do not want our military under the U.N. command, and we do not want to spend billions on another fiasco.

REPUBLICANS CUTTING MEDICARE

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, in 1965, Democrats enacted Medicare into law over the objections and strong opposition of the Republicans. That was then; this is now.

Then, in 1965, before Medicare, 50 percent of America's elderly had no health care insurance.

Now, in 1995, 99 percent, almost everyone, of our seniors have health care insurance.

Then, in 1965, almost one-third of all senior citizens lived in poverty.

Now, in 1995, the poverty rate among elderly Americans had declined to a little more than one-tenth.

According to all reliable information, the Republicans are cutting Medicare by at least $100 billion more than the trust fund needs for solvency.

That is now.

Then, in 1965, the Republicans paid no attention to the solvency of Medicare. They fought and voted against the program. One can but imagine what they will do now that they are pushing us back to then.

TRAVEL AND TOURISM

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, sometimes here in Congress the really important events go unnoticed, so I want to report to the Congress that the travel and tourist industry, the largest employer in each one of your districts, met here for a White House conference. The President, the Vice President, the Speaker, and key leaders, appeared before the conference.

Travel and tourism provides more jobs in America than any other industry except one. Travel and tourism stood united in its request that we in Congress help establish a private-public partnership, a bold, new, innovative approach, and, in the transition period, to agree with the Senate appropriation request for the U.S. Travel and Tourism Administration.

I ask Members to focus on travel and tourism in their respective districts. While we know of many industries which are downsizing or have downsized, here is one industry that is growing, and the growth potential is nothing short of phenomenal.

MEDICARE CUTS OFFENSIVE

(Mr. FRAZER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRAZER. Mr. Speaker, I rise in opposition to the views regarding Medicare that my colleagues on the other side of the aisle have consistently taken.

The leader of the other body says that Medicare has never worked and he is proud that he opposed its creation 30 years ago; further he supports its dismantling today.

In this body, the Speaker has said that this is the first step to dismantling the program entirely. He also states that this is the road toward historic change. If this is the road toward historic change, then I hope the record clearly reflects who was responsible for the new course America took regarding the disabled and senior citizens health care services. It is not fair to our elderly who have invested in a health care system for decades to spend their golden years wondering if they can afford to pay for a prescription.

These cuts in Medicare are outrageous and I hope that the President will veto this offensive legislation.

REPUBLICAN LIMBO DANCE

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, the exercise that we are going through here in this budget battle reminds me of the limbo. How far will the Republicans go to give a tax break to the wealthiest Americans?

First we see the pole at a level they have to go under where they will affect America's seniors, cutting benefits to seniors while increasing their premiums in Medicare. Next, Medicaid, where they remove a guarantee for health care to America's seniors, at the same time removing standards for nursing homes.

Let us move that pole down as the Republicans come around in this dance again, and see what they do for children. Reductions in school nutrition programs, reductions in student aid programs, removing millions of children from guaranteed health care while removing Medicare as an entitlement for them. And what about those children's families? Here they come again, lower the pole in this limbo dance. How low can you go to give a tax break to the wealthiest Americans, while raising taxes on millions of Americans under $30,000 a year?

Mr. Speaker, today it even gets worse. In addition to this limbo dance, today the Republicans are going to hit Americans where they live by cutting over $5 billion in housing, and that, Mr. Speaker, shows just how low they will go to increase homelessness in order to give a tax break to the wealthiest Americans.

Mr. Speaker, I urge our colleagues to vote "no" on this bill today.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the pending business is the question of agreeing to the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 317, nays 88, answered "present" 1, not voting 26, as follows:

[Roll No. 760]

YEAS—317

Ackerman	Deutsch	Johnson, Sam
Allard	Dickey	Johnston
Andrews	Dixon	Jones
Archer	Doggett	Kanjorski
Armey	Doolittle	Kasich
Bachus	Dornan	Kelly
Baesler	Doyle	Kennedy (MA)
Baker (CA)	Dreier	Kennedy (RI)
Baker (LA)	Duncan	Kennelly
Baldacci	Dunn	Kildee
Ballenger	Edwards	Kim
Barcia	Ehlers	King
Barr	Ehrlich	Kingston
Barrett (NE)	Emerson	Kleczka
Barrett (WI)	English	Klink
Bartlett	Eshoo	Klug
Barton	Evans	Knollenberg
Bass	Ewing	Kolbe
Bateman	Fattah	LaHood
Bellenson	Fawell	Largent
Bentsen	Fields (TX)	LaTourette
Bereuter	Flake	Laughlin
Berman	Flanagan	Lazio
Bevill	Foglietta	Leach
Bilbray	Foley	Levin
Bilirakis	Forbes	Lewis (CA)
Bishop	Fowler	Lewis (KY)
Bliley	Fox	Lightfoot
Blute	Franks (CT)	Linder
Boehlert	Franks (NJ)	Lipinski
Boehner	Frelinghuysen	Livingston
Bonilla	Frisa	LoBiondo
Bono	Funderburk	Lofgren
Boucher	Furse	Lowey
Brewster	Gallegly	Lucas
Browder	Ganske	Luther
Brownback	Gekas	Manton
Bryant (TN)	Geren	Manzullo
Bryant (TX)	Gilchrest	Markey
Bunn	Gilman	Martini
Bunning	Gonzalez	Mascara
Burr	Goodlatte	Matsui
Burton	Goodling	McCarthy
Buyer	Gordon	McCollum
Callahan	Goss	McCrery
Calvert	Graham	McDade
Camp	Greenwood	McDermott
Canady	Gunderson	McHale
Cardin	Hall (OH)	McHugh
Castle	Hall (TX)	McInnis
Chabot	Hamilton	McIntosh
Chambliss	Hancock	McKeon
Chapman	Hansen	McKinney
Chenoweth	Hastert	McNulty
Christensen	Hastings (WA)	Meehan
Chrysler	Hayes	Meek
Clement	Hayworth	Menendez
Clinger	Herger	Metcalf
Coble	Hobson	Mica
Collins (GA)	Hoekstra	Miller (FL)
Combest	Hoke	Minge
Cooley	Holden	Mink
Cox	Horn	Molinari
Coyne	Hostettler	Mollohan
Cramer	Houghton	Montgomery
Crapo	Hunter	Moorhead
Cremeans	Hutchinson	Morella
Cubin	Hyde	Murtha
Cunningham	Inglis	Myers
Danner	Istook	Myrick
Deal	Jefferson	Nethercutt
DeLay	Johnson (CT)	Neumann
Dellums	Johnson (SD)	Norwood

Nussle	Rose	Stokes
Obey	Roth	Studds
Olver	Roukema	Stump
Ortiz	Royce	Stupak
Orton	Salmon	Talent
Owens	Sanders	Tate
Oxley	Sawyer	Tauzin
Packard	Saxton	Taylor (NC)
Pallone	Scarborough	Thornberry
Parker	Schaefer	Thornton
Paxon	Schiff	Tiahrt
Payne (VA)	Schumer	Torres
Peterson (FL)	Seastrand	Torricelli
Petri	Sensenbrenner	Traficant
Pomeroy	Serrano	Upton
Porter	Shadegg	Vucanovich
Poshard	Shaw	Waldholtz
Pryce	Shays	Walker
Quillen	Shuster	Walsh
Quinn	Sisisky	Wamp
Radanovich	Skaggs	Ward
Rahall	Skeen	Watts (OK)
Ramstad	Skelton	Waxman
Rangel	Smith (MI)	Weldon (FL)
Reed	Smith (NJ)	Weller
Regula	Smith (TX)	White
Riggs	Solomon	Whitfield
Rivers	Souder	Wicker
Roberts	Spence	Wolf
Roemer	Spratt	Yates
Rogers	Stark	Young (FL)
Rohrabacher	Stearns	Zeliff
Ros-Lehtinen	Stenholm	

NAYS—88

Abercrombie	Gibbons	Pelosi
Becerra	Gillmor	Peterson (MN)
Bonior	Green	Pickett
Borski	Gutierrez	Pombo
Brown (CA)	Gutknecht	Richardson
Brown (FL)	Hastings (FL)	Roybal-Allard
Brown (OH)	Hefley	Rush
Clay	Hefner	Sabo
Clayton	Heineman	Sanford
Clyburn	Hilleary	Schroeder
Coburn	Hilliard	Scott
Coleman	Hinchey	Slaughter
Collins (IL)	Jackson-Lee	Tanner
Collins (MI)	Jacobs	Taylor (MS)
Condit	Johnson, E.B.	Thompson
Costello	Kaptur	Thurman
Crane	LaFalce	Torkildsen
Davis	Lantos	Towns
DeLauro	Latham	Velazquez
Dicks	Lewis (GA)	Vento
Dingell	Lincoln	Visclosky
Dooley	Longley	Waters
Durbin	Martinez	Watt (NC)
Engel	Meyers	Wise
Everett	Miller (CA)	Woolsey
Filner	Moran	Wyden
Ford	Neal	Wynn
Frank (MA)	Ney	Zimmer
Frost	Oberstar	
Gephardt	Payne (NJ)	

ANSWERED "PRESENT"—1

Harman

NOT VOTING—26

Conyers	Hoyer	Tejeda
de la Garza	Maloney	Thomas
DeFazio	Mfume	Tucker
Diaz-Balart	Moakley	Volkmer
Ensign	Nadler	Weldon (PA)
Farr	Pastor	Williams
Fazio	Portman	Wilson
Fields (LA)	Smith (WA)	Young (AK)
Gejdenson	Stockman	

□ 1103

Mr. PAYNE of New Jersey changed his vote from "yea" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. PASTOR. Mr. Speaker, during rollcall vote No. 760 on the Journal, I was unavoidably detained. Had I been present I would have voted "yea".

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1868) "An Act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996, and for other purposes," with an amendment.

APPOINTMENT OF CONFEREES ON H.R. 2099, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2099) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1996, and for other purposes, with the Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. EWING). Is there objection to the request of the gentleman from California?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. STOKES

Mr. STOKES. Mr. Speaker, I offer a motion to instruct.

The Clerk read as follows:

Mr. STOKES moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 2099, be instructed to agree to the amendment of the Senate numbered 66 insofar as it strikes 17 provisions limiting the use of funds appropriated to the Environmental Protection Agency.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. STOKES] will be recognized for 30 minutes, and the gentleman from California [Mr. LEWIS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Ohio [Mr. STOKES].

Mr. STOKES. Mr. Speaker, I yield 10 minutes of my time to the gentleman from New York [Mr. BOEHLERT], and I ask unanimous consent that he be permitted to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. STOKES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, nearly 3 months ago, on July 28, 1995, this body voted to strip the VA-HUD appropriations bill of nearly 20 legislative riders. These riders were added by the Republican leadership for the sole purpose of reversing this Nation's progress toward clean streams, lakes, clean air, safe drinking water, and other national environmental goals.

Like many other provisions the majority party has adopted this year, there were no hearings on the legislative riders, no negotiations with the minority, and no public give or take. Instead, these riders showed up in the chairman's mark of this bill at the time of the subcommittee markup.

Mr. Speaker, we now know plenty about these riders. We know the secrecy that surrounds them was designed by the proponents for a very good reason. They knew that when the public learned of the unprecedented rollbacks in environmental protection, of the special interest deals, of the complete disregard for public health, they would be furious. Now, because of the debate and vote last July, the people did learn of the surprises in the fine print of this bill, and they are furious. They are furious because this bill rolls back and cuts back and sweetheart special interest deals simply go too far.

These riders go too far when they totally stop any and all development or implementation of water quality standards for the Great Lakes, which supply drinking water for 23 million Americans.

These riders go too far when they totally stop any development of new emission standards for industrial water pollution, thus allowing pharmaceutical manufacturers, the pulp and paper industry, and metal producers, to continue to pour millions of pounds of toxic pollutants into the Nation's waterways.

These riders go too far when they repeal this Nation's wetlands protections, thus allowing developers to destroy thousands of acres of marshes and streams that would be protected even under the radical revisions to the Clean Water Act that the Republicans passed earlier this session.

These riders go too far in prohibiting EPA from doing anything to keep radon and arsenic out of the Nation's drinking water.

These riders go too far in saying to EPA, "Don't you dare ask industry to disclose more about their use and release of toxic chemicals to local health officials," to local fire departments, to citizens who live in the shadows of polluting smokestacks.

These riders go too far in carving out special interest exemptions and protections for oil refineries and hazardous-waste-burning cement kilns.

Mr. Speaker, now we have a third chance, once and for all, to rid this bill of these poisonous riders on this bill which President Clinton has described as the Polluters Protection Act. My motion at the table instructs the conferees to agree with the Senate amendments deleting the House riders.

Mr. Speaker, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume to ask a question of my colleague, the gentleman from Ohio [Mr. STOKES], the ranking member.

Mr. Speaker, the gentleman from Ohio [Mr. STOKES] points with some alarm to a series of riders that are connected with EPA and riders that would impact the way they exercise their regulatory authority and sometimes, in my judgment, go beyond their regulatory authority.

As I understand the gentleman's motion, it would essentially instruct us to remove all of those riders, and that would be the position of the House as we go to conference; is that correct?

Mr. STOKES. If the gentleman would yield, my chairman is absolutely correct. My motion would strike all 17 of these riders from the bill.

Mr. LEWIS of California. That would mean that if a Member of the body, for example, is very concerned with the way EPA is implementing inspection and maintenance of vehicle programs connected with clean air across the country, that we would be unable to address the way we do address that question in these riders. In other words, we would not be able to move forward with a rider that would essentially limit the way EPA is exercising that questionable authority; is that correct?

Mr. STOKES. If the gentleman would yield further, I want to be able to respond accurately to him.

As my distinguished chairman of the subcommittee knows, there is a Senate rider that bars centralized testing, using language previously adopted when we were in conference previously on the rescissions bill.

That language, as my chairman knows, states as follows: That the House-Senate conferees on the rescission bill adopted straightforward language barring EPA from mandating centralized testing or applying any automatic discounts or alternatives adopted by States. Similar language is in the Senate version of H.R. 2099, the bill which we are on here on the floor today.

Mr. LEWIS of California. Mr. Speaker, the point I would make is that I do know there is a rider like that on the Senate side sponsored by the Senate. But my colleague is striking all the language that we would have and essentially saying I should not be taking action and moving forward relative to inspection and maintenance and other items.

Under those circumstances, Members should know that if the House votes with the ranking member, I intend to go to the conference and fully express the role of the House, and actions on inspection and maintenance will have to be opposed. Indeed, it could undermine the House position and the House concern regarding that matter. The same point applies to any number of other riders.

Really, my point here, Mr. Speaker, is that to have the House suggest that we go to conference with the Senate and strike all of this consideration when there is another option available is highly questionable policy, and I think it deserves the attention of the House.

Mr. Speaker, it is very important for our colleagues to know that there is a great deal of interest in a number of these riders. We will be dissuaded from acting in connection with them. Later in the day, we will have an opportunity, perhaps, to consider another approach, which would instruct our conferees to go to the conference and to consider each and every one of these riders separately and individually and consider them based upon their impact on the economy, upon jobs, upon the environment. That could only occur if, at the end of this discussion, we essentially procedurally open the door to allow us to consider that alternative. So we are going to be urging my colleagues to vote no on the previous question to allow that process to go forward.

It is not fair for us to tie the hands of the Members in connection with these very important regulatory areas, and the motion by my colleague would specifically do that. We would not be able to represent Members well regarding these issues in conference if this motion passes.

Mr. Speaker, I reserve the balance of my time.

Mr. BOEHLERT. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Speaker, these riders are a terrible idea. The riders dramatically change, in a very damaging way, laws which have been subject to the legislative process, were fully and extensively debated and gained the support of Members from both sides of the aisle.

We have a legislative process through which we amend existing law. It involves committees and subcommittees where Members have devoted much of their careers to understanding complicated important issues and to knowing how to deal with them.

In this case, the Committee on Appropriations decided to authorize, or better, to deauthorize in this appropriations bill certain established laws. This is a bad idea.

Let me demonstrate why by asking four questions:

Do Members really want to stop enforcement of wetlands protection?

Do Members really want to stop enforcement of permits on raw sewage overflow?

Do Members really want to stop enforcement of programs addressing stormwater runoff?

□ 1115

Do Members really want to stop implementation of the Great Lakes initiative? These only deal with the Clean Water Act. There are 15 other issues that are of equal importance.

I urge a "yes" vote on the Stokes-Boehlert amendment.

Mr. STOKES. Mr. Speaker, I yield myself 30 seconds.

I think it is important for me to respond to the statement made by the distinguished chairman of the subcommittee. I think the Members should know and understand that Amendment 81, which I made reference to, is in the Senate bill, and there is no reason why in conference, notwithstanding any action taken here, if the Stokes motion wins, we can still agree to that motion in conference. There is no reason why, as conferees, we cannot.

What every State should understand is that no State faces a loss of Federal highway funds if they do not adopt a decentralized or test-only inspection program. That Members should understand.

Mr. Speaker, I yield 3 minutes to the distinguished minority whip, the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Speaker, of all the words that appear in the Contract With America, the word "environment" never appears once.

They never told us they were going to repeal the Clean Water Act.

They never told us that they were going to sell off public lands, make it easier to pollute the Great Lakes, or cut funds we need to keep our drinking water safe. But over the past 10 months, Gingrich Republicans have trashed the environment at every single turn. It is not just what they have tried to do, but how they've tried to do it.

They knew they could not pass a bill to allow oil drilling in the Alaskan wilderness. So they snuck a provision into the reconciliation bill that allows drilling in Alaska.

They knew they could not just repeal the Clean Water Act. So we have a bill before us today that uses legislative riders to gut the Clean Water Act in 17 different ways.

This is environmental destruction by stealth, pure and simple.

Now does anybody really think it is a good idea to let arsenic in our drinking water?

Does anybody really think it is a good idea to exempt industrial plants from water pollution control? Read the fine print—that is exactly what these riders do.

All over America, local communities need help with sewage problems. This bill freezes all new wastewater treatment projects dead in their tracks.

All over America, local communities are trying to make their drinking water safe. This bill makes it impossible for safe drinking water permits to be enforced.

This bill may be a bonanza for polluters but it is going to damage our environment, poison our water, and hurt local communities all over America.

For more than two decades, this country has had a bipartisan commitment to protecting our environment. Any way you look at it, this bill rolls back 25 years of progress on clean water.

The VA-HUD bill is a disaster from the word go. The least we can do is instruct conferees to get rid of these destructive riders once and for all.

I urge my colleagues: Vote "yes" on the previous question, vote "yes" on the motion to instruct, and help keep our environment clean.

Mr. BOEHLERT. Mr. Speaker, I yield 1 minute to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Speaker, I urge my colleagues, in their zeal for reform, to refrain from the wholesale repeal of fundamental environmental safeguards. Repeal is exactly what we are being asked to do in voting for a funding bill that has 17 legislative riders attached to it.

Whole sections of the Clean Water Act, the Clean Air Act, and the Safe Drinking Water Act are rendered meaningless by these riders. For example, one rider completely halts EPA enforcement of wetlands protection. We cannot afford the widespread destruction of the Nation's remaining wetlands that would occur if this rider is signed into law. As documented in the National Research Council's report—a report done at the request of Congress—wetlands provide an indispensable natural filtration system and habitat essential to commercial and recreational fishing supplies. My State for one cannot afford the economic devastation that would occur from further pollution to its waterways, particularly the Chesapeake Bay.

This is just 1 of the 17 riders to the EPA bill. Others block implementation of tap water standards for arsenic and radon in our drinking water supplies; prohibit further cleanup of Superfund sites after the end of the year; carve out special exemptions for petroleum refineries from critical air toxic standards; and shield polluters who admit (but do not necessarily correct) their wrongdoing.

These changes undercut the foundation of environmental protection that both Republicans and Democrats have worked hard to build over the past 25 years. We should not be making such changes in an appropriations bill, with no hearings and little debate.

Let us instead make any revisions in the appropriate authorizing committees where Members are working hard to review and improve various environmental laws. All of the riders in this bill are inappropriate. While some of them concern important issues that should be addressed, none of them should be attached to this bill.

I urge a "yes" vote on the Obey-Stokes motion and a "yes" vote on the previous question.

Mr. LEWIS of California. Mr. Speaker, I yield 3 minutes to the distinguished majority whip, the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Speaker, my friends, the distinguished minority whip represents a party that used to be the only thing to fear is fear itself; now, all they have to offer is fear itself.

I rise in very, very strong opposition to this motion to instruct. Do not be fooled. . . .

And what do they do? They prevent——

Mr. OBEY. Mr. Speaker, I demand the gentleman's words be taken down. The gentleman's words go to the motives of the sponsor of this amendment. They are outrageous. They ought to be withdrawn.

The SPEAKER pro tempore (Mr. EWING). The Clerk will report the words.

Mr. DELAY. Mr. Speaker, I ask unanimous consent to withdraw the offending words.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. OBEY. I will not object if the gentleman understands that I raised the objection because what he essentially said is that the sponsors of the amendment were not interested in a clean environment, they were interested in spreading misleading words on the floor of the House. That is my objection. If he is willing to withdraw that, I have no objection to their being withdrawn.

The SPEAKER pro tempore. Without objection, the words are withdrawn.

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas [Mr. DELAY] may proceed in order.

PARLIAMENTARY INQUIRY

Mr. DELAY. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. DELAY. Mr. Speaker, do I get to start over with my time?

The SPEAKER pro tempore. Time was not taken away from the gentleman. The gentleman may start over.

Mr. DELAY. Mr. Speaker, maybe I mischaracterized personally the authors of this motion. Let me restate it this way: Those on the outside of this Chamber that support this motion are not interested in good environmental policy or public health. They are interested in the status quo, in regulatory excess, and in spreading misleading and distorted information on what these environmental riders do.

And what do they do? They prevent the EPA from going beyond its statutory authority so we do not have unelected, overzealous bureaucrats implementing their own agendas at the expense of our environment and the American public. They require EPA to use the most up-to-date data when making regulatory decisions.

Do the opponents of the riders believe the EPA should be allowed to develop a refinery MACT rule, using data that is 15 years old when data exists from 1993? Is that protecting the public health?

They direct EPA to use real world data instead of bureaucratic computer models based on faulty assumptions. EPA is trying to force our constituents into centralized emissions testing, claiming this system works the best, but just a few weeks ago, 12 cars rigged to fail passed by a Colorado centralized testing facility. Is that effective environmental policy? None of these riders change present law, not one. Not one of these riders repeal present law.

Chanting right along with the effort to scare and mislead the public on what this Congress is doing, our Vice President accused this Congress of prohibiting the EPA from taking arsenic out of drinking water. But who is asking for a delay in the rulemaking? In a letter dated this February, the EPA stated it has decided to seek to delay rulemaking on the arsenic regulations in order to conduct further research.

Needless to say, the Vice President's office later said he misspoke.

Mr. Speaker, these riders are about common sense, sound science and flexibility. They are about making sure that we get real benefits out of our regulatory requirements, so that the burden we have placed on Americans and on our businesses makes sense, and for those who claim that this appropriations bill is no place for these legislative riders, get real. Every bill is the right place to deal with government fraud, abuse of process and misspent resources.

Vote "no" on the previous question.

Mr. STOKES. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. OBEY], the ranking minority member of the full Committee on Appropriations.

Mr. OBEY. Mr. Speaker, 1 month into the fiscal year, only 8 percent of the appropriations in the budget are done for the fiscal year. At that rate, it will take an entire year to finish 100 percent of the appropriation items.

Eighty-five percent of the appropriated dollars in the budget, in defense, in labor, HEW, in the EPA appropriation bill, are all tied up in very large measure because of extraneous legislative language added to what is supposed to be budget bills.

In this bill before us today, these 17 riders would, among other things, exempt oil refineries from air toxic standards under the Clean Air Act. They would allow 1 million tons of hazardous waste from cement kilns to be exempted from air toxic requirements.

They would stop enforcement of the law with respect to the dumping of raw sewage into our rivers. They would stop enforcement of the arsenic standards.

These 17 rules, in my view, are a lobbyist's dream, and I would simply suggest that the idea that we ought to try to consider each of them separately on an appropriation bill, simply the effect of that gives lobbyists 17 different opportunities to pick off enough people on this floor to win 1 or 2 or 3 of those items, because of special sectional pressures.

In my view, these do not belong in a budget bill. We ought to deal with budget issues clean.

I want to say one other item, or I want to make one other point. I want to say to my Republican friends on this side of the aisle, we have not made a single bit of environmental progress through the years without bipartisan cooperation because the two parties.

□ 1130

Do not let that cooperation stop now. Do not walk away from the tradition of Teddy Roosevelt. The Republican Party and the Democratic Party jointly have fine bipartisan traditions of moving environmental protections forward. Let us keep those traditions moving forward today by supporting the Stokes motion.

Mr. LEWIS of California. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. KNOLLENBERG].

Mr. KNOLLENBERG. Mr. Speaker, I rise in strong opposition to the Stokes motion to instruct.

Mr. Speaker, if you listened only to the supporters of the motion, you would think its defeat will result in the wholesale environmental destruction of our lands, waterways, and air quality.

Folks, this is nothing more than good, old-fashioned scare tactics, dressed up in a pretty green wrapper.

It's not the environment that's at stake here—it is the power of the House.

Every Member knows that many of these riders will never make it out of conference—and those that do survive will represent sound, environmentally neutral policy.

But every Member also needs to know that these riders represent bargaining power for the House.

The riders are leverage we can use to achieve meaningful spending cuts—protect important veterans programs—and pare back some of the other body's ill-advised housing language.

Yes, this may well be the feel-good environmental vote of the year, but I ask you: is it really worth it to sell out the House conferees for a press release?

Mr. Speaker, we need to stick together as a team on this one. We need to reject the easy vote, and cast the right vote.

Defeat the previous question—vote for the substitute motion.

Mr. BOEHLERT. Mr. Speaker, I yield 1 minute to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Speaker, I rise in strong support of the Stokes motion.

This is the third time that we have voted on these riders. First during the Committee of the Whole, Members voted 212 to 206 to delete these special interest provisions. Not satisfied with that result, a separate vote in the House was demanded and by a vote of 210 to 210 the provisions were retained. Lets put this issue to bed once and for all today, by sending a strong message to the members of the House and Senate conference that the appropriations process is no place to make environmental policy.

The Appropriations Committee should not have included the legislative language regarding EPA in its HUD–VA bill. These issues must be left to the authorizing committees, who have the responsibility to devise environmental protection policy under the standing rules of the House.

In addition to my strong opposition to this process, I strongly disagree with the underlying policy objectives of these legislative riders.

In years gone by the Republican Party has been a leader in environmental protection. In fact, it was President Nixon who created the EPA in the first place.

And the American people have come to agree overwhelmingly. They want a healthy environment for the children and their grandchildren.

Despite that fact, the VA–HUD appropriations bill includes an unprecedented number of legislative riders which will severely restrict or eviscerate the ability of the Environmental Protection Agency to implement key provisions of environmental laws such as the Clean Air Act, the Federal Water Pollution Control Act, and the Federal Food, Drug and Cosmetic Act. Many of these riders have been included in the bill even though there have been no hearings, little public discussion, and no congressional debate on the issues. This is a terrible way to make law and creates enormous uncertainty for businesses trying to plan the future and make appropriate investments.

These ill-advised riders would wreak havoc with public health and safety. They are penny wise and pound foolish and go far beyond reforms. They gut legislations. Listen to this extreme legislation: Stopping enforcement of existing programs addressing storm runoff, wetlands protection, and raw sewage overflow, as my colleague Mr. SAXTON has outlined; prohibiting EPA from issuing a tap water standard for arsenic—a known carcinogen—radon, and other radionucleides; threatening communities right-to-know about toxic emissions; prohibiting action to avoid childhood lead poisoning; and allowing cement kilns to burn hazardous waste without regard to environmental and health effects.

And these are just some of the 17 objectionable riders that have been included in this bill. Have we lost our senses?

These provisions will drastically reshape or nullify the key laws protecting water and air quality. They represent a serious threat to the hard-fought, but well-deserved, progress that we have made in cleaning up our environment in the last 25 years. In New Jersey alone, many of these riders would prevent or delay progress in solving some of our highest priority problems.

For those that want to reform the regulations and the laws, let's go through the normal authorizing process. The quality of our water, air, and food is far too important to decide in this type of piecemeal approach. Moving too quickly on something as important as the environment is the best way to make mistakes—mistakes that could be devastating to the health and safety of the public.

Finally, my colleagues, this summer I received a letter from my grandson Jimmy Kuhns' kindergarten class expressing their support for the Clean Water Act, and I quote, "Dirty water can hurt you too, Congresswoman."

Out of the mouths of babes. Those 5 year olds were writing to me, but speaking to all of us, my colleagues. Health and safety first. Remember—dirty water and environmental poisons can hurt you, too.

Support the Stokes motion to instruct.

Mr. LEWIS of California. Mr. Chairman, I yield 2½ minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, "I hate clean air. I do not want to breathe clean air. I want the dirtiest possible air possible for me and my household and my constituents."

That is what the supporters of this motion want people to believe about our position on these riders. You know that is absolutely untenable. I voted for the Clean Air Act. I want clean air for my people and for myself and for my household, and I voted for it. But I did not vote for the EPA, in trying to enforce the Clean Air Act, to arbitrarily, with a strong right arm, unheeding to the popular will or to even common sense, to mandate certain procedures on auto emissions testing that are going to be costly to the individual automobile owner, costly to the citizens of the States that are affected, and ineffective in what they are trying to do, and that is to purify the air.

If I am convinced that is true, that the EPA is going about it in the wrong business, should I not do something

about it as a representative of my people?

I resent any implication that I am against clean air. I am for the EPA doing their job properly. They have taken steps to mandate 16 States, to put them under sanctions, California being one, Delaware, the District of Columbia, Georgia, Illinois, Louisiana, Maryland, Massachusetts, New Jersey, New Mexico, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and Washington, and I think Texas has been added to that list, mandatory types of centralized testing or sanctions will be visited upon those States.

That is arbitrary, in view of the fact that the standards that they want to employ are obsolete and have been proved in independent testing not to work on the purity of the air. Therefore, we are saying in this rider, no repeal, no destruction of the EPA, no harboring of ill against any of the administration people in the EPA; but, rather, hold back. Look what you are doing. We say pause and allow a new grade of testing to occur at your own hands, if you want, in which we will take sampling of the air for the next period of time until we can develop together, with you, EPA, a standard that everybody can live with and accept with confidence. That is what this rider is about.

Mr. Speaker, I do not know about lead poisoning and all of these other fear things that have been posed on the floor. But I do know that I want to support that one rider at least on auto emissions.

Mr. BOEHLERT. Mr. Speaker, I yield myself 30 seconds, because I feel compelled to respond immediately to my colleague from Pennsylvania.

Mr. Speaker, I want to point out that no State faces sanctions for failure to implement centralized inspection and maintenance programs. I want to provide for the RECORD a copy of an October 30 letter from the Administrator of the Environmental Protection Agency, Ms. Browner, which states those States face a loss of Federal highway funds if they do not adopt a centralized or test-only inspection program.

Further, let me point out, one does not have to be a Democrat. Just as Governor Pete Wilson of California, Christine Todd Wittman of New Jersey, two Republicans, they worked it out.

Mr. Speaker, the letter referred to follows:

U.S. ENVIRONMENTAL
PROTECTION AGENCY,
Washington, DC, October 30, 1995.

Hon. NEWT GINGRICH, *Speaker of the House, U.S. House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: I am writing to correct information in a recently distributed "Dear Colleague" letter about the Clean Air Act's motor vehicle emissions inspection program. Unlike the claims of the "Dear Colleague" letter, no state faces a loss of federal highway funds if they do not adopt a centralized or test-only inspection program.

First it is important to note that inspection and maintenance programs are one of the most cost-effective ways to control urban smog and protect public health. These programs provide significant protections of public health and the environment which is why Congress required them as part of the Clean Air Act Amendments of 1990.

EPA's inspection and maintenance regulations provide states with a great deal of flexibility to design automobile emissions testing programs that make economic and environmental sense for their citizens. States can, and have, chosen programs where the emissions tests are done at service stations and auto dealerships. Also, states that have had test-only programs for many years are choosing to continue them because they work. All but two states have submitted complete inspection and maintenance plans and are under to threat of sanctions. The remaining two states have failed to submit any plan at all.

States have a wide range of choices in program design, but scientific data from over 15 years of inspection programs in states around the country shows that some programs lower auto emissions more effectively than others. Contrary to the letter's contention, this conclusion is not based on theoretical models, but on actual tailpipe tests of thousands of vehicles in the field. I am sure you would agree that the most sensible approach is to use real world data from each state and base credit on the actual performance of the local programs—that is the approach that EPA is taking.

I hope that the House of Representatives will consider this accurate information before it votes on the riders in the VA-HUD-Independent Agencies Appropriation bill—not the mistakes propounded by those who would weaken important public health protections.

Sincerely,

CAROL M. BROWNER.

Mr. STOKES. Mr. Speaker, I yield myself 30 seconds, just to also reply to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. Speaker, only 2 of the 16 States listed are under a sanctions threat, that in Pennsylvania and Vermont, for failure to submit plans, not for failure to implement centralized. So the statements are inaccurate.

Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, these riders were wrong back in July when a majority of the House voted against them, and they are still very wrong today. I heard the gentleman from Texas [Mr. DELAY] say earlier the riders do not change the current law; but in fact they do. They would severely cripple the enforcement and implementation of the laws that are the very backbone of our environmental protection. What good is having good environmental laws on the books if you cannot enforce them? That is basically what this bill does with the riders. It says you cannot enforce the existing law.

By allowing the riders to remain in the bill, we are also once again creating an unlevel playing field in terms of the environmental standards states are being required to uphold. The message to the States is wait it out. If enough of us hold out, the standards will eventually come down or be removed altogether.

We must remember that pollution recognizes no State boundaries. Unless all States are held up to the same standards , then States that are not in compliance are putting a larger burden on the States that making an effort to preserve our natural resources for future generations.

Mr. Speaker, I ask the Congress not to make enforcement a moving target, and to support this motion to instruct.

Mr. LEWIS of California. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. WALSH], a member of the committee.

Mr. WALSH. Mr. Speaker, I rise in opposition to the motion and urge that we support the gentleman from California, Chairman LEWIS, on this important issue. These riders can and should be dealt with one by one. I think the chairman needs to have that discretion. There may be some that are good, there may be some that are bad, but I think he needs that discretion.

Let me just talk about a couple of these riders. One, on the Delaney clause, everybody in this room knows that the Delaney clause is unenforceable. EPA even sued because they knew they could not enforce this law. Let us get it off the books.

The second one, regarding testing, small towns all over New York State have to test for arsenic that does not occur naturally within 1,000 miles of those towns, but they are forced to test for those heavy metals because the EPA has a nationwide policy. It is very expensive for the towns to do that testing.

Let us get this burdensome regulation cleared up as quickly as possible. This bill is the only vehicle we have.

Mr. BOEHLERT. Mr. Speaker, I yield myself 30 seconds to respond to my colleague from New York.

Mr. Speaker, there is a matter of principle here, and I would like to point this out to my colleagues: For 40 years, the Republicans have been in the minority. For 40 years we have been bitterly complaining about the heavy-handedness of the then Democrat majority legislating in an appropriations bill without the benefit of full and open hearings.

Mr. Speaker, I will tell my colleagues this: A number of these riders are meritorious in terms of their objective. They should go through the full and open public hearing process, and not be put in appropriations bills without the benefit of full and open and public hearings.

Mr. STOKES. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. BORSKI].

Mr. BORSKI. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I support this motion to instruct the conferees on H.R. 2099 to drop these riders which will cripple our program to protect our air and water.

I know there is special concern in Pennsylvania that the loss of the rider on centralized emission testing may open the State to the possibility of highway funding sanctions.

EPA Administrator Carol Browner is committed to solving the centralized testing problem in Pennsylvania, as she has in every other State, including California and New Jersey.

No State has been sanctioned and there is no reason to believe that Pennsylvania will lose highway funds simply because the law allows sanctions. It does not require sanctions and it is unlikely that any penalty will be imposed while EPA and the State are making a good-faith effort to develop an alternative system.

The issue before us, however, is that the overall impact of these 17 riders would be so devastating to our efforts to protect our air and water that they should be struck from the bill.

These 17 riders don't make the practical, commonsense reforms that will improve the implementation of the environmental programs while protecting our Nation's air and water.

The riders are a sledge hammer that will bring our environmental programs to a screeching halt.

These environmental riders will mean dirtier water for all Americans.

The riders simply say stop protecting the air and water that are so important to the health of the American people.

The rider on stormwater discharges would halt efforts to control acid and metal runoff pollution from abandoned mines, the number one source of water pollution in the State of Pennsylvania.

We are likely to see more threats of contamination to drinking water sources and lower water quality.

With these riders, pollution would continue to pour into the Nation's waters. There is special danger for the beaches and fishing areas that are located near the older urban areas of the Northeast.

The riders would allow millions of pounds of toxic chemicals to pour into our Nation's waters.

These riders are a backdoor method of gutting the Clean Water Act when we should be working to make Government enforce the protections that are already on the books.

The American people want us to continue the cleanup of our rivers, lakes, and streams.

The riders give the American people the last thing they want: less cleanup of air and water pollution.

These 17 riders will do serious harm to the Clean Water Act Program. They are a special deal for special interests at the expense of the health of the American taxpayer.

I urge support of the motion offered by the gentleman from Ohio.

Mr. LEWIS of California. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Speaker, those speaking in favor of the Stokes motion to instruct conferees seem to believe that the appropriations process is not the proper forum for discussing environmental priorities. As chairman of the Oversight Subcommittee of the House Commerce Committee, I can assure you that many of the important issues covered by these riders were the subject of extensive hearings and review before our subcommittee and many others. Through coordination of effort between the appropriations and authorizers, we were able to craft positions that advance the cause of regulatory reform in this Nation while maintaining our strong commitment to protecting the environment.

The appropriations riders have been subject to harsh, unyielding, and unfair disinformation campaign by environmental organizations that often devote 10 times the resources to political advocacy than their business opponents. Let me address a few of the more shrill criticisms I have heard:

The language dealing with combustion of hazardous waste as an alternative fuel in cement kilns does not reduce the regulation of that activity. On the contrary, these cement kilns are already highly regulated and EPA region 7 stated this month that the regulations are more comprehensive than those currently in place for commercial incinerators. The riders merely force EPA to follow the letter of the law and process we established under the Clean Air Act, the Resource Conservation and Recovery Act, and the Administrative Procedure Act. EPA has nothing to fear from the law.

I would also point out for the record the recent statement of Barry McBee, the head of the Texas Natural Resource Conservation Commission—our State's EPA—regarding the use of waste fuels in the cement kilns in my district. Chairman McBee noted that the kilns in Midlothian had been subject to "the most extensive monitoring operation" ever undertaken by the TNRCC. The result: "Because our research was so thorough, the TNRCC is confident that the emissions from these plants present no discernible long-term or short-term health threat." Mr. Speaker, this study was based upon several thousand air and soil samples testing for hundreds of contaminants. That is the kind of sound science the riders are based upon!

The language dealing with title V operating permits allows the States to move forward with their programs without the heavy hand of Federal regulation stifling innovation or creating confusion among members of the regulated community.

The language dealing with the clean air standards for refiners forces EPA to consider the most up-to-date information. Before my subcommittee, EPA frequently expressed the desire to embrace sound science and the best data. Supporting the refining appropriations provision is an opportunity for EPA to demonstrate their actual commitment to this principle.

But Mr. Speaker, we have reviewed the substance of these riders time and again. The point is that we should let our conferees be conferees. They should be able to negotiate in good faith with the Senate and to produce the best bill possible under the circumstances. Simplistically treating all the riders the same does no one any good.

Please vote against the Stokes motion to instruct.

RESPONSE TO ADMINISTRATOR BROWNER'S LETTER TO SPEAKER GINGRICH

1. "No state faces a loss of federal highway funds if they do not adopt a centralized or test-only inspection program."

I/M State Implementation Plans were due this year. Because many states were in turmoil over I/M, EPA decided that they would require a two step process in approving a I/M state program. First, a determination of completeness, and second a determination of whether the plan was satisfactory. The completeness showing has a very low threshold (one State commented that the plan need only pass the laugh test). To my knowledge, every state has submitted I/M plans that have been determined complete. Therefore, there are no sanction clocks currently running.

EPA has not made determinations as to whether state I/M plans are sufficient. In fact, EPA could determine at any moment that a States program is not sufficient. After this finding, sanctions would automatically kick in after 18 months, however, if the Administrator determines the State has acted in bad faith, EPA could apply the sanctions immediately.

As an example of EPA's bad faith on this issue please see attachment 1. This is a fax from Gene Tierney of EPA to the State lobbyist, of Envirotest, the centralized testing contractor for that state, stating that if a Pennsylvania Senate amendment adopting decentralized testing was passed, EPA would disapprove their State Implementation Plan and Pennsylvania would lose its highway funds. The fax was circulated by the Envirotest lobbyist in an attempt to kill the amendment. The Amendment ultimately passed anyway.

2. "Inspection and maintenance programs are one of the most cost effective ways to control urban smog" . . .

We do not disagree with this, although their is scant evidence that a command and control I/M program will be more effective than allowing States, as laboratories, to find more effective ways to operate I/M programs, such as the adoption of remote sensing.

3. "EPA's inspection and maintenance regulations provide States with a great deal of flexibility to design automobile emissions testing programs" . . .

That is not what states are telling Congress. In a hearing before the Oversight and Investigations Subcommittee of the House Commerce Committee, republican and democratic state representatives complained about the lack of flexibility.

Here are some quotes from their testimony:

Mr. Mike Evans (R-28th), Georgia State Representative:

For over a year now we have been hearing about EPA's new flexibility. It seems that recently there have been small advances in the direction, due in large part to the November elections and EPA's hopes that they

can preempt Congress from revisiting the Clean Air Act. However, EPA's assertion that they have been more flexible is simply not so. We have not seen it in Georgia, and I do not believe other states have seen it either. The only thing we have heard from EPA is sanctions, sanctions, sanctions. It has been EPA's way or the highway, I mean no highway—as— in —no highway transportation funds."

State Governor Gerald LaValle of Pennsylvania a democrat stated that when he attempted to offer an amendment changing the State of Pennsylvania's program from centralized to decentralized:

". . . EPA's response at that time was that no changes in EPA policy would be forthcoming and that any move by Pennsylvania to delay or alter its program would be met by sanctions. In other words, Mr. Chairman, there were no options."

4. "Also, States that have had test-only programs for many years are choosing to continue them because they work"

States that have had centralized programs do not keep them because they work, but because EPA gives the States 100 percent credits for operating such a system.

States that have attempted to go to centralized testing in the last several years have been nearly run out of town by motorists. Programs started in Maine are now on hold, as well as Maryland. Pennsylvania which had contracted to go centralized has now announced it will go decentralized plan, and Texas has backed away from its centralized testing plan as well.

5. ". . . scientific data over the last 15 years of inspection programs in States around the country shows that some programs in States around the country lower auto emissions more effectively than others."

That may be true, but it does apparently depend on whether the program is centralized or decentralized.

For instance a RAND report in October 1994 finds "[i]n terms of program effectiveness, our research finds no empirical evidence to require the separation of test and repair." (centralized)

A February 1995 report that the California Inspection and Maintenance Review Committee concluded "[w]hether an I/M program is centralized or decentralized has not been an important factor in determining historical I/M program effectiveness."

Other studies call into question whether EPA has the evidence needed to support a 50 percent discount for decentralized programs. The General Accounting Office before the Oversight and Investigations Subcommittee in 1992 that while some of the audit and tampering data EPA refers to shows "test-and-repair is less effective, it does not provide quantifiable support for the 50 percent reduction."

6. "Contrary to the letters contention, this conclusion is not based on theoretical models but not on tailpipe tests of thousands of vehicles in the field."

The fact is that EPA has never been able to prove enhanced centralized testing achieves the emission reductions they claim.

When asked by Senator Faircloth if the centralized I/M240 achieves its own performance standard, EPA responded "There are two IM240 programs currently in operation. Both have been operating for less than a year and, hence, are too new to have had a complete evaluation."

In other words EPA does not have this proof.

□ 1145

Mr. STOKES. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Speaker, I rise in very strong support of the Stokes motion and I want to commend my colleagues on the other side of the aisle who are courageously speaking out against this outrageous assault on public health and the environment.

This bill's 33 percent cut in the EPA's budget is bad enough, but loading it with an array of legislative riders requested by industrial polluters and other special interests that will prevent the EPA from doing its job is an outrage. And shame on those who would sacrifice public health and environmental stewardship to the highest bidder. Shame on those individuals. The vast majority of all of their constituents, all of our constituents, regardless of whether they are Democrat or Republican, want clean air, clean water, and food free of deadly pesticides, and they recognize that the Government has a role in ensuring these most basic guarantees. This bill rejects all that.

Mr. Speaker, where I come from in New York these riders will allow more sewage in Long Island Sound, more contamination of the New York City watershed, more pollution in our air, and more risk from pesticides in our food.

To the supporters of these riders, take note: The American people are watching. They have had enough of your assaults on health and environmental safeguards.

Let us make sure we pass the Stokes motion.

Mr. BOEHLERT. Mr. Speaker, I yield 1 minute to the gentleman from Maryland [Mr. GILCHREST], another of the many Republican leaders sensitive to the environment.

Mr. GILCHREST. Mr. Speaker, I thank the gentleman from New York for yielding me time.

I want to make a comment, Mr. Speaker, on the gentleman from Texas. I think he made the argument for a yes vote on the previous question because he is dealing with these issues in a committee. There is a tremendous amount of confusion, really, if we think about it, on both sides of the aisle, among most of the Members, as to exactly what does the repeal of the enforcement provisions for these 17 riders do. What exactly happens if we zero out enforcement.

Well, we do not all exactly know. We have fears and we have reservations. There is ambiguity here and there is certainly confusion here. So I think the most intelligent thing to do as a result of that confusion is vote yes on the previous question, let us move forward with these hearings so that we have some understanding about what is going on.

What we are virtually doing here is changing the Clean Water Act. We are. Do we want to do that without hearings? We are virtually changing the Clean Water Act and do we want to do that without hearings? I do not think so. Vote yes on the previous question.

Mr. BOEHLERT. May I ask, Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore. The gentleman from New York [Mr. BOEHLERT] has 5 minutes, the gentleman from Ohio [Mr. STOKES] has 8½ minutes, and the gentleman from California [Mr. LEWIS] has 14 minutes remaining.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Speaker, I thank the gentleman for yielding me time and I wanted to address this issue. I served on the committee that oversaw EPA and tried to bring some common sense in my first 2 years in this body to the mass of regulations that are pumped out by EPA and other Federal regulatory agencies.

This debate is really all about bringing power and central control here in Washington, and that is what all the last election was about. People are rebelling about this. It is about how many people we have in EPA. In the last 10, 12 years we have gone from 11,000 to 18,000 Federal employees in EPA; 8,000 of them are here in the city of Washington regulating and mandating.

These riders sent a message and that message needs to be heard. And if we were not listening, we did not get the message here. The other body cut EPA 20 percent. This body recommended 30 percent cuts. Why? Because of the regulations. These riders each address an abuse by these agencies and this Congress who have not gotten the message.

Cement kilns. If we want to look at cement kiln regulations, we were on our way until we found out the President's biggest contributor had a big investment in cement kiln regulation. It is not these riders, it is the politics that is stopping this process. And until we stop regulating and mandating from this city in an arbitrary and unreasonable fashion, without common sense, we will see these riders come back and more appeals for less regulation in this city that wants to maintain that power and that oppression on the States and local governments and the citizens of this country.

Mr. STOKES. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, I rise in favor of the motion to instruct.

Mr. STOKES. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Speaker, I strongly support this motion to instruct. This is one of the worst pieces of environmental legislation I have ever seen. It

slashes the EPA overall operational budget by one-third and its environmental enforcement by one-half. What this will mean is that EPA will not have the ability to implement and enforce the law. But it does not stop there. It is loaded with riders that are a radical attack on our environmental laws.

Mr. Speaker, this is not the way to pass environmental legislation. In 1990 we passed the Clean Air Act where 400 Members supported it and President Bush signed it. We worked through long hearings. We tried to reach a consensus. If we need to fix a problem in that Clean Air Act, let us fix it. Let us deal with an inspection and maintenance problem.

There was a grain elevator problem that the gentleman from Iowa [Mr. NUSSLE] and I worked together to resolve. Let us work together in a bipartisan and genuine way, otherwise we will get awful policy or gridlock. I support the motion to instruct.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume to say that I could not help but recall, as I listened to my colleague from California, Mr. WAXMAN, speak that he and I have worked for years in California in the clean air field. As he knows, I was very much involved in the politics as well as the policy dealing with clean air in California when we were in the State legislature together.

Clearly, one of the most important things that has happened in my lifetime in public affairs is the fact that in the late 1970's the public discovered the word "environment." We did not know much about this whole subject area before that point. Indeed, many of us expressed great concern about what was happening in the environment, including our air, and involved ourselves in changing the policy in positive ways within our State.

But, Mr. Speaker, over time, there is little question in the mind's eye of most Americans that one way or another Uncle Sam has gone much too far with burdensome regulations that do little to actually improve the environment. Indeed, a concern about the environment led to the creation of the EPA. The EPA is now an agency of over 18,000 employees and those employees seem to spend most of their time creating regulations on top of regulations. This has become so overwhelming that now in the West, people are talking about the war on the West, where regulatory efforts are undermining our economies and impacting jobs.

Mr. Speaker, these regulations are impacting people's ability to make sense out of their economy or their economic circumstance in the name of protecting the environment. Indeed, we have gone far too far.

Mr. Speaker, I have no additional requests for time, and I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. STOKES] has the right to close.

Mr. STOKES. Mr. Speaker, I yield 1 minute to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, this is the most important and closely watched environmental vote of the year. The old bipartisan coalition that protected the environment over the years is slowly coming back today and today it should make the difference. Moderate Republicans deserve credit for bucking their leadership.

The 17 riders that roll back environmental protections for streams, lakes, soil, air, food, and drinking water constitute the most devastating attack on the environment since Earth Day in 1970. When we combine that with cuts in EPA's budget, 32 percent overall, and 50 percent for enforcement, we can count on the most important environmental vote of the year.

Mr. Speaker, protecting the environment should not be a Republican or Democratic issue. It should be an American issue, and today we should make a start in reversing that trend.

Mr. BOEHLERT. Mr. Speaker, I yield myself 2 minutes.

Mr. BOEHLERT. Mr. Speaker, it is astounding we are even having this debate. The facts seem so clear. The rules of the House clearly discourage legislating in appropriations bills, and for good reason. Because we do not set policy in a committee that does not have full and open hearings on the subject matter. We want that to be in the authorizing process. The public clearly opposes the rollback of environmental protections. The supporters of these 17 riders are expecting us to blithely ignore these two essential facts.

Has any Member of this body received a letter from an individual, not a special interest, but an individual pleading to push through environmental changes with no time for adequate debate and with no regard for standard procedure? I doubt it. Has any Member of this body received a letter from an individual, not from a special interest, but an individual pleading to be exposed to lead or arsenic or pleading for Congress to exonerate polluters or any of the other goals these riders would accomplish? I doubt it.

The public does not support these riders which are a motley collection of some good ideas being pushed in the wrong context, good ideas being moved forward with the wrong language, and just plain bad ideas. None of them belongs in an appropriation.

The chairman, the very distinguished chairman of the Committee on Appropriations, constantly reminds us of the fact that we should not be legislating in an appropriations measure. The substitute that will be offered does nothing to allay the public's fears and support for it will be scored as an antienvironment vote.

The substitute allows the conferees to do anything they want on the riders. What kind of instruction is that? They say to the conferees, go forth and be good citizens. That is their job. We want to be specific.

Now, Mr. Speaker, this will be one of the key votes of this Congress and it is going to come on a procedural question. Vote "yes" on the previous question. Vote "yes" on the motion to instruct the conferees. Vote to protect the air we breathe, the water we drink and the food we eat. Vote for the American people.

Mr. LEWIS of California. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the Committee on Appropriations.

□ 1200

Mr. LIVINGSTON. Mr. Speaker, I appreciate the remarks of the gentleman from New York pointing out my own admonition that we might be better off in the appropriations process had we not bridged the gap with so many authorization riders.

The fact is, he is absolutely right. We have slowed down the process to a significant degree. Had I had my druthers, we probably would have addressed all of these meaningful, substantive issues in the authorization process. But there is so much to be done, so much to be done after 40 years of constant, steadfast movement toward increased regulation and centralized government that, frankly, the appropriations bills are the only bills in town that are available to address this situation.

Our membership is anxious to change the course of America; and if we cannot change it on the appropriations bills, frankly, we cannot change it at all under the current circumstances with the political environment we have. So this is an opportunity to address many of the issues that have arisen in this bill.

The riders that we are talking about deal with the environment, which as the gentleman from New York admits, some are good, some are bad, are important to everyone who has sponsored them.

The issues should be addressed. If they are swept aside, if the previous question is adopted, they will not be considered; and it may be another year, 2 years, 5 years before they are addressed.

The fact is, I come from Louisiana; and we have many areas in my district and all throughout the State of Louisiana that have been declared wetlands. Some of those are valuable, meaningful estuaries that provide breeding grounds for all sorts of wildlife and fish. They have to be protected and, frankly, we are not doing enough overtly to protect them. Others have been declared wetlands that are surrounded by urban areas and levees, borders and other high ground that are

simply declared wetlands because they are damp or because they have certain vegetation that, under current interpretation, says that they are wetlands.

I believe very strongly that the interpretation from Washington has been misguided, it has been too broad, and it has dictated what is a wetland or what is not a wetland in Louisiana without any foresight, without any knowledge, without any understanding of the real wetlands in Louisiana. As a result, I would like to see some of these regulations released.

I do not think that it is too much to ask that we not simply say all of these riders should come off with this vote, that we send these issues to the conference. It will not be over. Some of the riders will be abolished. Some of them will be simply ignored or eliminated. But some that are really worthwhile and meaningful will be retained by the conferees.

Give the conferees the flexibility to determine the good from the bad, to make a decision, and vote no on the previous question so that we do not simply say everything, all of the riders, are bad for the future of America. They are needed. Some of them are needed, and the only way we can get to them is to vote "no" on the previous question.

Mr. BOEHLERT. Mr. Speaker, I yield myself 15 seconds to respond to the distinguished chairman of the Committee on Appropriations.

Mr. Speaker, the last time I checked since November 8, 1994, the Republicans have the majority in the House. We chair every single committee. We chair every single subcommittee. We can move with dispatch through the authorizing process which permits full, open and public hearings.

Mr. STOKES. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of the Stokes-Boehlert motion to instruct conferees.

The restrictions and riders in this legislation would allow backdoor repeal of protection from raw sewage overflows, would reduce protection of wetlands, would stop many State clean water programs in the tracks. That is now what the American people want or expect.

Every Member who voted to rid this bill of the riders has put himself or herself on record as opposed to backdoor, closed-door, back-room efforts to roll back environmental protection.

The vote to delete the riders was reversed at a time when many Members were absent, many of the Members who would have voted to keep the bill clean of those riders, and even then the reversal came only on a tie vote. So if you voted right last time, you need to vote right this time, and this time let us do what is right for the American people, what is right for the environment, what is right for future generations. Let us vote to rid this bill of the waivers, loopholes, and rollbacks that are included in these riders.

Mr. BOEHLERT. Mr. Speaker, I yield 1 minute to the gentleman from Delaware [Mr. CASTLE], another Republican leader in the environmental movement and former Governor of Delaware.

Mr. LEWIS of California. Mr. Speaker, I yield an additional 1 minute to the gentleman from Delaware.

The SPEAKER pro tempore (Mr. EWING). The gentleman from Delaware is recognized for 2 minutes.

Mr. CASTLE. Mr. Speaker, I thank the gentlemen for yielding me the time.

Mr. Speaker, I strongly oppose the inclusion of the 17 legislative riders contained in the VA-HUD appropriations bill. I have looked at this from the perspective of my own State, and I think if you magnify that by 435, because my State is, after all, a congressional district, you get some idea of the problems in this bill and with these riders.

For example, in clean water, we would lose $1.8 million to treat wastewater pollution, and this means that we would have raw sewage potentially pour into our local waters reaching our beaches, and we depend upon the tourism industry, from the outdated treatment systems at 38 locations around Delaware. It would also affect recreational and commercial fishing.

We are going to have next Monday a celebration of a cleanup of a Superfund site in the State of Delaware. We would not be able to start a new one next year if these riders pass.

We have a problem with an oil refinery. We tried to work with them. But this rider would halt efforts to protect the health of communities living near that refinery in Delaware which emitted more than 100,000 pounds of toxic air in 1993, obviously affecting, potentially, the health of a lot of people in the State of Delaware. These riders essentially prevent a lot of things from happening in the environmental area that should go ahead.

Every American should be concerned by the fact that these riders will specifically benefit certain special interests. In fact, there are winners in this, clear winners, the cement kiln industry, the oil industry, the paper and pulp industries, and there are losers. The losers, as far as I can ascertain, are practically everybody else in America, individuals and some corporations. These riders undermine laws that prevent harmful exposure to lead, arsenic, and other toxins and can literally affect the quality of our air and our water.

The bottom line is that, as written, these are not reasonable reforms but special breaks to a few industries. The antienvironmental riders are bad policy, bad politics and bad for the health and safety of the American people, and they should be dropped from this bill.

If the riders are allowed, the bill will be an environmental disaster and a special-interest bonanza. I would encourage all of us to vote "yes" on the previous question to support the Stokes motion to instruct.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me mention one more time, these riders have been described incorrectly in many a fora. In the case that my colleague just mentioned regarding clean water programs, the problem with those programs is they have not been reauthorized. Those who controlled the committees in the past Congresses have failed to reauthorize them, so we are kind of in a bind and there is a need to have mechanisms for moving forward. In part, we are attempting to affect EPA in this connection by way of these riders.

Mr. STOKES. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, let me tell Members what this debate is all about. It is about this glass of drinking water and others like it across America. When you pour a glass of drinking water for your children, you can be confident that it is safe for them to drink it. The confidence, of course, is based on sensible government monitoring and regulation.

This appropriation bill has 17 different environmental protection laws repealed without 1 day of hearing, 17 different protections for American families so that there is not arsenic in this water, benzene, dioxin, lead, and known carcinogens.

Why in the world would some of the extreme Republicans, unlike the gentleman from New York [Mr. BOEHLERT], want to repeal this protection? Because the special interests demand it. They are in the corridors of this Congress right now watching this debate. They want to see this bill go through. They want these provisions that protect our families repealed, because they can make more money.

What is more important? If this Government cannot protect the water that we drink, then we have lost our soul.

Mr. LEWIS of California. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. MICA] to respond to those outrageous comments.

Mr. MICA. Mr. Speaker, let me tell Members about this water and this debate. Under this water, the citizens died and got sick in Milwaukee under our current rules and great regulations. Under this water, you could not drink the water in Washington for several days under the current rules and regulations. That is what this debate is about.

This debate is about the inflexibility, because this Congress mandates 53

water contaminants, that you must look at, because this Congress is unreasonable, because this Congress in every one of its environmental programs has gone off the deep end.

There is no one on this side who does not want to have clean water and clean air. They spend billions of dollars on Superfund. Eighty-five percent of the money goes to attorneys' fees and studies. And what do we get? We do not get the sites cleaned up. We are forced to drink crummy water.

Most of these Members who are telling you about the special interests, that is a lot of baloney. The special interest is the people of this country who are paying the taxes and should have clean water and fresh air to drink and to breathe.

Mr. BOEHLERT. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from New York is recognized for 1¾ minutes.

Mr. BOEHLERT. Mr. Speaker, I want to thank the distinguished gentleman from Florida for pointing this out. This water is very important and precious to all Americans.

I would suggest to you that in December 1993, when 104 people in Milwaukee died because cryptosporidium was in the water supply, it was not because the Government was doing too much. It was because the Government was doing too little to protect the American people.

Ladies and gentlemen, I can count, and I know what elections are about. Let me tell you what the last election was about. The American people were sending us a very clear message. They want smaller government, less costly government, less intrusive government, and yet more efficient government.

I have yet to find the first American who wanted to vote to dismantle the Government. I have yet to find the first American who does not agree that we need regulations to control toxic emissions from oil refineries. I have yet to find the first American who does not agree that we need regulations controlling arsenic in our drinking water. I have yet to find the first American who does not agree that it poses a very serious public health problem if we cannot regulate sewer overflow into America's streets. The American public is watching this debate very clearly.

The Republicans are getting very high marks in dealing with issues involving our economy. Quite frankly, our score card is getting low marks with respect to the manner in which we deal with the environment.

Ladies and gentlemen, this is not a Republican versus a Democrat issue. You have witnessed Republican after Republican coming before us to say vote "yes" on the previous question, vote "yes" on the instructions to the conferees to protect the air we breathe, the water we drink, and the food we eat.

We did not inherit the earth from our ancestors. We are borrowing from our children, and we have to give an accounting of our stewardship. Today is the day to do it.

Mr. STOKES. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. LEVIN].

□ 1215

Mr. LEVIN. Mr. Speaker, here is the October 5 headline from the Washington Post: "Experts are at a loss how to stem toxic flow into Great Lakes." Tucked into this bill is a provision that would gut the Great Lakes Water Quality Initiative.

The GLI is a product of 9 years, 9 years of work to reduce the flow of toxic chemicals being dumped into the Great Lakes.

Look, I do not want to leave it to the conferees to bargain away the future of the Great Lakes. There is a plea here, leave it to the conferees. No, do not leave the Great Lakes at the mercy of those who want to continue to dump mercury, lead, and dioxin into our Great Lakes.

Support the Stokes motion and strip these 17 antienvironmental riders from this bill.

Mr. STOKES. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, these EPA riders restrict or eliminate the ability to set environmental standards and enforce regulations that are designed to protect the public health. The riders prohibit regulations controlling the amount of arsenic and radon in our drinking water, prevent the reduction of toxic air pollutants from hazardous waste incinerators, restrict citizens' right to know about the toxic substances that are released in their communities, and limit the reduction of toxic air pollutants from oil refineries.

In fact, in my district in Connecticut, in the third district, this would allow for the influx of raw sewage into the Long Island Sound.

The American people need to know that the public interest is being sold to the highest bidder here in the people's House. These riders are a direct result of the political culture that allows the pollution lobby undue influence to ramrod special interest legislation through this House. This is an auction.

Reject the appeals of the special interest pollution lobbyists and vote for the Stokes-Boehlert motion to instruct.

Mr. LEWIS of California. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I yield myself this time by way of essentially saying to my colleagues, and also to the public that might be listening, that it is very important to note that opposition to this effort on our part to eliminate these riders has been carried to the extreme in many a forum, and to suggest that those who are against striking the riders are obviously somehow against the entire environment, illustrated by the last several speakers who have referred to arsenic in drinking water and radon in drinking water.

Mr. Speaker, it is very important that the House know, that the people know that across the country there are trace elements in drinking water everywhere of this kind. What the EPA is proposing, they are proposing regulations that are so extreme in their form to control harmless traces, harmless traces, that it is going to escalate the cost of drinking water in districts across the country. Water districts responsible for drinking water across the country are calling for our effort to impact the EPA's work in this field.

It is very, very important that we know that the EPA is at fault here, not our effort to include these regulations.

Mr. STOKES. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. HINCHEY].

Mr. HINCHEY. Mr. Speaker, this vote today is probably the most important environmental vote that will be taken in the 104th Congress.

The riders in the bill that the gentleman from Ohio [Mr. STOKES] is trying to strike would prohibit the EPA from regulating or setting standards for a number of different sources of toxic contamination of air and water.

Safe drinking water in America can no longer be taken for granted. EPA is under court order to set standards for arsenic and radon in drinking water. Both are known carcinogens.

The bill would prohibit EPA from complying with these court orders, thus subjecting millions of Americans to carcinogenic substances in their drinking water, not tracer elements, but elements of sufficient quantity to cause cancer.

The number of people subjected would be 35 million for arsenic, 45 million for radon, exposed to these carcinogenic chemicals. This comes on the heels of recent scientific findings that exposure of children to hazardous chemicals can be much more dangerous for them than previously thought, because they are smaller, obviously; nevertheless they consume the same quantity of water.

Let us protect our children. Let us protect the health of Americans. Let us defeat these riders. Let us pass the Stokes amendment.

Mr. STOKES. Mr. Speaker, may I inquire as to what the time situation is now with reference to each side?

The SPEAKER pro tempore (Mr. EWING). The gentleman from Ohio [Mr. STOKES] has 1½ minutes, and the gentleman from California [Mr. LEWIS] has 3½ minutes. The time of the gentleman from New York [Mr. BOEHLERT] has expired.

Mr. STOKES. Mr. Speaker, do I understand I have the right to close?

The SPEAKER pro tempore. The gentleman is correct.

Mr. LEWIS of California. Mr. Speaker, I yield myself the remainder of my time.

Mr. Speaker, it is with no small amount of discomfort that I rise on the floor and oppose so very strongly the motion by my ranking member, the gentleman from Ohio [Mr. STOKES]. Indeed, if we had had the opportunity to discuss what these riders were about before he decided to go forward with this motion, I think we might have relieved the House of all of this debate time. Clearly, a thorough discussion of the excesses of EPA might have made a difference in the decision to go forward with this notion.

Mr. Speaker, I want my colleagues to know that this Member and the Members who are joining me in opposition to the motion offered by the gentleman from Ohio [Mr. STOKES] are not Members who are opposed to strengthening the quality of our environment. We are committed to making sure that we are doing all that is necessary to assure clean air and clean water across the country. Indeed, one of the better things that has happened in the whole processes of public affairs was the fact that a couple of decades ago we began really working to improve the environment.

But in the meantime, the EPA's excesses have raised enough serious questions that it is time for those who really care about the environment to stand together and take action. I have communicated to the House that in the past much of my political work in public affairs involved concerns about clean air. In California I was the chairman of an air quality committee that dealt specifically with that problem that is impacting my district like no other district in the country.

That work led to the creation of the toughest air quality management district in the country. A district that itself has extended regulations that are, to say the least, very difficult regulations to meet. Nonetheless, their work is causing us to see serious progress in the direction of clean air.

There is no doubt that government has a role to play, but excessive regulation upon regulation is undermining the public support for environmental concerns.

Indeed, the credibility of this effort is threatened by these excesses. For that reason, our subcommittee and the full House have reviewed where the EPA has taken us in the past, and where they would take us in the future.

These riders on the EPA portion of my bill are designed to begin that point of rethinking the process and give a clear direction to the EPA that the Congress is more than concerned. We are absolutely insisting that they rethink where they have been regarding some of these regulations. The EPA is an agency that has grown like Topsy. Currently, the EPA is designed simply for regulatory purposes. This is not necessarily helpful to that effort of improving the environment. Because of this pattern, I urge my colleagues to do the following: First, recognize that the Stokes motion would strike all of these riders and impact very significantly our ability to begin this process of review. Second, at the end of this time, the previous question will be asked. At that point, when a vote is requested, a "no" vote will allow us to consider an alternative, another approach, that will cause our conferees to consider each of these riders separately and individually, measure how they impact the economy and, in turn, make recommendations of the full House to the conference.

I will be urging the Members at the time of the previous question to vote "no" on the previous question.

Mr. STOKES. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Speaker, I rise in strong support of the Stokes-Boehlert instruction and urge my colleagues do as well.

Mr. STOKES. Mr. Speaker, let me in closing stress my appreciation to the gentleman from New York [Mr. BOEHLERT] and to the other Members on the other side of the aisle who have supported the Stokes motion to instruct.

Mr. Speaker, the last time this issue was on the floor—the day my amendment to strike failed as a result of a tie vote—I said to the House that this is an issue that is not going away. I've been true to my word, ladies and gentleman; here it is again.

I also said to you on that occasion that, by virtue of that tie vote which meant that the motion lost, that I didn't lose—the American people lost. This is the third chance to protect the American people.

These riders are poisonous. They restrict or eliminate EPA's ability to set environmental standards or enforce regulations designed to protect public health. These riders prevent reduction of toxic air pollutants from hazardous waste incinerators, limit citizens' right to know about toxic substances released in their communities, and limit protection against toxic air pollutants from oil refineries.

This is a critical and visible vote. This is the environmental vote of the year. The right vote for the American people is "yes" on the previous question and "yes" to the Stokes motion to instruct.

Mr. PACKARD. Mr. Speaker, I rise to oppose the Stokes motion to instruct conferees on the fiscal year 1996 VA–HUD appropriations bill. These so-called riders are commonsense reforms to prevent Federal agencies from promulgating ineffective and expensive regulations and should therefore remain in the bill. Supporters of the motion to instruct argue that these riders will wreak havoc with public health and safety. However, nothing could be further from the truth.

One such rider will prohibit EPA from issuing regulations under the Delaney clause. My colleagues with farms in their districts are very familiar with this clause. This clause bans any additive in processed food that has been shown—in any amount—to cause cancer in humans or laboratory animals.

"What is wrong with that," you may ask. Well I will tell you—this clause was enacted in 1958 when technology allowed scientists to test for chemical traces in quantities of about one in a million. Current technology now allows us to test for these chemicals in quantities of about one in a quadrillion—a million billion, which means that one person could be harmed by the substance every 10,000 years or so.

Even EPA Administrator Carol Browner has called for a change in this law, but the EPA's strict interpretation of the Delaney clause means that it will continue to be an enormous drain on our agriculture economy.

It is ridiculous regulations such as these that put a stranglehold on our economy. I urge my colleagues to support commonsense regulatory reforms by opposing the Stokes motion to instruct.

Mrs. KENNELLY. Mr. Speaker, I rise in strong support of the motion to instruct conferees on the VA–HUD appropriations bill.

If we pass this bill with its 17 riders, we will make it easier for harmful pollutants to poison our air and water.

We will make it easier for pesticides and radon to threaten our constituents.

And we will make it easier for polluters to get off scot-free without paying for their accidents.

Worst of all, we will do so not through the appropriate legislative process, but with a congressional shell game. A must-pass funding bill is no place to attach unpopular and unnecessary special interest legislation. This bill leaves us with a Hobson's choice—either swallow these propolluting riders whole, or deny an array of agencies and programs the funding they need to operate.

We know these riders cannot survive in the cold, harsh light of day.

I urge my colleagues to support the motion to instruct conferees.

Mr. JONES. Mr. Speaker, I rise in opposition to the Stokes motion. However, I do so with one serious reservation.

Mr. Speaker, as you know, the 1996 VA–HUD appropriations bill has been controversial. It has been controversial because of significant spending cuts. But has also been controversial because of the riders that were included.

Mr. Speaker, I originally voted for these riders when first presented to the House because I believed—and continue to believe—that they represent one of the few approaches available to Congress to halt regulatory abuses by the Environmental Protection Agency.

Therefore I must oppose the motion to instruct the conferees to drop all of the riders.

However, Mr. Speaker, subsequent to those votes new scientific evidence has been brought to my attention which has caused me to alter my position on two of the riders. I have concluded that serious questions exist about the cement kiln method of disposal of high-level hazardous waste, and thus the riders which affect that industry.

In addition to scientific evidence, there have been recent televised news reports which detail shockingly high rates of mental and physical birth defects in the vicinity of cement kilns. These kilns have unacceptably high emission levels of some of the most hazardous substances know.

The EPA has noted that cement kilns burning hazardous waste produce dust—a by-product of burning hazardous waste—that contains 70 to 700 times more dioxins than kilns which do not burn hazardous waste.

According to the EPA, cement kilns are the second largest source of toxic mercury emissions. Annually over 2,400 newborns and infants will be exposed to, and subsequently poisoned by, mercury emissions from cement kilns.

The EPA points out that cement kilns are the third highest source of toxic and cancer-causing emissions right behind medical waste incinerators and municipal waste incinerators. None of the 24 hazardous waste burning cement kilns operates under final permits subject to public review, although EPA is beginning the process at some of the kilns.

Most citizens surrounding these plants do not even know that the kilns are burning the same hazardous wastes that commercial hazardous waste that commercial hazardous waste incinerators must manage under very restrictive conditions.

So, Mr. Speaker, while I must oppose the motion to instruct the conferees to disregard all of the riders, it is my hope that they will be made thoroughly aware of all of the scientific evidence in this matter—not just that of one side—and that they will drop the two riders pertaining to the cement kiln method of hazardous waste disposal.

Mr. DINGELL. Mr. Speaker, I rise in strong support of this motion to instruct the conferees.

As all of you who have served with me know, I was a strong critic of EPA long before it became fashionable. And even though I believe that poor judgment and overzealous regulation continue there—such as with the so-called combustion strategy—I cannot support the majority's efforts to make major changes in this Nation's environmental laws through legislative riders.

As all of you are aware, I have also long fought any attempts to have the Appropriation Committee engage in legislative actions. And today we are presented with a measure that contains a plethora of half-baked legislative amendments to the Clean Water Act, Clean Air Act, Safe Drinking Water Act, and our other environmental statutes. Nearly every one of these riders is poorly drafted and will lead to consequences well beyond the intentions of the proponents.

Why is this so? For the simple reason that in their haste to circumvent committee debate, to hide the interests that are behind the riders, to avoid the glare of the public spotlight, to shield these riders from the normal pulls and pushes of the legislative process, the proponents have created bad legislation.

By comparison, during consideration of the Clean Air Act Amendments of 1990, my committee heard testimony and solicited views from all sides—from the Bush administration and EPA, from Governors and mayors, from industry and unions, from environmental groups and ordinary citizens, and from Republicans and Democrats. Every word of that measure was exhaustively debated at subcommittee, at full committee, and on the floor of the House. As a result, I am proud to say that the measure had strong bipartisan support throughout every step of its journey through the House of Representatives, and, indeed, through the Senate and conference committee as well. Similar public debate and bipartisan participation marked passage of the Water Quality Act of 1987 and other environmental statutes.

But these riders have not undergone this kind of scrutiny. There has been no authorizing committee consideration of the environmental roll backs and special interest contentions. There has been no fair and full debate on the best way to implement any changes the majority may wish to make.

One additional point, Mr. Speaker. This motion to instruct will not cure what ails this bill.

Even if we pass this motion, this bill still slashes EPA's budget by one-third and cripples enforcement of the Nation's environmental laws through a targeted 50-percent cut in EPA's enforcement budget.

Even if we pass this motion, this bill will still stand as the worst assault on this Nation's duty to house its people since the new deal.

Even if we pass this motion, this bill will still shrink health services for this Nation's veterans. Indeed, according to Veterans Secretary Jesse Brown, the cuts mandated by the Republican budget plan will require 41 veterans hospitals to close their doors and will mean that more than 1 million veterans will be denied health care. The Republican plan will also force the elimination of roughly 60,000 health care positions and the cancellation of 40 construction projects.

Even if we pass this motion, my conscience will not allow me to vote for this bill.

However, the motion is a strong first step toward rehabilitation and I urge a "yes" vote.

Mr. HASTERT. Mr. Speaker, I rise today in opposition to the motion to instruct offered by the gentleman from Ohio and urge Members to defeat the previous question so we can substitute his amendment with a superior one.

Mr. Speaker, the Congress created the Environmental Protection Agency in the 1970's to ensure a safe, clean, and healthy environment for our country. I wholeheartedly support those important goals—every American needs clean air to breathe, safe water to drink, and a healthy environment free of toxic pollutants. However, when Congress crated the EPA, it did not make the agency infallible. Over the years, we have all seen that there are many ways that the EPA can do a better, more efficient, and more cost effective job. It is our duty as a Congress to the American people to see to it that this happens.

Mr. Speaker, the Members of this body, in approving H.R. 2099 earlier this year, sought to address several specific issues of EPA regulation. By narrowly restricting a specific use of EPA funds, the Congress is saying, give us a chance to stop and look at what the EPA has been doing. As a Congress, it is our duty to evaluate the effectiveness of Government regulatory policy.

The gentleman from Ohio offers us an all-or-nothing proposal. His motion would have us instruct our conferees to drop every one of these riders, regardless of their merits. Although the gentleman and his supporters would have us believe that his is the only way for us to proceed, I believe that the House should not be limited in choosing only all of the riders or none of the riders. Instead, we should instruct conferees to review each proposal on its merits.

Mr. Speaker, if we vote "no" on ordering the previous question, it will give us an opportunity to consider another, superior motion, that will instruct our conferees to consider each one of these riders on their merits as they rightfully should.

To support the gentleman from Ohio's all or nothing approach, I would be encouraging Conferees to drop a provision that forces the EPA to rethink its silly, forced carpooling system. This is a program which even the EPA admits is a failure in helping us clean up our air. It would cost employers in Illinois hundreds of millions of dollars to implement and unnecessarily inconvenience one out of four commuters. How can I support the EPA spending money to administer this foolish program when serious environmental problems like the clean-up of radioactive thorium in West Chicago really need the attention of EPA officials.

Mr. DELAY. Mr. Speaker, I rise in very strong opposition to this motion to instruct. Don't be fooled—the authors of this motion aren't interested in good environmental policy or public health—they're interested in status quo, in regulatory excess and in spreading false, misleading, and distorted information on what these environmental riders do. And what do they do?

They prevent the EPA from going beyond its statutory authority so we don't have unelected, overzealous bureaucrats implementing their own agendas at the expense of our environment and the American public.

They require EPA to use the most up-to-date data when making regulatory decisions. Do the opponents of the riders believe EPA should be allowed to develop a refinery MACT rule using data that is 15 years old when data exist from 1993? Is that protecting the public health?

They direct EPA to use real world data instead of bureaucratic computer models based on faulty assumptions. EPA is trying to force our constituents into centralized emissions testing claiming this system works the best—but just a few weeks ago 12 cars rigged to fail were passed by a Colorado centralized testing facility—is that effective environmental policy?

Chanting right along with the effort to scare and mislead the public on what this Congress is doing, our Vice President accused this Congress of prohibiting the EPA from taking arsenic out of drinking water.

But who's asking for a delay in the rulemaking? In a letter dated this February, the

EPA stated it has "decided to seek to delay rulemaking on the arsenic regulation in order to conduct further research." Needless to say, the Vice President's office later said he misspoke.

Mr. Speaker, these riders are about common sense, sound science, and flexibility; they're about making sure that we get real benefits out of our regulatory requirements so that the burden we place on Americans and on our businesses make sense.

And for those who claim that this appropriations bill is no place for these legislative riders—get real—every bill is the right place to deal with government fraud, abuse of process, and misspent resources—not to mention that the former Democrat-controlled Congress used this process for years.

In fact, the radon rider in this bill is the same legislative rider that has been included in this bill for 3 years when the author of this motion served his tenure as chairman. Make no mistake, my colleagues, a vote for the Stokes motion is a vote to force your communities to implement a very costly, ineffective rule on regulating radon in drinking water.

Now, some of my colleagues may have concerns with some of the riders and that's legitimate. But those concerns ought to be considered in the context of the conference. The conference must be given the ability to evaluate each provision on its merits.

Mr. Speaker, at the end of debate on this motion, Members will be asked to defeat the previous question so that the motion to instruct can be amended. The amendment to the motion is a real vote on protecting the environment and it provides the House conferees the negotiating flexibility necessary to conduct an effective conference.

I urge my colleagues to be responsible and use common sense—don't buy into the fear-mongering of those who refuse to acknowledge the facts.

Vote "no" on the previous question.

Mr. STOKES. Mr. Speaker, I move the previous question on the motion to instruction.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LEWIS of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the motion to instruct.

The vote was taken by electronic device, and there were—yeas 231, nays 195, not voting 6, as follows:

[Roll No. 761]

YEAS—231

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Bass
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bishop
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Castle
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Costello
Coyne
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Gordon
Goss
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hoke
Holden
Horn
Houghton
Hoyer
Jackson-Lee
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kingston
Kleczka
Klink
Klug
LaFalce
LaHood
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Miller (CA)
Minge
Mink
Moakley
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Peterson (MN)
Pomeroy
Porter
Quinn
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Rivers
Roemer
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Saxton
Schiff
Schroeder
Schumer
Scott
Serrano
Shaw
Shays
Skaggs
Skelton
Slaughter
Smith (NJ)
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Upton
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
White
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zimmer

NAYS—195

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chapman
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Fields (TX)
Fowler
Frelinghuysen
Frisa
Funderburk
Ganske
Gekas
Geren
Gillmor
Goodlatte
Goodling
Graham
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson, Sam
Jones
Kasich
Kim
King
Knollenberg
Kolbe
Largent
Latham
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Parker
Paxon
Payne (VA)
Petri
Pickett
Pombo
Portman
Poshard
Pryce
Quillen
Radanovich
Riggs
Roberts
Rogers
Rohrabacher
Roth
Royce
Salmon
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shuster
Sisisky
Skeen
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Traficant
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Young (AK)
Zeliff

NOT VOTING—6

Chenoweth
Conyers
de la Garza
Fields (LA)
Tucker
Weldon (PA)

□ 1247

Messrs. BUNN of Oregon, ROBERTS, BURR, NUSSLE, CLINGER, BONO, and McCOLLUM changed their vote from "yea" to "nay."

Messrs. THOMPSON, TAYLOR of Mississippi, MATSUI, and KINGSTON changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. EWING). The question is on the motion to instruct offered by the gentleman from Ohio [Mr. STOKES].

The question was taken, and the Speaker pro tempore announced that the noes appeared to have it.

Mr. OBEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 227, nays 194, not voting 11, as follows:

[Roll No. 762]

YEAS—227

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Barrett (WI)
Bass
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bishop
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Castle
Clay
Clayton

Clyburn
Coleman
Collins (IL)
Collins (MI)
Costello
Coyne
Cunningham
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodling
Gordon
Goss
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hoke
Holden
Horn
Houghton
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kingston
Kleczka
Klink
Klug
LaFalce
LaHood
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Miller (CA)
Mink
Moakley
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pomeroy
Porter
Pryce
Quinn
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Rivers
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Saxton
Schiff
Schroeder
Schumer
Scott
Shaw
Shays
Skaggs
Slaughter
Smith (NJ)
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Upton
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
White
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zimmer

NAYS—194

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Danner
Davis
Deal
DeLay
Dickey
Dooley
Doolittle
Dornan
Dreier
Dunn
Edwards
Emerson
Everett
Fields (TX)
Fowler
Frelinghuysen
Frisa
Funderburk
Ganske
Gekas
Geren
Goodlatte
Graham
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hostettler
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kim
King
Knollenberg
Kolbe
Largent
Latham
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Minge
Molinari
Mollohan
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Portman
Poshard
Quillen
Radanovich
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Roth
Royce
Salmon
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Traficant
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Young (AK)
Zeliff

NOT VOTING—11

Clement
Conyers
de la Garza
Duncan
Fields (LA)
Hunter
Serrano
Smith (WA)
Tucker
Velazquez
Weldon (PA)

□ 1256

Mr. ROYCE and Mr. BROWNBACK changed their vote from "yea" to "nay".

Mr. FARR changed his vote from "nay" to "yea".

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Mr. LEWIS of California, Mr. DELAY, Mrs. VUCANOVICH, and Messrs. WALSH, HOBSON, KNOLLENBERG, FRELINGHUYSEN, NEUMANN, LIVINGSTON, STOKES, MOLLOHAN, CHAPMAN, Ms. KAPTUR, and Mr. OBEY.

There was no objection.

PERSONAL EXPLANATION

Mr. CLEMENT. Mr. Speaker, I was unavoidably detained and missed casting my vote to eliminate the 17 riders on the Environmental Protection Agency. Had I been present, I would have voted "yea" on rollcall 762.

PERSONAL EXPLANATION

Mr. SERRANO. Mr. Speaker, it has been brought to my attention that I am not recorded as having voted on rollcall No. 762, a motion to instruct House conferees on the conference report on H.R. 2099, the VA–HUD–independent agencies appropriations bill for fiscal year 1996.

Moments before, I voted to order the previous question. I should have been recorded as voting "yes" on the motion to instruct, because I am opposed to the 17 riders restricting EPA's regulatory power and ability to enforce numerous air and water pollution regulations.

GENERAL LEAVE

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and that I may include tabular and extraneous material on the measure just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1996

The SPEAKER pro tempore. Pursuant to House Resolution 252 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 2546.

□ 1257

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 further consideration of the bill (H.R. 2546) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1996, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House met on Wednesday, November 1, 1995, an amendment offered by the gentleman from Indiana [Mr. HOSTETTLER] had been disposed of and the bill had been read through page 58 line 4.

Are there further amendments to the bill?

Mr. GUNDERSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I took this time, because of the limited debate time and the request for so many Members to speak, as a way of saying a couple of things that I think are important. For those who were not paying attention yesterday, I want to begin by extending again my personal thanks to the gentleman from New York [Mr. WALSH], the gentlewoman from the District of Columbia [Ms. NORTON], and the gentleman from California [Mr. DIXON], for all the cooperation between them and their staff, and the gentleman from Virginia [Mr. DAVIS], as well, from the District of Columbia Committee, and certainly the gentleman from Pennsylvania [Mr. GOODLING], and all my colleagues on the Committee on Economic and Educational Opportunities, the gentleman

from North Carolina [Mr. BALLENGER], and others, for all of their work in this effort to try to bring about a consensus on this issue.

□ 1300

As many of my colleagues are aware, the Washington Post today said in their editorial, "This is an education vote that counts," encouraging every Member on both sides of the aisle to vote "yes" on the District of Columbia school reform amendment that I am about to call up.

Mr. Chairman, the reason I wanted to ask for special time, however, is because I think it is important that we deal head on with what is the misunderstanding by so many Members about this voucher issue. When this process began we had obviously the education reform movement in this country that said, "You are not going to give new money to D.C., you are not going to give them more opportunities to expand education funding, unless you get some real reforms."

On the other side we had the public education community that said very clearly, "We are not about to support a package that creates a tool for taking public education dollars to fund private education initiatives."

Mr. Chairman, I thought, frankly, they were both fair. So, we have very carefully, very methodically, over a long period of time, negotiated out what is the best possible compromise we can achieve on this issue.

Under a private school voucher program, if a student leaves a public school to attend a private school, their per capita funding goes with them. Money leaves that public school and goes into that private school.

Mr. Chairman, I can tell my Democratic friends, I have never once voted for a private school voucher program during my tenure in Congress. I am as opposed to that as my Democrat colleagues are. This bill does not, does not, does not include a private school voucher. It is very important that Members understand that.

In exchange for that, what we have done is we have said we will set up a scholarship program for District of Columbia students. We will provide some start-up money at the Federal level, whatever the appropriations process down the line will bear. And let us be honest, based on the present circumstances, it is not going to be a lot, but whatever that will bear.

We will then allow the scholarship board, made up of seven District of Columbia residents, again, I underline seven District of Columbia residents, to go out and raise private contributions. Whatever those two sources of revenue produce can be used in an equal number of public school scholarships and private school scholarships.

Mr. Chairman, I think it is very important as we begin this process to understand if 100 students were to leave the District of Columbia public schools and to go to private schools, not one dime would leave the District of Columbia public school system. Not one dime would leave the public school system.

We are not taking money from public schools to put it into private schools. This is a carefully crafted compromise. We cannot authorize $20 million in new education initiatives, leveraging probably twice that much in private resources to repair the buildings and equip the schools with technology equipment, without working out some kind of compromise on the reform issues.

Mr. Chairman, this is as good a compromise as we can get. My colleagues' vote today will decide whether we have District of Columbia school reform, because we cannot work out an agreement that does not have this kind of a carefully crafted balance and get support on both sides of the aisle.

Mr. DIXON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the gentleman from Wisconsin [Mr. GUNDERSON] is absolutely correct. The time is very limited and so I would just like to take this opportunity to register my opposition, for I have a great number of speakers.

Mr. Chairman, regarding the amendment that the gentleman from Wisconsin is about to present, the gentleman should be congratulated on the fact that he has tried to reach a consensus. The gentleman has worked with a lot of people. Unfortunately, in my view, the gentleman has not reached a consensus.

Mr. Chairman, there are at least 20 organizations, including the Secretary of Education, the American Association of School Administrators, the Americans United for Separation of Church and State, that are all opposed to this.

This is a 142-page amendment. It authorizes $100 million. It does not appropriate one dime. It belongs in the Committee on Economic and Educational Opportunities.

There is great philosophical discord about this amendment. Mr. Chairman, $42 million could possibly go to private schools, and the bill is silent on whether those could be religious schools. I am not clear if they would have to be in the jurisdiction of the District or could be outside the District.

Basically, this is public money, some $5 million over a 5-year period, public funds going to private schools.

Mr. Chairman, I would oppose the amendment that the gentleman is about to offer.

AMENDMENT OFFERED BY MR. GUNDERSON

Mr. GUNDERSON. Mr. Chairman, I offer an amendment, made in order by the rule.

The CHAIRMAN (Mr. HASTINGS of Washington). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GUNDERSON:

At the end of the bill, add the following:

TITLE II—DISTRICT OF COLUMBIA SCHOOL REFORM

SEC. 2001. SHORT TITLE.

This title may be cited as the "District of Columbia School Reform Act of 1995".

SEC. 2002. DEFINITIONS.

Except as otherwise provided, for purposes of this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate;

(B) the Committee on Economic and Educational Opportunities of the House of Representatives and the Committee on Labor and Human Resources of the Senate; and

(C) the Committee on Government Reform and Oversight of the House of Representatives and the Committee on Governmental Affairs of the Senate.

(2) AUTHORITY.—The term "Authority" means the District of Columbia Financial Responsibility and Management Assistance Authority established under section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104–8).

(3) AVERAGE DAILY ATTENDANCE.—The term "average daily attendance", when used with respect to a school and a period of time, means the aggregate attendance of the school during the period divided by the number of days during the period on which—

(A) the school is in session; and

(B) the pupils of the school are under the guidance and direction of teachers.

(4) AVERAGE DAILY MEMBERSHIP.—

(A) INDIVIDUAL SCHOOL.—The term "average daily membership", when used with respect to a school and a period of time, means the aggregate enrollment of the school during the period divided by the number of days during the period on which—

(i) the school is in session; and

(ii) the pupils of the school are under the guidance and direction of teachers.

(B) GROUPS OF SCHOOLS.—The term "average daily membership", when used with respect to a group of schools and a period of time, means the average of the average daily memberships during the period of the individual schools that constitute the group.

(5) BOARD OF EDUCATION.—The term "Board of Education" means the Board of Education of the District of Columbia.

(6) BOARD OF TRUSTEES.—The term "Board of Trustees" means the governing board of a public charter school, the members of which board have been selected pursuant to the charter granted to the school and in a manner consistent with this title.

(7) CONTROL PERIOD.—The term "control period" means a period of time described in section 209 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104–8).

(8) CORE CURRICULUM.—The term "core curriculum" means the concepts, factual knowledge, and skills that students in the District of Columbia should learn in kindergarten through 12th grade in academic content areas, including, at a minimum, English, mathematics, science, and history.

(9) DISTRICT OF COLUMBIA COUNCIL.—The term "District of Columbia Council" means

the Council of the District of Columbia established pursuant to section 401 of the District of Columbia Self-Government and Governmental Reorganization Act (D.C. Code, sec. 1–221).

(10) DISTRICT OF COLUMBIA GOVERNMENT.—

(A) IN GENERAL.—The term "District of Columbia government" means the government of the District of Columbia, including—

(i) any department, agency, or instrumentality of the government of the District of Columbia;

(ii) any independent agency of the District of Columbia established under part F of title IV of the District of Columbia Self-Government and Governmental Reorganization Act;

(iii) any other agency, board, or commission established by the Mayor or the District of Columbia Council;

(iv) the courts of the District of Columbia;

(v) the District of Columbia Council; and

(vi) any other agency, public authority, or public benefit corporation that has the authority to receive monies directly or indirectly from the District of Columbia (other than monies received from the sale of goods, the provision of services, or the loaning of funds to the District of Columbia).

(B) EXCEPTIONS.—The term "District of Columbia government" does not include the following:

(i) The Authority.

(ii) A public charter school.

(11) DISTRICT OF COLUMBIA GOVERNMENT RETIREMENT SYSTEM.—The term "District of Columbia government retirement system" means the retirement programs authorized by the District of Columbia Council or the Congress for employees of the District of Columbia government.

(12) DISTRICT OF COLUMBIA PUBLIC SCHOOL.—

(A) IN GENERAL.—The term "District of Columbia public school" means a public school in the District of Columbia that offers classes—

(i) at any of the grade levels from prekindergarten through the 12th grade; or

(ii) leading to a general education diploma.

(B) EXCEPTION.—The term does not include a public charter school.

(13) DISTRICT OF COLUMBIA PUBLIC SCHOOLS.—The term "District of Columbia public schools" means all schools that are District of Columbia public schools.

(14) DISTRICT-WIDE ASSESSMENTS.—The term "district-wide assessments" means reliable and unbiased student assessments administered by the Superintendent to students enrolled in District of Columbia public schools and public charter schools.

(15) ELIGIBLE APPLICANT.—The term "eligible applicant" means a person, including a private, public, or quasi-public entity and an institution of higher education (as defined in section 481 of the Higher Education Act of 1965), who seeks to establish a public charter school.

(16) ELIGIBLE CHARTERING AUTHORITY.—The term "eligible chartering authority" means any of the following:

(A) The Board of Education.

(B) Any of the following public or federally-chartered universities:

(i) Howard University.

(ii) Gallaudet University.

(iii) American University.

(iv) George Washington University.

(v) The University of the District of Columbia.

(C) Any other entity designated by enactment of a bill as an eligible chartering authority by the District of Columbia Council after the date of the enactment of this Act.

(17) FACILITIES MANAGEMENT.—The term "facilities management" means the administration, construction, renovation, repair, maintenance, remodeling, improvement, or other oversight, of a building or real property of a District of Columbia public school. The term does not include the performance of any such act with respect to real property owned by a public charter school.

(18) FAMILY RESOURCE CENTER.—The term "family resource center" means an information desk—

(A) located at a school with a majority of students whose family income is not greater than 185 percent of the poverty guidelines updated annually in the Federal Register by the Department of Health and Human Services under authority of section 673(2) of the Omnibus Budget Reconciliation Act of 1981; and

(B) which links students and families to local resources and public and private entities involved in child care, adult education, health and social services, tutoring, mentoring, and job training.

(19) LONG-TERM REFORM PLAN.—The term "long-term reform plan" means the plan submitted by the Superintendent under section 2101.

(20) MAYOR.—The term "Mayor" means the Mayor of the District of Columbia.

(21) METROBUS AND METRORAIL TRANSIT SYSTEM.—The term "Metrobus and Metrorail Transit System" means the bus and rail systems administered by the Washington Metropolitan Area Transit Authority.

(22) MINOR STUDENT.—The term "minor student" means an individual who—

(A) is enrolled in a District of Columbia public schools or a public charter school; and

(B) is not beyond the age of compulsory school attendance, as prescribed in section 1 of article I, and section 1 of article II, of the Act of February 4, 1925 (sections 31–401 and 31–402, D.C. Code).

(23) NONRESIDENT STUDENT.—The term "nonresident student" means—

(A) an individual under the age of 18 who is enrolled in a District of Columbia public school or a public charter school, and does not have a parent residing in the District of Columbia; or

(B) an individual who is age 18 or older and is enrolled in a District of Columbia public school or public charter school, and does not reside in the District of Columbia.

(24) PANEL.—The term "Panel" means the World Class Schools Panel established under subtitle D.

(25) PARENT.—The term "parent" means a person who has custody of a child enrolled in a District of Columbia public school or a public charter school, and who—

(A) is a natural parent of the child;

(B) is a stepparent of the child;

(C) has adopted the child; or

(D) is appointed as a guardian for the child by a court of competent jurisdiction.

(26) PETITION.—The term "petition" means a written application, submitted by an eligible applicant to an eligible chartering authority, to establish a public charter school.

(27) PROMOTION GATE.—The term "promotion gate" means the criteria, developed by the Superintendent and approved by the Board of Education, that are used to determine student promotion at different grade levels. Such criteria shall include achievement on district-wide assessments that, to the greatest extent practicable, measure student achievement of the core curriculum.

(28) PUBLIC CHARTER SCHOOL.—The term "public charter school" means a publicly funded school in the District of Columbia that is established pursuant to subtitle B. A public charter school is not a part of the District of Columbia public schools.

(29) SCHOOL.—The term "school" means—

(A) a public charter school; or

(B) any other day or residential school that provides elementary or secondary education, as determined under State or District of Columbia law.

(30) STUDENT WITH SPECIAL NEEDS.—The term "student with special needs" has the meaning given such term by the Mayor and the District of Columbia Council under section 2301.

(31) SUPERINTENDENT.—The term "Superintendent" means the Superintendent of the District of Columbia public schools.

(32) TEACHER.—The term "teacher" means any person employed as a teacher by the Board of Education or by a public charter school.

Subtitle A—District of Columbia Reform Plan

SEC. 2101. LONG-TERM REFORM PLAN.

(a) IN GENERAL.—

(1) PLAN.—The Superintendent, with the approval of the Board of Education, shall submit to the appropriate congressional committees, the Mayor, the District of Columbia Council, and the Authority a long-term reform plan, not later than February 1, 1996. The plan shall be consistent with the financial plan and budget for the District of Columbia for fiscal year 1996 required under section 201 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104–8).

(2) CONSULTATION.—

(A) IN GENERAL.—In developing the long-term reform plan, the Superintendent—

(i) shall consult with the Board of Education, Mayor, and District of Columbia Council, and, in a control period, with the Authority; and

(ii) shall afford the public, interested organizations, and groups an opportunity to present their views and make recommendations regarding the long-term reform plan.

(B) SUMMARY OF RECOMMENDATIONS.—The Superintendent shall include in the long-term plan a summary of the recommendations made under subparagraph (A)(ii) and the response of the Superintendent to these recommendations.

(b) CONTENTS.—

(1) AREAS TO BE ADDRESSED.—The long-term plan shall describe how the District of Columbia public schools will become a world-class education system which prepares students for life-time learning in the 21st century and which is on a par with the best education systems of other nations. The plan shall include a description of how the District of Columbia public schools will accomplish the following:

(A) Achievement at nationally- and internationally-competitive levels by students attending District of Columbia public schools.

(B) The creation of a performance-oriented workforce.

(C) The construction and repair of District of Columbia public school facilities.

(D) Local school governance, decentralization, autonomy, and parental choice among District of Columbia public schools; and

(E) The implementation of an efficient and effective adult literacy program.

(2) OTHER INFORMATION.—For each of the items in subparagraphs (A) through (G) of paragraph (1), the long-term plan shall include—

(A) a statement of measurable, objective performance goals;

(B) a description of the measures of performance to be used in determining whether the Superintendent and Board of Education have met the goals;

(C) dates by which the goals must be met;

(D) plans for monitoring and reporting progress to District of Columbia residents, the appropriate congressional committees, the Mayor, the District of Columbia Council, and the Authority; and

(E) the title of the management employee of the District of Columbia public schools most directly responsible for the achievement of each goal and, with respect to each such employee, the title of the employee's immediate supervisor or superior.

(c) AMENDMENTS.—The Superintendent, with the approval of the Board of Education, shall submit any amendment to the long-term plan to the appropriate congressional committees. Any amendment to the long-term plan shall be consistent with the financial plan and budget for fiscal year 1996 for the District of Columbia required under section 201 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104–8).

Subtitle B—Public Charter Schools

SEC. 2151. PROCESS FOR FILING CHARTER PETITIONS.

(a) EXISTING PUBLIC SCHOOL.—An eligible applicant seeking to convert an existing District of Columbia public school into a public charter school—

(1) shall prepare a petition to establish a public charter school that meets the requirements of section 2152;

(2) shall provide a copy of the petition to—

(A) the parents of minor students attending the existing school;

(B) adult students attending the existing school; and

(C) employees of the existing school;

(3) shall file the petition with an eligible chartering authority for approval after the petition—

(A) has been signed by a majority of the total number of—

(i) parents of minor students attending the school; and

(ii) adult students attending the school; and

(B) has been endorsed by at least a majority of full-time teachers at the school; and

(4) shall explain in the petition the relationship that will exist between the public charter school and its employees.

(b) INDEPENDENT OR PRIVATE SCHOOL.—An eligible applicant seeking to convert an existing independent or private school in the District of Columbia into a public charter school—

(1) shall prepare a petition to establish a public charter school that meets the requirements of section 2152;

(2) shall provide a copy of the petition to—

(A) the parents of minor students attending the existing school;

(B) adult students attending the existing school; and

(C) employees of the existing school;

(3) shall file the petition with an eligible chartering authority for approval after the petition—

(A) has been signed by a majority of the total number of—

(i) parents of minor students attending the school; and

(ii) adult students attending the school; and

(B) has been endorsed by at least a majority of full-time teachers at the school; and

(4) shall explain in the petition the relationship that will exist between the public charter school and its employees.

(c) NEW SCHOOL.—An eligible applicant seeking to establish in the District of Columbia a public charter school, but not seeking to convert an existing public, private, or independent school into a public charter school, shall file with an eligible chartering authority for approval a petition to establish a public charter school that meets the requirements of section 2152.

SEC. 2152. CONTENTS OF PETITION.

A petition to establish a public charter school shall include the following:

(1) A statement defining the mission and goals of the proposed school.

(2) A statement of the need for the proposed school in the geographic area of the school site.

(3) A description of the proposed instructional goals and methods for the school, which includes, at a minimum—

(A) the methods that will be used to provide students with the knowledge, proficiency, and skills needed—

(i) to become nationally and internationally competitive students and educated individuals in the 21st century; and

(ii) to perform competitively on any districtwide assessments; and

(B) the methods that will be used to improve student self-motivation, classroom instruction, and learning for all students.

(4) A description of the plan for evaluating student academic achievement of the proposed school and the procedures for remedial action that will be used by the school when the academic achievement of a student falls below the expectations of the school.

(5) An operating budget for the first 2 years of the proposed school that is based on anticipated enrollment and contains—

(A) a description of the method for conducting annual audits of the financial, administrative, and programmatic operations of the school;

(B) either—

(i) an identification of the site where the school will be located, including a description of any buildings on the site and any buildings proposed to be constructed on the site; or

(ii) a timetable by which a such an identification will be made;

(C) a description of any major contracts planned, with a value equal to or exceeding $10,000, for equipment and services, leases, improvements, purchases of real property, or insurance; and

(D) a timetable for commencing operations as a public charter school.

(6) A description of the proposed rules and policies for governance and operation of the school.

(7) Copies of the proposed articles of incorporation and bylaws of the school.

(8) The names and addresses of the members of the proposed Board of Trustees.

(9) A description of the student enrollment, admission, suspension, and expulsion policies and procedures of the proposed school, and the criteria for making decisions in such areas.

(10) A description of the procedures the school plans to follow to ensure the health and safety of students, employees, and guests of the school and to comply with applicable health and safety laws and regulations of the Federal Government and the District of Columbia.

(11) An explanation of the qualifications that will be required of employees of the proposed school.

(12) An identification, and a description, of the individuals and entities submitting the application, including their names and addresses, and the names of the organizations or corporations of which such individuals are directors or officers.

SEC. 2153. PROCESS FOR APPROVING OR DENYING CHARTER PETITIONS.

(a) SCHEDULE.—An eligible chartering authority may establish a schedule for receiving petitions to establish a public charter school and shall publish any such schedule in the District of Columbia Register. An eligible chartering authority shall make a copy of any such schedule available to all interested persons upon request.

(b) PUBLIC HEARING.—Not later than 45 days after a petition to establish a public charter school is filed with an eligible chartering authority, the authority shall hold a public hearing on the petition to gather the information that is necessary for the authority to make the decision to approve or deny the petition.

(c) NOTICE.—Not later than 10 days prior to the scheduled date of a public hearing on a petition to establish a public charter school, an eligible chartering authority—

(1) shall publish a notice of the hearing in the District of Columbia Register; and

(2) shall send a written notification of the hearing date to the eligible applicant who filed the petition.

(d) APPROVAL OR DENIAL.—Subject to subsection (i), an eligible chartering authority shall approve a petition to establish a public charter school, if—

(1) the authority determines that the petition satisfies the requirements of this subtitle; and

(2) the eligible applicant who filed the petition agrees to satisfy any condition or requirement, consistent with this title and other applicable law, that is set forth in writing by the eligible chartering authority as an amendment to the petition.

(e) TIMETABLE.—An eligible chartering authority shall approve or deny a petition to establish a public charter school not later than 45 days after the conclusion of the public hearing on the petition.

(f) EXTENSION.—An eligible chartering authority and an eligible applicant may agree to extend the 45-day time period referred to in subsection (e) by a period that does not exceed 30 days.

(g) EXPLANATION.—If an eligible chartering authority denies a petition or finds it to be incomplete, the authority shall specify in writing the reasons for its decision and indicate, when appropriate, how the eligible applicant who filed the petition may revise the petition to satisfy the requirements for approval.

(h) APPROVED PETITION.—

(1) NOTICE.—Not later than 10 days after an eligible chartering authority approves a petition to establish a public charter school, the authority shall provide a written notice of the approval, including a copy of the approved petition and any conditions or requirements agreed to under subsection (d)(2), to the eligible applicant and to the Chief Financial Officer of the District of Columbia. The eligible chartering authority shall publish a notice of the approval of the petition in the District of Columbia Register.

(2) CHARTER.—The provisions of a petition to establish a public charter school that has been approved by an eligible chartering authority, together with any amendments to the petition containing conditions or requirements agreed to by the eligible applicant under subsection (d)(2), shall be considered a charter granted to the school by the authority.

(i) SPECIAL RULES FOR FIRST YEAR.—During the one-year period beginning on the date of the enactment of this Act, each eligible chartering authority—

(1) may approve not more than one petition filed by an eligible applicant seeking to

convert an existing independent or private school into a public charter school; and

(2) in considering a petition to establish a public charter school filed by any eligible applicant, shall consider whether the school will focus on students with special needs.

(j) EXCLUSIVE AUTHORITY OF CHARTERING AUTHORITY.—Notwithstanding any other Federal law or law of the District of Columbia, no governmental entity, elected official, or employee of the District of Columbia may make, participate in making, or intervene in the making of, the decision to approve or deny a petition to establish a public charter school, except the eligible chartering authority with which the petition was filed.

SEC. 2154. DUTIES AND POWERS OF, AND OTHER REQUIREMENTS ON, PUBLIC CHARTER SCHOOLS.

(a) DUTIES.—A public charter school shall comply with—

(1) this subtitle;

(2) any other provision of law applicable to the school; and

(3) all of the terms and provisions of its charter.

(b) POWERS.—A public charter school shall have all of the powers necessary for carrying out its charter, including the following powers:

(1) To adopt a name and corporate seal, but only if the name selected includes the words "public charter school".

(2) To acquire real property for use as its school facilities, from public or private sources.

(3) To receive and disburse funds for school purposes.

(4) Subject to subsection (c)(1), to secure appropriate insurance and to make contracts and leases, including agreements to procure or purchase services, equipment, and supplies.

(5) To incur debt in reasonable anticipation of the receipt of funds from the general fund of the District of Columbia or the receipt of other Federal or private funds.

(6) To solicit and accept any grants or gifts for school purposes, if the school—

(A) does not accept any grants or gifts subject to any condition contrary to law or contrary to the terms of the petition to establish the school as a public charter school; and

(B) maintains separate accounts for grants or gifts for financial reporting purposes.

(7) To be responsible for its own operation, including preparation of a budget and personnel matters.

(8) To sue and be sued in its own name.

(c) PROHIBITIONS AND OTHER REQUIREMENTS.—

(1) CONTRACTING AUTHORITY.—

(A) NOTICE REQUIREMENT.—Except in the case of an emergency, with respect to any contract proposed to be awarded by a public charter school and having a value equal to or exceeding $10,000, the school shall publish a notice of a request for proposals in the District of Columbia Register not less than 30 days prior to the award of the contract.

(B) SUBMISSION TO AUTHORITY.—

(i) DEADLINE FOR SUBMISSION.—With respect to any contract described in subparagraph (A) that is awarded by a public charter school, the school shall submit to the Authority, not later than 3 days after the date on which the award is made, all bids for the contract received by the school, the name of the contractor who is awarded the contract, and the rationale for the award of the contract.

(ii) EFFECTIVE DATE OF CONTRACT.—

(I) IN GENERAL.—Subject to subclause (II), a contract described in subparagraph (A) shall become effective on the date that is 15 days after the date the school makes the submission under clause (i) with respect to the contract, or the effective date specified in the contract, whichever is later.

(II) EXCEPTION.—A contract described in subparagraph (A) shall be considered null and void if the Authority determines, within 12 days of the date the school makes the submission under clause (i) with respect to the contract, that the contract endangers the economic viability of the public charter school.

(2) TUITION.—A public charter school may not charge tuition, fees, or other mandatory payments, except to nonresident students.

(3) CONTROL.—A public charter school—

(A) shall exercise exclusive control over its expenditures, administration, personnel, and instructional methods, within the limitations imposed in this title; and

(B) shall be exempt from statutes, policies, rules, and regulations governing District of Columbia public schools established by the Superintendent, Board of Education, Mayor, District of Columbia Council, or Authority, except as otherwise provided in this title or in the charter granted to the school.

(4) AUDITS.—A public charter school shall be subject to the same financial audits, audit procedures, and fiduciary requirements as a District of Columbia public school.

(5) GOVERNANCE.—A public charter school shall be governed by a Board of Trustees in a manner consistent with the charter granted to the school, the provisions of this title, and any other law applicable to the school.

(6) OTHER STAFF.—No employee of the District of Columbia public schools may be required to accept employment with, or be assigned to, a public charter school.

(7) OTHER STUDENTS.—No student enrolled in a District of Columbia public school may be required to attend a public charter school.

(8) TAXES OR BONDS.—A public charter school shall not levy taxes or issue bonds.

(9) CHARTER REVISION.—A public charter school seeking to revise its charter shall prepare a petition for approval of the revision and file it with the eligible chartering authority that granted the charter. The provisions of section 2153 shall apply to such a petition in the same manner as such provisions apply to a petition to establish a public charter school.

(10) ANNUAL REPORT.—

(A) IN GENERAL.—A public charter school shall submit an annual report to the eligible chartering authority that approved its charter and to the Authority. The school shall permit a member of the public to review any such report upon request.

(B) CONTENTS.—A report submitted under subparagraph (A) shall include the following data:

(i) Student performance on any districtwide assessments.

(ii) Grade advancement for students enrolled in the public charter school.

(iii) Graduation rates, college admission test scores, and college admission rates, if applicable.

(iv) Types and amounts of parental involvement.

(v) Official student enrollment.

(vi) Average daily attendance.

(vii) Average daily membership.

(viii) A financial statement audited by an independent certified public accountant.

(ix) A list of all donors and grantors that have contributed monetary or in-kind donations having a value equal or exceeding $500 during the year that is the subject of the report.

(C) NONIDENTIFYING DATA.—Data described in subparagraph (B) that are included in an annual report may not identify the individuals to whom the data pertain.

(11) STUDENT ENROLLMENT REPORT.—A public charter school shall report to the Mayor and the District of Columbia Council annual student enrollment on a grade-by-grade basis, including students with special needs, in a manner and form that permits the Mayor and the District of Columbia Council to comply with subtitle E.

(12) CENSUS.—A public charter school shall provide to the Board of Education student enrollment data necessary for the Board to comply with section 3 of article II of the Act of February 4, 1925 (D.C. Code, sec. 31–404) (relating to census of minors).

(13) COMPLAINT RESOLUTION PROCESS.—A public charter school shall establish an informal complaint resolution process.

(14) PROGRAM OF EDUCATION.—A public charter school shall provide a program of education which shall include one or more of the following:

(A) Pre-school.

(B) Pre-kindergarten.

(C) Any grade or grades from kindergarten through 12th grade.

(D) Adult community, continuing, and vocational education programs.

(15) NONSECTARIAN NATURE OF SCHOOLS.—A public charter school shall be nonsectarian.

(16) NONPROFIT STATUS OF SCHOOL.—A public charter school shall be organized under the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29–501 et seq.).

(17) IMMUNITY FROM CIVIL LIABILITY.—

(A) IN GENERAL.—A public charter school, and its incorporators, Board of Trustees, officers, employees, and volunteers, shall be immune from civil liability, both personally and professionally, for any act or omission within the scope of their official duties unless the act or omission—

(i) constitutes gross negligence;

(ii) constitutes an intentional tort; or

(iii) is criminal in nature.

(B) COMMON LAW IMMUNITY PRESERVED.—Subparagraph (A) shall not be construed to abrogate any immunity under common law of a person described in such subparagraph.

SEC. 2155. BOARD OF TRUSTEES OF A PUBLIC CHARTER SCHOOL.

(a) BOARD OF TRUSTEES.—The members of a Board of Trustees of a public charter school shall be elected or selected pursuant to the charter granted to the school. Such a board shall have an odd number of members that does not exceed 7, of which—

(1) a majority shall be residents of the District of Columbia; and

(2) at least 2 shall be a parent of a student attending the school.

(b) ELIGIBILITY.—An individual is eligible for election or selection to the Board of Trustees of a public charter school if the person—

(1) is a teacher or staff member who is employed at the school;

(2) is a parent of a student attending the school; or

(3) meets the selection or election criteria set forth in the charter granted to the school.

(c) ELECTION OR SELECTION OF PARENTS.—In the case of the first Board of Trustees of a public charter school to be elected or selected after the date on which the school is granted a charter, the election or selection of the members under subsection (a)(2) shall occur on the earliest practicable date after classes at the school have commenced. Until such date, any other members who have been

elected or selected shall serve as an interim Board of Trustees. Such an interim board may exercise all of the powers, and shall be subject to all of the duties, of a Board of Trustees.

(d) FIDUCIARIES.—The Board of Trustees of a public charter school shall be fiduciaries of the school and shall set overall policy for the school. The Board of Trustees may make final decisions on matters related to the operation of the school, consistent with the charter granted to the school, this title, and other applicable law.

SEC. 2156. STUDENT ADMISSION, ENROLLMENT, AND WITHDRAWAL.

(a) OPEN ENROLLMENT.—Enrollment in a public charter school shall be open to all students who are residents of the District of Columbia and, if space is available, to nonresident students who meet the tuition requirement in subsection (e).

(b) CRITERIA FOR ADMISSION.—A public charter school may not limit enrollment on the basis of a student's intellectual or athletic ability, measures of achievement or aptitude, or a student's disability. A public charter school may limit enrollment to specific grade levels or areas of focus of the school, such as mathematics, science, or the arts, where such a limitation is consistent with the charter granted to the school.

(c) RANDOM SELECTION.—If there are more applications to enroll in a public charter school from students who are residents of the District of Columbia than there are spaces available, students shall be admitted using a random selection process.

(d) ADMISSION TO AN EXISTING SCHOOL.—During the 5-year period beginning on the date that a petition, filed by an eligible applicant seeking to convert an existing public, private, or independent school into a public charter school, is approved, the school shall give priority in enrollment to—

(1) students enrolled in the school at the time that the petition is granted;

(2) the siblings of students described in paragraph (1); and

(3) in the case of the conversion of an existing public school, students who reside within the attendance boundaries, if any, in which the school is located.

(e) NONRESIDENT STUDENTS.—Nonresident students shall pay tuition to a public charter school at the current rate established for District of Columbia public schools administered by the Board of Education for the type of program in which the student has enrolled.

(f) STUDENT WITHDRAWAL.—A student may withdraw from a public charter school at any time and, if otherwise eligible, enroll in a District of Columbia public school administered by the Board of Education.

(g) EXPULSION AND SUSPENSION.—The principal of a public charter school may expel or suspend a student from the school based on criteria set forth in the charter granted to the school.

SEC. 2157. EMPLOYEES.

(a) EXTENDED LEAVE OF ABSENCE WITHOUT PAY.—

(1) LEAVE OF ABSENCE FROM DISTRICT OF COLUMBIA PUBLIC SCHOOLS.—The Superintendent shall grant, upon request, an extended leave of absence, without pay, to an employee of the District of Columbia public schools for the purpose of permitting the employee to accept a position at a public charter school for a 2-year term.

(2) REQUEST FOR EXTENSION.—At the end of a 2-year term referred to in paragraph (1), an employee granted an extended leave of absence without pay under the paragraph may submit a request to the Superintendent for an extension of the leave of absence for an additional 2-year term. The Superintendent may not unreasonably withhold approval of the request.

(3) RIGHTS UPON TERMINATION OF LEAVE.—An employee granted an extended leave of absence without pay for the purpose described in paragraph (1) shall have the same rights and benefits under law upon termination of such leave of absence as an employee of the District of Columbia public schools who is granted an extended leave of absence without pay for any other purpose.

(b) RETIREMENT SYSTEM.—

(1) CREDITABLE SERVICE.—An employee of a public charter school who has received a leave of absence under subsection (a) shall receive creditable service, as defined in section 2604 of D.C. Law 2-139, effective March 3, 1979, (D.C. Code, sec. 1-627.4) and the rules established under such section, for the period of the employee's employment at the public charter school.

(2) AUTHORITY TO ESTABLISH SEPARATE SYSTEM.—A public charter school may establish a retirement system for employees under its authority.

(3) ELECTION OF RETIREMENT SYSTEM.—A former employee of the District of Columbia public schools who become an employee of a public charter school within 60 after the date the employee's employment with the District of Columbia public schools is terminated may, at the time the employee commences employment with the public charter school, elect—

(A) to remain in a District of Columbia government retirement system and continue to receive creditable service for the period of their employment at a public charter school; or

(B) to transfer into a retirement system established by the public charter school pursuant to paragraph (2) .

(4) PROHIBITED EMPLOYMENT CONDITIONS.—No public charter school may require a former employee of the District of Columbia public schools to transfer to the public charter school's retirement system as a condition of employment.

(5) CONTRIBUTIONS.—

(A) EMPLOYEES ELECTING NOT TO TRANSFER.—In the case of a former employee of the District of Columbia public schools who elects to remain in a District of Columbia government retirement system pursuant to paragraph (3)(A), the public charter school that employs the person shall make the same contribution to such system on behalf of the person as the District of Columbia would have been required to make if the person had continued to be an employee of the District of Columbia public schools.

(B) EMPLOYEES ELECTING TO TRANSFER.—In the case of a former employee of the District of Columbia public schools who elects to transfer into a retirement system of a public charter school pursuant to paragraph (3)(B), the applicable District of Columbia government retirement system from which the former employee is transferring shall compute the employee's contribution to that system and transfer this amount, to the retirement system by the public charter school.

(c) EMPLOYMENT STATUS.—Notwithstanding any other provision of law, an employee of a public charter school shall not be considered to be an employee of the District of Columbia government for any purpose.

SEC. 2158. REDUCED FARES FOR PUBLIC TRANSPORTATION.

A student attending a public charter school shall be eligible for reduced fares on the Metrobus and Metrorail Transit System on the same terms and conditions as are applicable under section 2 of D.C. Law 2-152, effective March 9, 1979, (D.C. Code, sec. 44-216 et seq.) to a student attending a District of Columbia public school.

SEC. 2159. DISTRICT OF COLUMBIA PUBLIC SCHOOL SERVICES TO PUBLIC CHARTER SCHOOLS.

The Superintendent may provide services such as facilities maintenance to public charter schools. All compensation for costs of such services shall be subject to negotiation and mutual agreement between a public charter school and the Superintendent.

SEC. 2160. APPLICATION OF LAW.

(a) ELEMENTARY AND SECONDARY EDUCATION ACT.—

(1) TREATMENT AS LOCAL EDUCATIONAL AGENCY.—For any fiscal year, a public charter school shall be considered to be a local educational agency for purposes of part A of title I of the Elementary and Secondary Education Act of 1965, and shall be eligible for assistance under such part, if the percentage of pupils enrolled in the public charter school during the preceding fiscal year who were eligible for, and received, free or reduced price school lunches under the National School Lunch Act is equal to or greater than the lowest such percentage for any District of Columbia public school that was selected to provide services under section 1113 of such Act for such preceding year.

(2) ALLOCATION FOR FISCAL YEARS 1996 THROUGH 1998.—

(A) PUBLIC CHARTER SCHOOLS.—For fiscal years 1996 through 1998, each public charter school that is eligible to receive assistance under part A of title I of the Elementary and Secondary Education Act of 1965 shall receive a portion of the District of Columbia's total allocation under such part which bears the same ratio to such total allocation as the number described in subparagraph (C) bears to the number described in subparagraph (D).

(B) DISTRICT OF COLUMBIA PUBLIC SCHOOLS.—For fiscal years 1996 through 1998, the District of Columbia public schools shall receive a portion of the District of Columbia's total allocation under part A of title I of the Elementary and Secondary Education Act of 1965 which bears the same ratio to such total allocation as the total of the numbers described in clauses (ii) and (iii) of paragraph (2)(D) bears to the aggregate total described in paragraph (2)(D).

(C) NUMBER OF ELIGIBLE PUPILS ENROLLED IN THE PUBLIC CHARTER SCHOOL.—The number described in this subparagraph is the number of pupils enrolled in the public charter school during the preceding fiscal year who were eligible for, and received, free or reduced price school lunches under the National School Lunch Act.

(D) AGGREGATE NUMBER OF ELIGIBLE PUPILS.—The number described in this subparagraph is the aggregate total of the following numbers:

(i) The number of pupils enrolled during the preceding fiscal year in all eligible public charter schools who were eligible for, and received, free or reduced price school lunches under the National School Lunch Act.

(ii) The number of pupils who, during the preceding fiscal year—

(I) were enrolled in a District of Columbia public school selected to provide services under section 1113 of the Elementary and Secondary Education Act of 1965; and

(II) were eligible for, and received, free or reduced price school lunches under the National School Lunch Act.

(iii) The number of pupils who, during the preceding fiscal year—

(I) were enrolled in a private or independent school;

(II) were eligible for, and received, free or reduced price school lunches under the National School Lunch Act; and

(III) resided in an attendance area of a District of Columbia public school selected to provide services under section 1113 of the Elementary and Secondary Education Act of 1965.

(3) ALLOCATION FOR FISCAL YEAR 1999 AND THEREAFTER.—

(A) CALCULATION BY SECRETARY.—Notwithstanding sections 1124(a)(2), 1124(c)(2), 1124A(a)(4), 1125(c)(2), and 1125(d) of the Elementary and Secondary Education Act of 1965, for fiscal year 1999 and fiscal years thereafter, the total allocation under part A of title I of such Act for all local educational agencies in the District of Columbia, including public charter schools that are eligible to receive assistance under such part, shall be calculated by the Secretary of Education. In making such calculation, such Secretary shall treat all such local educational agencies as if they were a single local educational agency for the District of Columbia.

(B) ALLOCATION.—

(i) PUBLIC CHARTER SCHOOLS.—For fiscal year 1999 and fiscal years thereafter, each public charter school that is eligible to receive assistance under part A of title I of the Elementary and Secondary Education Act of 1965 shall receive a portion of the total allocation calculated under subparagraph (A) which bears the same ratio to such total allocation as the number described in paragraph (2)(C) bears to the number described in paragraph (2)(D).

(ii) DISTRICT OF COLUMBIA PUBLIC SCHOOLS.—For fiscal year 1999 and fiscal years thereafter, the District of Columbia public schools shall receive a portion of the total allocation calculated under subparagraph (A) which bears the same ratio to such total allocation as the total of the numbers described in clauses (ii) and (iii) of paragraph (2)(D) bears to the aggregate total described in paragraph (2)(D).

(4) USE OF ESEA FUNDS.—The Board of Education may not direct a public charter school in the charter school's use of funds under part A of title I of the Elementary and Secondary Education Act of 1965.

(5) INAPPLICABILITY OF CERTAIN ESEA PROVISIONS.—The following provisions of the Elementary and Secondary Education Act of 1965 shall not apply to a public charter school:

(A) Paragraphs (5), (8), and (9) of section 1112(b).

(B) Subsection 1112(c).

(C) Section 1113.

(D) Section 1115A.

(E) Subsections (a), (b), and (c) of section 1116.

(F) Subsections (a), (c), (d), (e), (f), and (g) of section 1118.

(G) Section 1120.

(H) Subsections (a) and (c) of section 1120A.

(I) Section 1120B.

(J) Section 1126.

(b) PROPERTY AND SALES TAXES.—A public charter school shall be exempt from District of Columbia property and sales taxes.

SEC. 2161. POWERS AND DUTIES OF ELIGIBLE CHARTERING AUTHORITIES.

(a) OVERSIGHT.—

(1) IN GENERAL.—An eligible chartering authority—

(A) shall monitor the operations of each public charter school to which the authority has granted a charter;

(B) shall ensure that each such school complies with applicable laws and the provisions of the charter granted to the school; and

(C) shall monitor the progress of each such school in meeting student academic achievement expectations specified in the charter granted to the school.

(2) PRODUCTION OF BOOKS AND RECORDS.—An eligible chartering authority may require a public charter school to which the authority has granted a charter to produce any book, record, paper, or document, if the authority determines that such production is necessary for the authority to carry out its functions under this title.

(b) FEES.—

(1) APPLICATION FEE.—An eligible chartering authority may charge an eligible applicant a fee, not to exceed $150, for processing a petition to establish a public charter school.

(2) ADMINISTRATION FEE.—In the case of an eligible chartering authority that has granted a charter to a public charter school, the authority may charge the school a fee, not to exceed one-half of one percent of the annual budget of the school, to cover the cost of undertaking the ongoing administrative responsibilities of the authority with respect to the school that are described in this subtitle. The school shall pay the fee to the eligible chartering authority not later than November 15 of each year.

(c) IMMUNITY FROM CIVIL LIABILITY.—

(1) IN GENERAL.—An eligible chartering authority, a governing board of such an authority, and the directors, officers, employees, and volunteers of such an authority, shall be immune from civil liability, both personally and professionally, for any act or omission within the scope of their official duties unless the act or omission—

(A) constitutes gross negligence;

(B) constitutes an intentional tort; or

(C) is criminal in nature.

(2) COMMON LAW IMMUNITY PRESERVED.—Paragraph (1) shall not be construed to abrogate any immunity under common law of a person described in such paragraph.

SEC. 2162. CHARTER RENEWAL.

(a) TERM.—A charter granted to a public charter school shall remain in force for a 5-year period, but may be renewed for an unlimited number of 5-year periods.

(b) APPLICATION FOR CHARTER RENEWAL.—In the case of a public charter school that desires to renew its charter, the Board of Trustees of the school shall file an application to renew the charter with the eligible chartering authority that granted the charter not later than 120 days before the expiration of the charter. The application shall contain the following:

(1) A report on the progress of the public charter school in achieving the goals, student academic achievement expectations, and other terms of the approved charter.

(2) All audited financial statements for the public charter school for the preceding 4 years.

(c) APPROVAL OF CHARTER RENEWAL APPLICATION.—The eligible chartering authority that granted a charter shall approve an application to renew the charter that is filed in accordance with subsection (b) unless the authority determines that—

(1) the school committed a material violation of the conditions, terms, standards, or procedures set forth in the charter; or

(2) the school failed to meet the goals and student academic achievement expectations set forth in the charter.

(d) PROCEDURES FOR CONSIDERATION OF CHARTER RENEWAL.—

(1) NOTICE OF RIGHT TO HEARING.—An eligible chartering authority that has received an application to renew a charter that is filed by a Board of Trustees in accordance with subsection (b) shall provide to the Board written notice of the right to an informal hearing on the application. The eligible chartering authority shall provide the notice not later than 15 days after the date on which the authority received the application.

(2) REQUEST FOR HEARING.—Not later than 15 days after the date on which a Board of Trustees receives a notice under paragraph (1), the Board may request, in writing, an informal hearing on the application before the eligible chartering authority.

(3) DATE AND TIME OF HEARING.—

(A) NOTICE.—Upon receiving a timely written request for a hearing under paragraph (2), an eligible chartering authority shall set a date and time for the hearing and shall provide reasonable notice of the date and time, as well as the procedures to be followed at the hearing, to the Board.

(B) DEADLINE.—An informal hearing under this subsection shall take place not later than 30 days after an eligible chartering authority receives a timely written request for the hearing under paragraph (2).

(4) FINAL DECISION.—

(A) DEADLINE.—An eligible chartering authority shall render a final decision, in writing, on an application to renew a charter—

(i) not later than 30 days after the date on which the authority provided the written notice of the right to a hearing, in the case of an application with respect to which such a hearing is not held; and

(ii) not later than 30 days after the date on which the hearing is concluded, in the case of an application with respect to which a hearing is held.

(B) REASONS FOR NONRENEWAL.—An eligible chartering authority that denies an application to renew a charter shall state in its decision, in reasonable detail, the grounds for the denial.

(5) ALTERNATIVES UPON NONRENEWAL.—An eligible chartering authority that denies an application to renew a charter granted to a public charter school, or whose decision approving such an application is reversed under section 2162(e), may—

(A) manage the school directly until alternative arrangements can be made for students at the school; or

(B) place the school in a probationary status that requires the school to take remedial actions, to be determined by the authority, that directly relate to the grounds for the denial.

(6) JUDICIAL REVIEW.—

(A) AVAILABILITY OF REVIEW.—A decision by an eligible chartering authority to deny an application to renew a charter shall be subject to judicial review.

(B) STANDARD OF REVIEW.—A decision by an eligible chartering authority to deny an application to renew a charter shall be upheld unless the decision is arbitrary and capricious or clearly erroneous.

(e) BOARD OF EDUCATION RENEWAL REVIEW.—

(1) NOTICE OF DECISION TO RENEW.—An eligible chartering authority, other than the Board of Education, that renders a decision to approve an application to renew a charter granted to a public charter school—

(A) shall provide a copy of the decision to the Superintendent, the Board of Education, and the school not later than 3 days after the decision is rendered; and

(B) shall publish the decision in the District of Columbia Register not later than 5 days after the decision is rendered.

(2) RECOMMENDATION OF SUPERINTENDENT.—Not later than 30 days after an eligible chartering authority provides a copy of a decision approving an application to renew a charter to the Superintendent under paragraph (1), the Superintendent may recommend to the Board of Education, in writing, that the decision be reversed.

(3) STANDARD OF REVIEW BY BOARD OF EDUCATION.—The Board of Education may concur in a recommendation of the Superintendent under paragraph (2), and reverse a decision approving an application to renew a charter granted to a public charter school, if the Board of Education determines that—

(A) the school failed to meet the goals and student academic achievement expectations set forth in the charter, in the case of a school that has a student body the majority of which comprises students with special needs; or

(B) the average test score for all students enrolled in the school was less than the average test score for all students enrolled in the District of Columbia public schools on the most recently administered the district-wide assessments, in the case of a school that has a student body the majority of which does not comprise students with special needs.

(4) PROCEDURES FOR REVERSING DECISION.—

(A) NOTICE OF RIGHT TO HEARING.—In any case in which the Board of Education is considering reversing a decision approving an application to renew a charter granted to a public charter school, the Board of Education shall provide to the Board of Trustees of the school a written notice stating in reasonable detail the grounds for the proposed reversal. The notice shall inform the Board of Trustees of the right to an informal hearing on the proposed reversal.

(B) REQUEST FOR HEARING.—Not later than 15 days after the date on which a Board of Trustees receives a notice under subparagraph (A), the Board may request, in writing, an informal hearing on the proposed reversal before the Board of Education.

(C) DATE AND TIME OF HEARING.—

(i) NOTICE.—Upon receiving a timely written request for a hearing under subparagraph (B), the Board of Education shall set a date and time for the hearing and shall provide reasonable notice of the date and time, as well as the procedures to be followed at the hearing, to the Board of Trustees.

(ii) DEADLINE.—An informal hearing under this paragraph shall take place not later than 30 days after the Board of Education receives a timely written request for the hearing under subparagraph (B).

(D) FINAL DECISION.—

(i) DEADLINE.—The Board of Education shall render a final decision, in writing, on the proposed reversal—

(I) not later than 30 days after the date on which the Board of Education provided the written notice of the right to a hearing, in the case of a proposed reversal with respect to which such a hearing is not held; and

(II) not later than 30 days after the date on which the hearing is concluded, in the case of a proposed reversal with respect to which a hearing is held.

(ii) REASONS FOR REVERSAL.—If the Board of Education reverses a decision approving an application to renew a charter, the Board of Education shall state in its decision, in reasonable detail, the grounds for the reversal.

(E) JUDICIAL REVIEW.—

(i) AVAILABILITY OF REVIEW.—A decision by the Board of Education to reverse a decision approving an application to renew a charter shall be subject to judicial review.

(ii) STANDARD OF REVIEW.—A decision by the Board of Education to reverse a decision approving an application to renew a charter shall be upheld unless the decision is arbitrary and capricious or clearly erroneous.

SEC. 2163. CHARTER REVOCATION.

(a) CHARTER OR LAW VIOLATIONS.—An eligible chartering authority that has granted a charter to a public charter school may revoke the charter if the authority determines that the school has committed a violation of applicable laws or a material violation of the conditions, terms, standards, or procedures set forth in the charter.

(b) FISCAL MISMANAGEMENT.—An eligible chartering authority that has granted a charter to a public charter school shall revoke the charter if the authority determines that the school—

(1) has engaged in a pattern of nonadherence to generally accepted accounting principles;

(2) has engaged in a pattern of fiscal mismanagement; or

(3) is no longer economically viable.

(c) PROCEDURES FOR CONSIDERATION OF REVOCATION.—

(1) NOTICE OF RIGHT TO HEARING.—An eligible chartering authority that is proposing to revoke a charter granted to a public charter school shall provide to the Board of Trustees of the school a written notice stating in reasonable detail the grounds for the proposed revocation. The notice shall inform the Board of the right of the Board to an informal hearing on the proposed revocation.

(2) REQUEST FOR HEARING.—Not later than 15 days after the date on which a Board of Trustees receives a notice under paragraph (1), the Board may request, in writing, an informal hearing on the proposed revocation before the eligible chartering authority.

(3) DATE AND TIME OF HEARING.—

(A) NOTICE.—Upon receiving a timely written request for a hearing under paragraph (2), an eligible chartering authority shall set a date and time for the hearing and shall provide reasonable notice of the date and time, as well as the procedures to be followed at the hearing, to the Board.

(B) DEADLINE.—An informal hearing under this subsection shall take place not later than 30 days after an eligible chartering authority receives a timely written request for the hearing under paragraph (2).

(4) FINAL DECISION.—

(A) DEADLINE.—An eligible chartering authority shall render a final decision, in writing, on the revocation of a charter—

(i) not later than 30 days after the date on which the authority provided the written notice of the right to a hearing, in the case of a proposed revocation with respect to which such a hearing is not held; and

(ii) not later than 30 days after the date on which the hearing is concluded, in the case of a proposed revocation with respect to which a hearing is held.

(B) REASONS FOR REVOCATION.—An eligible chartering authority that revokes a charter shall state in its decision, in reasonable detail, the grounds for the denial.

(5) ALTERNATIVES UPON REVOCATION.—An eligible chartering authority that revokes a charter granted to a public charter school may manage the school directly until alternative arrangements can be made for students at the school.

(6) JUDICIAL REVIEW.—

(A) AVAILABILITY OF REVIEW.—A decision by an eligible chartering authority to revoke a charter shall be subject to judicial review.

(B) STANDARD OF REVIEW.—A decision by an eligible chartering authority to revoke a charter shall be upheld unless the decision is arbitrary and capricious or clearly erroneous.

SEC. 2164. DISCONTINUANCE OF ELIGIBLE CHARTERING AUTHORITY.

(a) NOTICE.—In the case of an eligible chartering authority that has granted a charter to a public charter school and that becomes unable or unwilling to continue to act in the capacity of an eligible chartering authority with respect to the school, the authority shall provide written notice of such discontinuance to the school, to the extent feasible, not later than the date that is 120 days before the date on which such discontinuance takes effect.

(b) PETITION BY SCHOOL.—A public charter school that has been granted a charter by an eligible chartering authority that becomes unable or unwilling to continue to act in the capacity of an eligible chartering authority with respect to the school shall file a petition with another eligible chartering authority described in subsection (c)(2). The petition shall request that such other authority assume the powers and duties of an eligible chartering authority with respect to the school and the charter granted to the school. The petition shall be filed—

(1) in the case of a public charter school that received a timely notice under subsection (a), not later than 120 days after such notice was received; and

(2) in the case of a public charter school that did not receive a timely notice under subsection (a), not later than 120 days after the date on which the eligible chartering authority ceases to act in the capacity of an eligible chartering authority with respect to the school.

(c) CHARTERING AUTHORITIES REQUIRED TO ASSUME DUTIES.—

(1) IN GENERAL.—If any of the eligible chartering authorities described in paragraph (2) receives a petition filed by a public charter school in accordance with subsection (b), the eligible chartering authority shall grant the petition and assume the powers and duties of an eligible chartering authority with respect to the school and the charter granted to the school.

(2) ELIGIBLE CHARTERING AUTHORITIES.—The eligible chartering authorities referred to in paragraph (1) are the following:

(A) The Board of Education.

(B) Any other entity established, and designated as an eligible chartering authority, by the District of Columbia Council by enactment of a bill after the date of the enactment of this Act.

(d) INTERIM POWERS AND DUTIES OF SCHOOL.—Except as provided in this section, the powers and duties of a public charter school that has been granted a charter by an eligible chartering authority that becomes unable or unwilling to continue to act in the capacity of an eligible chartering authority with respect to the school shall not be affected by such discontinuance, if the school satisfies the requirements of this section.

SEC. 2165. FEDERAL ENTITIES.

(a) IN GENERAL.—The following Federal agencies and federally-established institutions shall explore whether it is feasible for the agency or institution to establish one or more public charter schools:

(1) The Library of Congress.

(2) The National Aeronautics and Space Administration.

(3) The Drug Enforcement Agency.

(4) The National Science Foundation.

(5) The Department of Justice.

(6) The Department of Defense.

(7) The Smithsonian Institution, including the National Zoological Park, the National Museum of American History, the Kennedy Center for the Performing Arts, and the National Gallery of Art.

(b) DETERMINATION.—Not later than 120 days after the date of the enactment of this Act, each agency and institution listed in subsection (a) shall make a determination regarding whether it is feasible for the agency or institution to establish one or more public charter schools.

(c) REPORT.—Not later than 270 days after the date of the enactment of this Act, any agency or institution listed in subsection (a) that has not filed a petition to establish a public charter school with an eligible chartering authority shall report to the Congress the reasons for the decision.

Subtitle C—Even Start

SEC. 2201. AMENDMENTS FOR EVEN START PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1002 of the Elementary and Secondary Education Act of 1965 is amended by striking subsection (b) and inserting the following:

"(b) EVEN START.—

"(1) IN GENERAL.—For the purpose of carrying out part B, other than Even Start programs for the District of Columbia as described in paragraph (2), there are authorized to be appropriated $118,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

"(2) DISTRICT OF COLUMBIA.—For the purpose of carrying out Even Start programs in the District of Columbia as described in section 1211, there are authorized to be appropriated—

"(A) for fiscal year 1996, $2,000,000 for continued funding made in fiscal year 1995, and for new grants, for an aggregate of 8;

"(B) for fiscal year 1997, $3,500,000 for continued funding made in fiscal year 1996 and for new grants, for an aggregate of 14;

"(C) for fiscal year 1998, $5,000,000 for continued funding made in fiscal years 1996 and 1997 and for new grants, for an aggregate of 20 grants in such fiscal year;

"(D) for fiscal year 1999, $5,000,000 for continued funding made in fiscal years 1996, 1997, and 1998 and for new grants, for an aggregate of 20 grants in such fiscal year; and

"(E) for fiscal year 2000, $5,000,000 for continued funding made in fiscal years 1996, 1997, 1998, and 1999 and for new grants, for an aggregate of 20 grants in such fiscal year or such number as the Secretary determines appropriate pursuant to the evaluation described in section 1211(i)(2).".

(b) EVEN START FAMILY LITERACY PROGRAMS.—Part B of title I of the Elementary and Secondary Education Act of 1965 is amended—

(1) in section 1202(a)(1), by inserting "(1)" after "1002(b)";

(2) in section 1202(b), by inserting "(1)" after "1002(b)";

(3) in section 1202(d)(1)—

(A) by inserting "(1)" after "1002(b)"; and

(B) by inserting "or under section 1211," after "subsections (a), (b), and (c),";

(4) in section 1202(d)(3), by inserting "(1)" after "1002(b)";

(5) in section 1202(e)(4), by striking ", the District of Columbia,";

(6) in section 1204(a), by inserting "intensive" after "cost of providing";

(7) in section 1205(4), by inserting ", intensive" after "high-quality";

(8) in section 1206(b)(1), by striking "described in subsection (a)"; and

(9) by adding at the end the following new section:

"SEC. 1211. DISTRICT OF COLUMBIA EVEN START INITIATIVES.

"(a) D.C. PROGRAM AUTHORIZED.—The Secretary shall provide grants, on a competitive basis, to assist eligible entities to carry out Even Start programs in the District of Columbia that build on the findings of the 'National Evaluation of the Even Start Family Literacy Program', such as providing intensive services in parent training and adult literacy or adult education.

"(b) DEFINITION OF 'ELIGIBLE'.—For the purpose of this section, the term 'eligible entity' means a partnership composed of at least—

"(1) a public school in the District of Columbia;

"(2) the local educational agency in existence on September 1, 1995 for the District of Columbia, any other public organization, or an institution of higher education; and

"(3) a private nonprofit community-based organization.

"(c) USES OF FUNDS; COST-SHARING.—

"(1) COMPLIANCE.—Each eligible entity that receives funds under this section shall comply with section 1204(a) and 1204(b)(3), relating to the use of such funds.

"(2) COST-SHARING.—Each program funded under this section is subject to the cost-sharing requirement of section 1204(b)(1), except that the Secretary may waive that requirement, in whole or in part, for any eligible entity that demonstrates to the Secretary's satisfaction that such entity otherwise would not be able to participate in the program under this section.

"(3) MINIMUM.—Except as provided in paragraph (4), each eligible entity selected to receive a grant under this section shall receive not more than $250,000 in any fiscal year, except that the Secretary may increase such amount if the Secretary determines that—

"(A) such entity needs additional funds to be effective; and

"(B) the increase will not reduce the amount of funds available to other programs that receive funds under this section.

"(4) REMAINING FUNDS.—If funds remain after payments are made under paragraph (3) for any fiscal year, the Secretary shall make such remaining funds available to each selected eligible entity in such fiscal year on a pro rata basis.

"(d) PROGRAM ELEMENTS.—Each program assisted under this section shall comply with the program elements described in section 1205, including intensive high quality instruction programs of parent training and adult literacy or adult education.

"(e) ELIGIBLE PARTICIPANTS.—

"(1) IN GENERAL.—Individuals eligible to participate in a program under this section are—

"(A) the parent or parents of a child described in subparagraph (B), or any other adult who is substantially involved in the day-to-day care of the child, who—

"(i) is eligible to participate in an adult education program under the Adult Education Act; or

"(ii) is attending, or is eligible by age to attend, a public school in the District of Columbia; and

"(B) any child, from birth through age 7, of an individual described in subparagraph (A).

"(2) ELIGIBILITY REQUIREMENTS.—The eligibility factors described in section 1206(b) shall apply to programs under this section.

"(f) APPLICATIONS.—Each eligible entity that wishes to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(g) SELECTION OF GRANTEES.—In awarding grants under this section, the Secretary shall—

"(1) use the selection criteria described in subparagraphs (A) through (F) and (H) of section 1208(a)(1); and

"(2) give priority to applications for programs that—

"(A) target services to schools in which a schoolwide program is being conducted under section 1114 of this subtitle; or

"(B) are located in areas designated as empowerment zones or enterprise communities.

"(h) DURATION OF PROGRAMS.—The priority for subgrants described in section 1208(b) shall apply to grants made under this section, except that—

"(1) references in that section to the State educational agency and to subgrants shall be read to refer to the Secretary and to grants under this section, respectively; and

"(2) notwithstanding paragraph (4) of such section, the Secretary shall not provide continuation funding to a recipient under this section if the Secretary determines, after affording the recipient notice and an opportunity for a hearing, that the recipient has not made substantial progress toward achieving its stated objectives and the purpose of this section.

"(i) TECHNICAL ASSISTANCE AND EVALUATION.—

"(1) TECHNICAL ASSISTANCE.—(A) The Secretary shall use not more than 5 percent of the amounts authorized under section 1002(b)(2) for any fiscal year to provide technical assistance to eligible entities, including providing funds to one or more local nonprofit organizations to provide technical assistance to eligible entities in the areas of community development and coalition building, and for the evaluation conducted pursuant to paragraph (2).

"(B) The Secretary shall allocate 5 percent of the amounts authorized under section 1002(b)(2) in any fiscal year to contract with the National Center for Family Literacy to provide technical assistance to eligible entities.

"(2) EVALUATION.—(A) The Secretary shall use funds available under paragraph (1)(A) to provide an independent evaluation of programs under this section to determine their effectiveness in providing high quality family literacy services including—

"(i) intensive and high quality services in adult literacy or adult education;

"(ii) intensive and high quality services in parent training;

"(iii) coordination with related programs;

"(iv) training of related personnel in appropriate skill areas; and

to determine if the grant amount provided to grantees to carry out such projects is appropriate to accomplish the goals of this section.

"(B)(i) Such evaluation shall be conducted by individuals not directly involved in the administration of a program operated with funds provided under this section. Such independent evaluators and the program administrators shall jointly develop evaluation criteria which provide for appropriate analysis of the factors listed in subparagraph (A).

"(ii) In order to determine a program's effectiveness in achieving its stated goals, each evaluation shall contain objective measures of such goals and, whenever feasible, shall obtain the specific views of program participants about such programs.

"(C) The Secretary shall prepare and submit to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Economic and Education Opportunities of the House of Representatives, the Committee on Government Reform and Oversight of the House of Representatives, the Committee on Labor and Human Resources of the Senate, and the Committee on Governmental Affairs of the Senate a report regarding the results of such evaluations not later than March 1, 1999. The Secretary shall provide an interim report by March 1, 1998.".

Subtitle D—World Class Schools Panel; Core Curriculum; Assessments; and Promotion Gates

PART 1—WORLD CLASS SCHOOLS PANEL

SEC. 2251. ESTABLISHMENT.

There is established a panel to be known as the "World Class Schools Panel".

SEC. 2252. DUTIES OF PANEL.

(a) IN GENERAL.—Not later than July 1, 1996, the Panel shall recommend to the Superintendent and the Board of Education the following:

(1) A core curriculum for kindergarten through the 12th grade developed or selected by the Panel.

(2) District-wide assessments for measuring student achievement in the curriculum developed or selected under paragraph (1). Such assessments shall be developed at several grade levels, including, at a minimum, the grade levels with respect to which the Superintendent establishes promotion gates, as required under section 2263. To the extent feasible, such assessments shall, at a minimum, be designed to provide information that permits the following comparisons to be made:

(A) Comparisons among individual schools and individual students in the District of Columbia.

(B) Comparisons between individual schools and individual students in the District of Columbia and schools and students in other States and the Nation as a whole.

(C) Comparisons between individual schools and individual students in the District of Columbia and schools and students in other nations whose students historically have scored high on international studies of student achievement.

(3) Model professional development programs for teachers using the curriculum developed or selected under paragraph (1).

(b) CONTENT.—The curriculum and assessments recommended under subsection (a) shall be either newly developed or existing materials that are judged by the Panel to be—

(1) "world class", including having a level of quality and rigor that is equal to, or greater than, the level of quality and rigor of analogous curricula and assessments of other nations (including nations whose students historically score high on international studies of student achievement); and

(2) appropriate for the District of Columbia public schools.

(c) SUBMISSION TO SECRETARY.—If the curriculum, assessments, and model professional development programs recommended by the Panel are approved by the Board of Education, the Superintendent may submit them to the Secretary of Education as evidence of compliance with sections 1111, 1112, and 1119 of the Elementary and Secondary Education Act of 1965.

SEC. 2253. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Panel shall be comprised of the Superintendent and 6 other members appointed as follows:

(1) 2 members appointed by the Speaker of the House of Representatives.

(2) 2 members appointed by the majority leader of the Senate.

(3) 1 member appointed by the President.

(4) 1 member appointed by the Mayor who—

(A) is a parent of a minor student enrolled in a District of Columbia public school; and

(B) is active in a parent organization.

(b) EXPERTISE.—The members of the Panel appointed under paragraphs (1), (2), and (3) of subsection (a) shall be appointed from among individuals who are nationally recognized experts on education reform in the United States or who are nationally recognized experts on education in other nations, including the areas of curriculum, assessment, and teacher training.

(c) TERMS.—The term of service of each member of the Panel shall begin on the date of appointment of the member and shall end on the date of the termination of the Panel, unless the member resigns from the Panel or becomes incapable of continuing to serve on the Panel.

(d) CHAIRPERSON.—The members of the Panel shall select a chairperson from among them.

(e) DATE OF APPOINTMENT.—The members of the Panel shall be appointed not later than 30 days after the date of the enactment of this Act.

(f) COMMENCEMENT OF DUTIES.—The Panel may begin to carry out its duties under this part when 5 members of the Panel have been appointed.

(g) VACANCIES.—A vacancy on the Panel shall not affect the powers of the Panel, but shall be filled in the same manner as the original appointment.

SEC. 2254. CONSULTATION.

The Panel shall conduct its work in consultation with—

(1) officials of the District of Columbia public schools who have been identified by the Superintendent as having relevant responsibilities;

(2) the consortium established under section 2604(e); and

(3) any other persons or groups the Panel deems appropriate.

SEC. 2255. ADMINISTRATIVE PROVISIONS.

(a) MEETINGS.—The Panel shall meet on a regular basis, as necessary, at the call of the chairperson or a majority of its members.

(b) QUORUM.—A majority of the members shall constitute a quorum for the transaction of business.

(c) VOTING AND FINAL DECISION.—

(1) PROHIBITION ON PROXY VOTING.—No individual may vote, or exercise any other power of a member, by proxy.

(2) FINAL DECISIONS.—In making final decisions of the Panel with respect to the exercise of its duties and powers, the Panel shall operate on the principle of majority vote.

(d) PUBLIC ACCESS.—The Panel shall ensure public access to its proceedings (other than proceedings, or portions of proceedings, relating to internal personnel and management matters) and make available to the public, at reasonable cost, transcripts of such proceedings.

(e) NO PAY FOR PERFORMANCE OF DUTIES.—Members of the Commission may not be paid for the performance of duties vested in the Commission.

(f) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with section 5702 and 5703 of title 5, United States Code.

SEC. 2256. GIFTS.

The Panel may, during the fiscal year ending September 30, 1996, accept donations of money, property, and personal services, except that no donations may be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of the Panel.

SEC. 2257. DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.

(a) DIRECTOR.—The Chairperson of the Panel, without regard to the provisions of title 5, United States Code, relating to the appointment and compensation of officers or employees of the United States, shall appoint a Director to be paid at a rate not to exceed the rate of basic pay for level V of the Executive Schedule.

(b) APPOINTMENT AND PAY OF EMPLOYEES.—

(1) APPOINTMENT.—The Director may appoint not more than 6 additional employees to serve as staff to the Panel without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(2) PAY.—The employees appointed under paragraph (1) may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates, but shall not be paid a rate that exceeds the maximum rate of basic pay payable for GS–15 of the General Schedule.

(c) EXPERTS AND CONSULTANTS.—The Panel may procure temporary and intermittent services of experts and consultants under section 3109(b) of title 5, United States Code.

(d) STAFF OF FEDERAL AGENCIES.—Upon the request of the Panel, the head of any department or agency of the United States may detail any of the personnel of such agency to the Panel to assist the Panel in its duties under this part.

SEC. 2258. TERMINATION OF PANEL.

The Panel shall terminate upon the completion of its work, but not later than August 1, 1996.

SEC. 2259. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this part $2,000,000 for fiscal year 1996. Such sum shall remain available until expended.

PART 2—DUTIES OF BOARD OF EDUCATION WITH RESPECT TO CORE CURRICULUM, ASSESSMENTS, AND PROMOTION GATES

SEC. 2261. DEVELOPMENT OF CORE CURRICULUM AND DISTRICT-WIDE ASSESSMENTS.

(a) IN GENERAL.—If the Board of Education does not approve both the core curriculum and the district-wide assessments recommended by the Panel under section 2252, the Superintendent shall develop or select, with the approval of the Board of Education, an alternative curriculum and alternative district-wide assessments that satisfy the requirements of paragraphs (1) and (2) of subsection (a), and subsection (b), of such section, except that the reference to the Panel in section 2252(b) shall be considered a reference to the Superintendent.

(b) DEADLINE.—If the Board of Education does not approve both the core curriculum and the district-wide assessments recommended by the Panel under section 2252, the Superintendent shall meet the requirements of subsection (a) not later than August 1, 1996.

SEC. 2262. ASSESSMENTS.

(a) ADMINISTRATION OF ASSESSMENTS.—The Superintendent shall administer the assessments developed or selected under section 2252 or 2261 to students enrolled in the District of Columbia public schools and public charter schools on an annual basis.

(b) DISSEMINATION OF INFORMATION.—

(1) IN GENERAL.—Except as provided by paragraph (2), the information derived from the assessments administered under subsection (a) shall be made available, on an annual basis, to the appropriate congressional committees, the District of Columbia Council, the Mayor, parents, and other members of the public.

(2) LIMITATION.—To release any such information, the Superintendent shall comply with the requirements of section 444 of the General Education Provisions Act (20 U.S.C 1232g).

SEC. 2263. PROMOTION GATES.

(a) KINDERGARTEN THROUGH 4TH GRADE.—Not later than August 1, 1996, the Superintendent shall establish and implement promotion gates with respect to not less than one grade level from kindergarten through and including the 4th grade.

(b) 5TH THROUGH 8TH GRADES.—Not later than August 1, 1997, the Superintendent shall establish and implement promotion gates with respect to not less than one grade level from the 5th grade through and including the 8th grade.

(c) 9TH THROUGH 12TH GRADES.—Not later than August 1, 1998, the Superintendent shall establish and implement promotion gates with respect to not less than one grade level from the 9th grade through and including the 12th grade.

(d) INTERIM DEADLINE.—Not later than February 1, 1996, the Superintendent shall designate the grade levels with respect to which promotion gates will be established and implemented.

Subtitle E—Per Capita District of Columbia Public School and Public Charter School Funding

SEC. 2301. ANNUAL BUDGETS FOR SCHOOLS.

(a) IN GENERAL.—For fiscal year 1997 and for each subsequent fiscal year, the Mayor shall make annual payments from the general fund of the District of Columbia in accordance with the formula established under subsection (b).

(b) FORMULA.—

(1) IN GENERAL.—The Mayor and the District of Columbia Council, in consultation with the Board of Education and the Superintendent, shall establish a formula which determines the amount—

(A) of the annual payment to the Board of Education for the operating expenses of the District of Columbia public schools, which for purposes of this paragraph includes the operating expenses of the Board of Education and the Office of the Superintendent; and

(B) of the annual payment to each public charter school for the operating expenses of each such public charter school established in accordance with subtitle B.

(2) FORMULA CALCULATION.—Except as provided in paragraph (3), the amount of the annual payment under paragraph (1) shall be calculated by multiplying a uniform dollar amount used in the formula established under such paragraph by—

(A) the number of students calculated under section 2302 that are enrolled at District of Columbia public schools, in the case of the payment under paragraph (1)(A); or

(B) the number of students calculated under section 2302 that are enrolled at each public charter school, in the case of a payment under paragraph (1)(B).

(3) EXCEPTION.—Notwithstanding paragraph (2), the Mayor and the District of Columbia Council, in consultation with the Board of Education and the Superintendent, may adjust the formula—

(A) to increase or decrease the amount of the annual payment to the District of Columbia public schools or each public charter school based on a calculation of—

(i) the number of students served by such schools in certain grade levels; and

(ii) the cost of educating students at such certain grade levels; and

(B) to increase the amount of the annual payment if the District of Columbia public schools or each public charter school serve a high number of students with special needs (as such term is defined under paragraph (4)).

(4) DEFINITION.—The Mayor and the District of Columbia Council shall develop a definition of the term "students with special needs" for purposes of carrying out this title.

SEC. 2302. CALCULATION OF NUMBER OF STUDENTS.

(a) SCHOOL REPORTING REQUIREMENT.—

(1) IN GENERAL.—Not later than September 15 of each year, beginning in fiscal year 1997, each District of Columbia public school and public charter school shall submit a report to the Mayor, District of Columbia Council, Board of Education, the Authority, and the eligible chartering authority that approved its charter, containing the information described in subsection (b).

(2) SPECIAL RULE.—Not later than April 1 of each year, beginning in 1997, each public charter school shall submit a report in the same form and manner as described in paragraph (1) to ensure accurate payment under section 2303(a)(2)(B)(ii).

(b) CALCULATION OF NUMBER OF STUDENTS.—Not later than 30 days after the date of the enactment of this Act, and not later than October 15 of each year thereafter, the Board of Education shall calculate the following:

(1) The number of students, including nonresident students, enrolled in kindergarten through grade 12 of the District of Columbia public schools and in public charter schools established in accordance with this title and the number of students whose tuition for enrollment in other schools is paid for by funds available to the District of Columbia public schools.

(2) The amount of fees and tuition assessed and collected from the nonresident students described in paragraph (1).

(3) The number of students, including nonresident students, enrolled in pre-school and pre-kindergarten in the District of Columbia public schools and in public charter schools established in accordance with this title.

(4) The amount of fees and tuition assessed and collected from the nonresident students described in paragraph (3).

(5) The number of full time equivalent adult students enrolled in adult, community, continuing, and vocational education programs in the District of Columbia public schools and in public charter schools established in accordance with this title.

(6) The amount of fees and tuition assessed and collected from resident and nonresident adult students described in paragraph (5).

(7) The number of students, including nonresident students, enrolled in non-grade level programs in District of Columbia public schools and in public charter schools established in accordance with this title.

(8) The amount of fees and tuition assessed and collected from nonresident students described in paragraph (7).

(c) ANNUAL REPORTS.—Not later than 30 days after the date of the enactment of this Act, and not later than October 15 of each year thereafter, the Board of Education shall prepare and submit to the Authority, the Mayor, the District of Columbia Council, the Comptroller General of the United States, and the appropriate congressional committees a report containing a summary of the most recent calculations made under subsection (b).

(d) AUDIT OF INITIAL CALCULATIONS.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct an audit of the initial calculations described in subsection (b).

(2) CONDUCT OF AUDIT.—In conducting the audit, the Comptroller General of the United States—

(A) shall provide an opinion as to the accuracy of the information contained in the report described in subsection (b); and

(B) shall identify any material weaknesses in the systems, procedures, or methodology used by the Board of Education—

(i) in determining the number of students, including nonresident students, enrolled in the District of Columbia public schools and in public charter schools established in accordance with this title and the number of students whose tuition for enrollment in other school systems is paid for by funds available to the District of Columbia public schools; and

(ii) in assessing and collecting fees and tuition from nonresident students.

(3) SUBMISSION OF AUDIT.—Not later than 45 days after the date on which the Comptroller General of the United States receives the initial annual report from the Board of Education under subsection (c), the Comptroller General shall submit to the Authority, the Mayor, the District of Columbia Council, and the appropriate congressional committees the audit conducted under this subsection.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Comptroller General of the United States $75,000 for fiscal year 1996 for the purpose of carrying out this subsection.

SEC. 2303. PAYMENTS TO PUBLIC CHARTER SCHOOLS.

(a) IN GENERAL.—

(1) ESCROW FOR PUBLIC CHARTER SCHOOLS.—Except as provided in subsection (b), for any fiscal year, not later than 10 days after the date of enactment of the District of Columbia Appropriations Act for such fiscal year, the Mayor shall place in escrow an amount equal to the aggregate of the amounts determined under section 2301(b)(1)(B) for use only by District of Columbia public charter schools.

(2) TRANSFER OF ESCROW FUNDS.—

(A) 1997 INITIAL PAYMENT.—Beginning in 1997, not later than October 15 of each year, the Mayor shall transfer, by electronic funds transfer, an amount equal to 75 percent of the amount of the annual payment for a public charter school determined by using the formula established pursuant to section 2301(b) to a bank designated by each public charter school.

(B) 1997 FINAL PAYMENT.—

(i) Except as provided in clause (ii), not later than May 1 of each year beginning in 1997, the Mayor shall transfer the remainder of the annual payment for a public charter school in the same manner as the initial payment was made under subparagraph (A).

(ii) Beginning in 1997, not later than March 15, if the enrollment number of a public charter school has changed from the number reported to the Mayor, District of Columbia Council, Board of Education, the Authority, and the eligible chartering authority that approved its charter as required under section 2302(a)(2), the Mayor shall increase the payment in an amount equal to 50 percent of the amount provided for each student who has enrolled without another student withdrawing or dropping out, or shall reduce the

payment in an amount equal to 50 percent of the amount provided for each student who has withdrawn or dropped out of school without another student replacement.

(C) PRO RATA REDUCTION OR INCREASE IN PAYMENTS.—

(i) If the funds made available to the District of Columbia public schools for any fiscal year are insufficient to pay the full amount that each school is eligible to receive under this subtitle for such year, the Mayor shall ratably reduce such amounts for such year.

(ii) If additional funds become available for making payments under this subtitle for such fiscal year, amounts that were reduced under subparagraph (A) shall be increased on the same basis as such amounts were reduced.

(D) UNEXPENDED FUNDS.—Any funds that remain in the escrow account for public charter schools on September 30 of a fiscal year shall revert to the general fund of the District of Columbia.

(b) EXCEPTION FOR NEW SCHOOLS.—

(1) AUTHORIZATION.—There are authorized to be appropriated $200,000 for any fiscal year for the purpose of carrying out this subsection.

(2) DISBURSEMENT TO MAYOR.—The Secretary of the Treasury shall make available and disburse to the Mayor, not later than August 1 of each of the years 1996 through 2000, such funds as have been appropriated under paragraph (1).

(3) ESCROW.—The Mayor shall place in escrow, for use by public charter schools, any sum disbursed under paragraph (2) that has not yet been paid under paragraph (4).

(4) PAYMENTS TO SCHOOLS.—The Mayor shall pay to public charter schools described in paragraph (5), in accordance with this subsection, any sum disbursed under paragraph (2).

(5) SCHOOLS DESCRIBED.—The schools referred to in paragraph (4) are public charter schools that—

(A) did not operate as public charter schools during any portion of the fiscal year preceding the fiscal year for which funds are authorized to be appropriated under paragraph (1); and

(B) operated as public charter schools during the fiscal year for which funds are authorized to be appropriated under paragraph (1).

(6) FORMULA.—

(A) 1996.—The amount of the payment to a public charter school described in paragraph (5) that begins operation in fiscal year 1996 shall be calculated by multiplying $6,300 by 1/12 of the total anticipated enrollment as set forth in the petition to establish the public charter school; and

(B) 1997 THROUGH 2000.—The amount of the payment to a public charter school described in paragraph (5) that begins operation in any of fiscal years 1997 through 2000 shall be calculated by multiplying the uniform dollar amount used in the formula established under 2301(b) by 1/12 of the total anticipated enrollment as set forth in the petition to establish the public charter school.

(7) PAYMENT TO SCHOOLS.—

(A) TRANSFER.—On September 1 of each of the years 1996 through 2000, the Mayor shall transfer, by electronic funds transfer, the amount determined under paragraph (6) for each public charter school from the escrow account established under subsection (a) to a bank designated by each such school.

(B) PRO RATA AND REMAINING FUNDS.—Subparagraphs (C) and (D) of subsection (a)(2) shall apply to payments made under this subsection.

Subtitle F—School Facilities Repair and Improvement

PART 1—SCHOOL FACILITIES

SEC. 2351. AGREEMENT FOR TECHNICAL ASSISTANCE.

(a) IN GENERAL.—Not later than December 31, 1995, the Administrator of the General Services Administration and the Superintendent shall enter into a Memorandum of Agreement or Understanding (referred to in this subtitle as the "Agreement") authorizing, to the extent provided in this subtitle, the Administrator to provide technical assistance to the District of Columbia public schools regarding school facilities repair and improvements, including contracting for and supervising the repair and improvements of such facilities and the coordination of such efforts.

(b) AGREEMENT PROVISIONS.—The Agreement shall include the following:

(1) GENERAL AUTHORITY.—Provisions that give the Administrator authority—

(A) to supervise and direct District of Columbia public school personnel responsible for public school facilities repair and improvements;

(B) to develop, coordinate and implement a systemic and comprehensive facilities revitalization program, taking into account the "Preliminary Facilities Master Plan 2005" (prepared by the Superintendent's Task Force on Education Infrastructure for the 21st Century) to repair and improve District of Columbia public school facilities, including a list of facilities and renovation schedule that prioritizes facilities to be repaired and improved;

(C) to accept private goods and services for use by District of Columbia public schools, in consultation with the nonprofit corporation referred to in section 2603;

(D) to recommend specific repair and improvement projects in District of Columbia public school facilities by members and units of the National Guard and military reserve, consistent with section 2351(b)(1)(B); and

(E) to access all District of Columbia public school facilities and any records or documents regarding such facilities.

(2) COOPERATION.—Assurances by the Administrator and the Superintendent to cooperate with each other, and with the nonprofit corporation referred to in section 2603, in any way necessary, to ensure implementation of the Agreement.

(c) DURATION OF AGREEMENT.—The Agreement shall remain in effect until the agency designated pursuant to section 2352(a)(2) assumes responsibility for the District of Columbia public school facilities but shall terminate not later than 24 months after the date that the Agreement is signed, whichever is earlier.

SEC. 2352. FACILITIES REVITALIZATION PROGRAM.

(a) PROGRAM.—Not later than 24 months after the date that the Agreement is signed, the Mayor and the District of Columbia Council shall—

(1) in consultation with the Administrator, the Authority, the Board of Education, and the Superintendent, design and implement a facilities repair, maintenance, improvement, and management program; and

(2) designate a new or existing agency or authority to administer such program to repair, improve, and maintain the physical condition and safety of District of Columbia public school facilities.

(b) PROCEEDS.—Such management program shall include provisions that—

(1) identify short-term funding for capital and maintenance of such facilities, which may include retaining proceeds from the sale or lease of a District of Columbia public school facility; and

(2) identify and designate long-term funding for capital and maintenance of such facilities.

(c) IMPLEMENTATION.—Upon implementation of such program, the agency or authority created or designated pursuant to subsection (a)(2) shall assume authority and responsibility for repair, maintenance, improvement, and management of District of Columbia public schools.

SEC. 2353. DEFINITIONS.

For purposes of this subtitle, the following terms have the following meanings:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the General Services Administration.

(2) FACILITIES.—The term "facilities" means buildings, structures, and real property.

SEC. 2354. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for each of fiscal years 1996 and 1997, $2,000,000 to the District of Columbia public schools for use by the Administrator to carry out this subtitle.

PART 2—WAIVERS

SEC. 2361. WAIVERS.

(a) IN GENERAL.—All District of Columbia fees, all requirements found in the document "The District of Columbia Public Schools Standard Contract Provisions" published by the District of Columbia public schools for use with construction maintenance projects, shall be waived, for purposes of repair and improvement of the District of Columbia public schools for a period of 24 months after the date of enactment of this Act.

(b) LIMITATION.—

(1) WAIVER APPLICATION.—A waiver under subsection (a) shall apply only to contractors, subcontractors, and any other groups, entities, or individuals who donate materials and services to the District of Columbia public schools.

(2) INSURANCE REQUIREMENTS.—Nothing in this section shall be construed to waive the requirements for a contractor to maintain adequate insurance coverage.

SEC. 2362. APPLICATION FOR PERMITS.

An application for a permit during the 24-month period described in section 2311(a), required by the District of Columbia government for the repair or improvement of a District of Columbia public school shall be acted upon not later than 20 days after receipt of the application by the respective District of Columbia permitting authorities.

Subtitle G—Department of Education "D.C. Desk"

SEC. 2401. ESTABLISHMENT.

There shall be established within the Office of the Secretary of the Department of Education a District of Columbia Technical Assistance Office (in this subtitle referred to as the "D.C. Desk").

SEC. 2402. DIRECTOR FOR DISTRICT OF COLUMBIA COORDINATED TECHNICAL ASSISTANCE.

The D.C. Desk shall be administered by a Director for District of Columbia Coordinated Technical Assistance. The Director shall be appointed by the Secretary and shall not be paid at a rate that exceeds the maximum rate of basic pay payable for GS–15 of the General Schedule.

SEC. 2403. DUTIES.

The Director of the D.C. Desk shall—

(1) coordinate with the Superintendent a comprehensive technical assistance strategy

by the Department of Education that supports the District of Columbia public schools first year reforms and long-term plan described in section 2101;

(2) identify all Federal grants for which the District of Columbia public schools are eligible to apply to support implementation of its long term plan;

(3) identify private and public resources available to the District of Columbia public schools that are consistent with the long-term plan described in section 2101; and

(4) provide additional technical assistance as assigned by the Secretary which supports reform in the District of Columbia public schools.

Subtitle H—Residential School

SEC. 2451. PLAN.

(a) IN GENERAL.—The Superintendent may develop a plan to establish a residential school for the 1997–1998 school year.

(b) REQUIREMENTS.—If developed, the plan for the residential school shall include, at a minimum—

(1) options for the location of the school, including renovation or building of a new facility;

(2) financial plans for the facility, including annual costs to operate the school, capital expenditures required to open the facility, maintenance of facilities, and staffing costs; and

(3) staff development and training plans.

SEC. 2452. USE OF FUNDS.

Funds under this subtitle shall be used for—

(1) planning requirements as described in section 2451; and

(2) capital costs associated with the start-up of a residential school, including the purchase of real and personal property and the renovation of existing facilities.

SEC. 2453. FUTURE FUNDING.

The Superintendent shall identify, not later than December 31, 1996, in a report to the Mayor, City Council, the Authority, the Appropriations Committees of the House of Representatives and the Senate, the House Governmental Reform Committee, the House Economic and Educational Opportunities Committee, and the Senate Labor and Human Resources Committee and the Governmental Affairs Committee, non-Federal funding sources for operation of the residential school.

SEC. 2454. GIFTS.

The Superintendent may accept donations of money, property, and personal services for purposes of the establishment and operation of a residential school.

SEC. 2455. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the District $2,000,000 for fiscal year 1996 to carry out this subtitle for initial start-up expenses of a residential school in the District of Columbia, of which not more than $100,000 may be used to carry out section 2451.

Subtitle I—Progress Reports and Accountability

SEC. 2501. DISTRICT OF COLUMBIA COUNCIL REPORT.

Not later than 60 days after the date of the enactment of this Act, the Chairman of the District of Columbia Council shall submit to the appropriate congressional committees a report describing legislative and other actions the District of Columbia Council has taken or will take to facilitate the implementation of the reforms described in section 2502.

SEC. 2502. SUPERINTENDENT'S REPORT ON REFORMS.

Not later than August 1, 1996, the Superintendent shall submit to the appropriate congressional committees, the Board of Education, the Mayor, and the District of Columbia Council a progress report that includes the following:

(1) The status of the approval by the Board of Education of the core curriculum—

(A) recommended by the Panel under section 2252(a)(1); or

(B) selected or developed by the Superintendent under section 2261.

(2) The status of the approval by the Board of Education of the district-wide assessments for measuring student achievement—

(A) recommended by the Panel under section 2252(a)(2); or

(B) selected or developed by the Superintendent under section 2261.

(3) The status of the establishment and implementation of promotion gates under section 2263.

(4) Identification of strategies to assist students who do not meet promotion gate criteria.

(5) The status of the implementation of a policy that provides rewards and sanctions for individual schools based on student performance on district-wide assessments.

(6) A description of the activities carried out under the program established under section 2604(e).

(7) The status of implementation by the Board of Education, after consultation with the Superintendent and unions (including unions that represent teachers and unions that represent principals) of a policy for performance-based evaluation of principals and teachers.

(8) A description of how the private sector partnership described in subtitle K is working collaboratively with the Board of Education and the Superintendent.

(9) The status of implementation of policies developed by the Superintendent and the Board of Education that establish incentive pay awards for staff of District of Columbia public schools who meet annual performance goals based on district-wide assessments at individual schools.

(10) A description of how staffing decisions have been revised to delegate staffing to individual schools and transfer additional decisionmaking with respect to budgeting to the individual school level.

(11) A description of, and the status of implementation of, policies adopted by the Board of Education that require competitive appointments for all positions.

(12) The status of implementation of policies regarding alternative teacher certification requirements.

(13) The status of implementation of testing requirements for teacher licensing renewal.

(14) The status of efforts to increase the involvement of families in the education of students, including—

(A) the development of family resource centers;

(B) the expansion of Even Start programs described in part B of chapter 1 of title I of the Elementary and Secondary Education Act of 1965; and

(C) the development and implementation of policies to increase parental involvement in education.

(15) A description of, and the status of implementation of, a policy to allow District of Columbia public schools to be used after school hours as community centers, including the establishment of at least one prototype pilot project in one school.

(16) A description of, and the status of implementation of, a policy to increase the participation of tutors and mentors for students, beginning not later than the 8th grade.

(17) A description of the status of implementation of the agreement with the Administrator of the General Services Administration under part 1 of subtitle E.

(18) A description of the status of the District of Columbia public school central office budget and staffing reductions from the level at the end of fiscal year 1995 and a review of the market-based provision of services provided by the central office to schools.

(19) The development by the Superintendent of a system of parental choice among District of Columbia public schools where per pupil funding follows the student ("Public School Vouchers") and adoption by the Board of Education.

(20) The status of the processing of public charter school petitions submitted to the Board of Education in accordance with subtitle B.

(21) The status of the revision and implementation by the Board of Education of the discipline policy for the District of Columbia public schools in order to ensure a safe, disciplined environment conducive to learning.

Subtitle J—Low-Income Scholarships

SEC. 2551. DISTRICT OF COLUMBIA SCHOLARSHIP CORPORATION.

(a) GENERAL REQUIREMENTS.—

(1) IN GENERAL.—There is authorized to be established a private, nonprofit corporation, to be known as the "District of Columbia Scholarship Corporation" (referred to in this subtitle as the "Corporation"), which is not an agency or establishment of the United States Government.

(2) DUTIES.—The Corporation shall have the responsibility and authority to administer, publicize, and evaluate the District of Columbia Scholarship Program, and to determine student and school eligibility.

(3) CONSULTATION.—The Corporation shall exercise its authority in a manner consistent with maximizing educational choices and opportunities for the maximum number of interested families, and in consultation with other school scholarship programs in the District of Columbia.

(4) APPLICATION OF PROVISIONS.—The Corporation shall be subject to the provisions of this Act, and, to the extent consistent with this section, to the District of Columbia Nonprofit Corporation Act (D.C. Code, 29–501 et seq.).

(5) RESIDENCE.—The Corporation shall have its place of business in the District of Columbia and shall be considered, for purposes of venue in civil actions, to be a resident thereof.

(b) ORGANIZATION AND MANAGEMENT, BOARD OF DIRECTORS.—

(1) MEMBERSHIP.—

(A) IN GENERAL.—The Corporation shall have a Board of Directors (referred to in this subtitle as the "Board"), comprised of 7 members with 6 members of the Board appointed by the President not later than 30 days after receipt of nominations from the Speaker of the House of Representatives and the majority leader of the Senate.

(B) HOUSE NOMINATIONS.—The President shall appoint 3 of the members from a list of 9 individuals nominated by the Speaker of the House of Representatives in consultation with the minority leader of the House of Representatives.

(C) SENATE NOMINATIONS.—The President shall appoint 3 members from a list of 9 individuals nominated by the majority leader of the Senate in consultation with the minority leader of the Senate.

(D) DEADLINE.—The Speaker of the House of Representatives and majority leader of the Senate shall submit their nominations to the President not later than 30 days after the date of the enactment of this Act.

(E) APPOINTEE OF MAYOR.—The Mayor shall appoint 1 member not later than 60 days after the date of the enactment of this Act.

(F) POSSIBLE INTERIM MEMBERS.—If the President does not appoint the 6 members of the Board in the 30-day period described in subparagraph (A), the nominees of the Speaker of the House of Representatives and of the Senate, together with the appointee of the Mayor, shall serve as an interim Board of Directors with all the powers and other duties of the Board described in this subtitle, until the President makes the appointments as described in this subsection.

(2) POWERS.—All powers of the Corporation shall vest in and be exercised under the authority of its Board of Directors.

(3) ELECTIONS.—Members of the Board annually shall elect 1 of the members to be chairperson.

(4) RESIDENCY.—All members appointed to the Board must be residents of the District of Columbia at the time of appointment and while serving on the Board.

(5) NONEMPLOYEE.—No member of the Board may be an employee of the United States Government or the District of Columbia government when appointed or during tenure on the Board, unless the individual is on a leave of absence from such a position while serving on the Board.

(6) INCORPORATION.—The members of the initial Board of Directors shall serve as incorporators and shall take whatever steps are necessary to establish the Corporation under the District of Columbia Nonprofit Corporation Act (D.C. Code 29-501 et seq.).

(7) GENERAL TERM.—The term of office of each member shall be 5 years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which the predecessor was appointed shall be appointed for the remainder of such term.

(8) CONSECUTIVE TERM.—No member of the Board shall be eligible to serve in excess of 2 consecutive terms of 5 years each. A partial term shall be considered as 1 full term. Any vacancy on the Board shall not affect its power, but shall be filled in a manner consistent with this subtitle.

(9) NO BENEFIT.—No part of the income or assets of the Corporation shall inure to the benefit of any Director, officer, or employee except as salary or reasonable compensation for services.

(10) POLITICAL ACTIVITY.—The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

(11) NO OFFICERS.—The members of the Board shall not, by reason of such membership, be considered to be officers or employees of the United States.

(12) STIPENDS.—The members of the Board, while attending meetings of the Board or while engaged in duties related to such meetings or other activities of the Board pursuant to this subtitle, shall be entitled to a stipend. Such stipend shall be at the rate of $150 per day for which the Board member has been officially recorded as having worked, except that no member may be paid a total stipend amount in any calendar year in excess of $5,000.

(c) OFFICERS AND STAFF.—

(1) EXECUTIVE DIRECTOR.—The Corporation shall have an Executive Director, and such other staff, as may be appointed by the Board for terms and at rates of compensation to be fixed by the Board.

(2) ANNUAL RATE.—No staff of the Corporation may be compensated by the Corporation at an annual rate of pay which exceeds the basic rate of pay in effect from time to time for level IV of the Executive Schedule under section 5312 of title 5, United States Code.

(3) CITIZENSHIP.—No individual other than a citizen of the United States may be a member of the Board of Directors, or staff of the Corporation.

(4) SERVICE.—All officers and employees shall serve at the pleasure of the Board.

(5) QUALIFICATION.—No political test or qualification may be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, or employees of the Corporation.

(d) POWERS OF THE CORPORATION.—

(1) GENERALLY.—The Corporation is authorized to obtain grants from, and make contracts with, individuals and with private, State, and Federal agencies, organizations, and institutions.

(2) HIRING AUTHORITY.—The Corporation may hire, or accept the voluntary services of, consultants, experts, advisory boards, and panels to aid the Corporation in carrying out the purposes of this subtitle.

(e) FINANCIAL MANAGEMENT AND RECORDS.—

(1) AUDITS.—The accounts of the Corporation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants. The audits shall be conducted at the place where the accounts of the Corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Corporation and necessary to facilitate the audits shall be made available to the person conducting the audit.

(2) REPORT.—The report by each such independent audit shall be included in the annual report to Congress required by section 2602.

SEC. 2552. FUNDING.

(a) FUND.—There is hereby established in the Treasury a fund that shall be known as the District of Columbia Scholarship Fund, to be administered by the Secretary of the Treasury.

(b) DISBURSEMENT.—The Secretary of the Treasury shall make available and disburse to the corporation, at the beginning of each of fiscal years 1996 through 2000, such funds as have been appropriated to the District of Columbia Scholarship Fund for the fiscal year in which such disbursement is to be made.

(c) AVAILABILITY.—Funds authorized to be appropriated under this subtitle shall remain available until expended.

(d) USES.—Funds authorized to be appropriated under this subtitle shall be used by the Corporation in a prudent and financially responsible manner, solely for scholarships, contracts, and administrative costs.

(e) AUTHORIZATION.—

(1) IN GENERAL.—There are authorized to be appropriated to the Fund—

(A) $5,000,000 for fiscal year 1996; and

(B) $7,000,000 for fiscal year 1997, and $10,000,000 for each of fiscal years 1998 through 2000.

(2) LIMITATION.—Not more than $500,000 may be used in any fiscal year by the Corporation for any purpose other than assistance to students.

SEC. 2553. SCHOLARSHIPS AUTHORIZED.

(a) IN GENERAL.—The District of Columbia Scholarship Corporation established under section 2501 is authorized in accordance with this subtitle to award scholarships to students in grades K-12—

(1) who are District of Columbia residents; and

(2) whose families are at or below 185 percent of the Federal poverty guidelines updated annually in the Federal Register by the Department of Health and Human Services under authority of section 673(2) of the Omnibus Budget Reconciliation Act of 1981.

(b) USE OF SCHOLARSHIP.—A scholarship may be used only for—

(1) the cost of the tuition of a private or independent school located within the geographic boundaries of the District of Columbia or the cost of the tuition of public, private, or independent school located within Montgomery County, Maryland; Prince Georges County, Maryland; Arlington County, Virginia; Alexandria City, Virginia; Falls Church City, Virginia; or Fairfax County, Virginia; or

(2) the cost of fees and other expenses for instructional services provided to students on school grounds outside of regular school hours or the cost of transportation for a student enrolled in a District of Columbia public school, public charter school, or independent or private school participating in the tuition scholarship program.

(c) NOT SCHOOL AID.—A scholarship shall be considered assistance to the student and shall not be considered assistance to the school.

SEC. 2554. ELIGIBILITY.

(a) IN GENERAL.—A student who is entitled to receive a public school education in the District of Columbia and who meets the requirements of section 2553(a) is eligible for a scholarship under subsections (c) and (d) of section 2555.

(b) PRIORITY IN YEAR ONE.—In fiscal year 1996, priority shall be given to students currently enrolled in a District of Columbia public school or preparing to enter kindergarten in 1996.

(c) SUBSEQUENT PRIORITY.—In subsequent fiscal years, priority shall be given to scholarship recipients from the preceding year.

SEC. 2555. SCHOLARSHIPS.

(a) AWARDS.—From the funds made available under this subtitle, the Corporation shall award scholarships and make payments, on behalf of the student, to participating schools as described in section 2559.

(b) NOTIFICATION.—Each school that enrolls scholarship students shall notify the Corporation—

(A) not later than 10 days after the date that a student is enrolled, of the names, addresses, and grade level of each scholarship student to the Corporation; and

(B) not later than 10 days after the date of the withdrawal of any scholarship student.

(c) TUITION SCHOLARSHIP AMOUNT.—

(1) BELOW POVERTY LEVEL.—For a student whose family income is at or below the poverty level, a tuition scholarship amount may not exceed the lesser of—

(A) the cost of a school's tuition; or

(B) $3,000 in 1996 with such amount adjusted in proportion to changes in the Consumer Price Index of all urban consumers published by the Department of Labor for each of fiscal years 1997 through 2000.

(2) ABOVE POVERTY LEVEL.—For a student whose family income is greater than the poverty level, but not more than 185 percent above the poverty level, a tuition scholarship amount may not exceed the lesser of—

(A) 50 percent of the cost of a school's tuition; or

(B) $1,500 in 1996 with such amount adjusted in proportion to changes in the Consumer Price Index of all urban consumers published by the Department of Labor for each of fiscal years 1997 through 2000.

(d) FEE OR TRANSPORTATION SCHOLARSHIP AMOUNT.—The fee or transportation scholarship amount may not exceed the lesser of—

(1) fees for instructional services provided to students on school grounds outside of regular school hours or the costs of transportation for students enrolled in the District of Columbia public schools, public charter schools, or independent or private schools participating in the tuition scholarship program; or

(2) $500 in fiscal year 1996 with such amount adjusted in proportion to the changes in the Consumer Price Index of all urban consumers published by the Department of Labor for each of the fiscal years 1997 through 2000.

(e) PROPORTION OF DIFFERENT TYPES OF SCHOLARSHIPS.—In each year, the Corporation shall ensure that the number of scholarships awarded for tuition and the number awarded for fees or transportation shall be equal, to the extent practicable.

(f) FUNDING SHORTFALL.—If, after the District of Columbia Scholarship Corporation determines the total number of eligible applicants for an academic year surpasses the amount of funds available in a fiscal year to fund all awards for such academic year, a random selection process shall be used to determine which eligible applicants receive awards.

(g) EXCEPTION.—Subsection (e) shall not apply to individuals receiving scholarship priority described in subsections (b) and (c) of section 2554.

SEC. 2556. SCHOOL ELIGIBILITY FOR TUITION SCHOLARSHIPS.

(a) APPLICATION.—A school that desires to accept tuition scholarship students for a school year shall file an application with the Corporation by July 1 of the preceding school year, except that in fiscal year 1996, schools shall file such applications by such date as the Corporation shall designate for such purpose. In the application, the school shall—

(1) certify that it has operated during the current school year with not less than 25 students,

(2) assure that it will comply with all applicable requirements of this subtitle; and

(3) provide the most recent financial audit, completed not earlier than 3 years before the date such application is filed, from an independent certified public accountant using generally accepted auditing standards.

(b) ELIGIBILITY CERTIFICATION.—

(1) IN GENERAL.—Except as provided in paragraph (3), not later than 60 days after receipt of such information, the Corporation shall certify the eligibility of a school to participate in the tuition scholarship program.

(2) CONTINUATION.—Eligibility shall continue in subsequent years unless revoked as described in subsection (d).

(3) EXCEPTION FOR 1996.—In fiscal year 1996 after receipt of the information described in subsection (a), the Corporation shall certify the eligibility of a school to participate in the tuition scholarship program at the earliest practicable date.

(c) NEW SCHOOLS.—

(1) IN GENERAL.—A school that did not operate in the preceding academic year may apply for a 1-year provisional certification of eligibility to participate in the tuition scholarship program for a single school year by providing to the Corporation not later than July 1 of the preceding calendar year for which such school intends to begin operations—

(A) a list of the organization's board of directors;

(B) letters of support from not less than 10 members of the community;

(C) a business plan;

(D) intended course of study;

(E) assurances that it will begin operations with not less than 25 students; and

(F) assurances that it will comply with all applicable requirements of this subtitle.

(2) CERTIFICATION.—Not later than 60 days after the date of receipt of the information referred to in paragraph (1), the Corporation shall certify in writing the school's provisional eligibility for the tuition scholarship program unless good cause exists to deny certification.

(3) DENIAL OF CERTIFICATION.—If certification or provisional certification is denied for participation in the tuition scholarship program, the Corporation shall provide a written explanation to the applicant school of the reasons for such decision.

(d) REVOCATION OF ELIGIBILITY.—

(1) IN GENERAL.—Upon written petition from the parent of a tuition scholarship student or on the Corporation's own motion, the Corporation may, after notice and hearing, revoke a school's certification of eligibility for tuition scholarships for the subsequent school year for good cause, including a finding of a pattern of violation of program requirements described in section 2557(a).

(2) EXPLANATION.—If the eligibility of a school is revoked, the Corporation shall provide a written explanation for its decision to such school.

SEC. 2557. TUITION SCHOLARSHIP PARTICIPATION REQUIREMENTS FOR INDEPENDENT AND PRIVATE SCHOOLS.

(a) INDEPENDENT AND PRIVATE SCHOOL REQUIREMENTS.—Independent and private schools participating in the tuition scholarship program shall—

(1) not discriminate on the basis of race, color, or national origin, or on the basis of a student's disabilities if the school is equipped to provide an appropriate education;

(2) abide by all applicable health and safety requirements of the District of Columbia public schools;

(3) provide to the Corporation not later than June 30 of each year the most recent financial audit completed not earlier than 3 years before the date the application is filed from an independent certified public accountant using generally accepted auditing standards;

(4) abide by all local regulations in effect for independent or private schools;

(5) provide data to the Corporation as set forth in section 2562, and conform to tuition requirements as set forth in section 2555; and

(6) charge tuition scholarship recipients the same tuition amount as other students who are residents of the District of Columbia and enrolled in the same school.

(b) COMPLIANCE.—The Corporation may require documentation of compliance with the requirements of subsection (a), but neither the Corporation nor any governmental entity may impose additional requirements upon independent and private schools as a condition of participation.

(c) WITHDRAWAL FROM PROGRAM.—Schools may withdraw from the tuition scholarship program at any time, refunding to the Corporation the proportion of any scholarship payments already received for the remaining days in the school year on a pro rata basis. If a school withdraws during an academic year, it shall permit scholarship students to complete the year at their own expense.

SEC. 2558. CHILDREN WITH DISABILITIES.

Nothing in this subtitle shall affect the rights of students or the obligations of the District of Columbia public schools under the Individuals with Disabilities Education Act.

SEC. 2559. PAYMENTS FOR TUITION SCHOLARSHIPS.

(a) IN GENERAL.—

(1) PROPORTIONAL PAYMENT.—The Corporation shall make tuition scholarship payments to participating schools not later than October 15 of each year equal to half the total value of the scholarships awarded to students enrolled at such school, and half of such amount not later than January 15 of the following calendar year.

(2) PRO RATA AMOUNTS FOR STUDENT WITHDRAWL.—

(A) BEFORE PAYMENT.—If a student withdraws before a tuition scholarship payment is made, the school shall receive a pro rata amount based on the school's tuition for the number of days the student was enrolled.

(B) AFTER PAYMENT.—If a student withdraws after a tuition scholarship payment is made, the school shall refund to the Corporation the proportion of any scholarship payments already received for the remaining days of the school year on a pro rata basis. Such refund shall occur not later than 30 days after the date of the withdrawal of a student.

(b) FUND TRANSFERS.—The Corporation shall make tuition scholarship payments to participating schools by electronic funds transfer. If such an arrangement is not available, the school shall submit an alternative proposal to the Corporation for approval.

SEC. 2560. TUITION SCHOLARSHIP APPLICATION PROCEDURES.

The Corporation shall implement a schedule and procedures for processing applications for the tuition scholarship program that includes a list of eligible schools, distribution of information to parents and the general public, and deadlines for steps in the application and award process.

SEC. 2561. TUITION SCHOLARSHIP REPORTING REQUIREMENTS.

(a) IN GENERAL.—A school enrolling tuition scholarship students shall report not later than July 30 of each year in a manner prescribed by the Corporation, the following data:

(1) Standardized test scores, if any, for scholarship students.

(2) Grade advancement for scholarship students.

(3) Disciplinary actions taken with respect to scholarship students.

(4) Graduation, college admission test scores, and college admission rates, if applicable for scholarship students.

(5) Types and amounts of parental involvement required for all families.

(6) Student attendance for scholarship students.

(7) General information on curriculum, programs, facilities, credentials of personnel, and disciplinary rules.

(b) CONFIDENTIALITY.—No personal identifiers may be used in the body of such report except that the Corporation may request such confidential information solely for the purpose of verification.

SEC. 2562. FEE OR TRANSPORTATION SCHOLARSHIP PROCEDURES AND CRITERIA.

(a) POLICIES AND PROCEDURES.—The Corporation shall implement policies and procedures and criteria for administering scholarships for use with providers approved by the Corporation either for the cost of fees for instructional services provided to students on school grounds outside of regular school hours or for the costs of transportation for students enrolled in District of Columbia

public schools, public charter schools, or independent or private schools participating in the tuition scholarship program.

(b) INFORMATION DISSEMINATION.—The Corporation shall distribute information describing the policies and procedures and criteria developed pursuant to subsection (a), using the most efficient and practicable methods available, to potential applicants and other interested parties within the geographic boundaries of the District of Columbia.

SEC. 2563. PROGRAM APPRAISAL.

(a) STUDY.—Not later than 4 years after the date of enactment of this Act, the Corporation shall provide for an evaluation of the tuition scholarship program, including—

(1) comparison of test scores between tuition scholarship students and District of Columbia public school students of similar background, including by income level;

(2) comparison of graduation rates between tuition scholarship students and District of Columbia public school students of similar background, including by income level; and

(3) satisfaction of parents of scholarship students.

(b) REPORT TO CONGRESS.—Not later than September 1 of each year, the Corporation shall submit a progress report on the scholarship program to the appropriate congressional committees.

SEC. 2564. JUDICIAL REVIEW.

(a) IN GENERAL.—

(1) JURISDICTION.—The United States District Court for the District of Columbia shall have jurisdiction over any legal challenges to the tuition scholarship program and shall provide expedited review.

(2) PROTECTABLE INTERESTS.—Parents and children shall be considered to have a separate protectable interest and entitled to intervene as defendants in any such action.

(3) TIMELY REVIEW.—The court shall render a prompt decision.

(b) APPEALS.—If the tuition scholarship program or any part thereof is enjoined or ruled invalid, the decision is directly appealable to the United States Supreme Court.

Subtitle K—Partnerships With Business

SEC. 2601. PURPOSE.

It is the purpose of this title to leverage private sector funds utilizing initial Federal investments in order to provide students and teachers within the District of Columbia public schools and public charter schools with access to state-of-the-art educational technology, to establish a regional job training and employment center, to strengthen workforce preparation initiatives for students within the District of Columbia public schools and public charter schools, and to coordinate private sector investments in carrying out this title.

SEC. 2602. DUTIES OF THE SUPERINTENDENT OF THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS.

Not later than 45 days after the date of the enactment of this Act, the Superintendent of the District of Columbia public schools—

(1) shall provide a grant to a private, nonprofit corporation that meets the eligibility criteria under section 2603 for the purposes of carrying out the duties under section 2604; and

(2) shall establish a nonprofit organization in accordance with the District of Columbia Nonprofit Corporation Act for the purpose of carrying out the duties under section 2605.

SEC. 2603. ELIGIBILITY CRITERIA FOR PRIVATE, NONPROFIT CORPORATION.

A private, nonprofit corporation shall be eligible to receive a grant under section 2602(1) if the corporation is a national business organization which is incorporated in the District of Columbia and which—

(1) has a board of directors which includes members who are also chief executive officers of technology-related corporations involved in education and workforce development issues;

(2) has extensive practical experience with initiatives that link business resources and expertise with education and training systems;

(3) has experience in working with State and local educational entities throughout the United States on the integration of academic studies with workforce preparation programs; and

(4) has a nationwide structure through which additional resources can be leveraged and innovative practices disseminated.

SEC. 2604. DUTIES OF THE PRIVATE, NONPROFIT CORPORATION.

(a) DISTRICT EDUCATION AND LEARNING TECHNOLOGIES ADVANCEMENT COUNCIL.—

(1) ESTABLISHMENT.—The corporation shall establish a council to be known as the "District Education and Learning Technologies Advancement Council" or "DELTA Council" (in this title referred to as the "council").

(2) MEMBERSHIP.—

(A) IN GENERAL.—The corporation shall appoint members to the council. An individual shall be appointed as a member to the council on the basis of the commitment of the individual, or the entity which the individual is representing, to providing time, energy, and resources to the council.

(B) COMPENSATION.—Members of the council shall serve without compensation.

(3) DUTIES.—The council—

(A) shall advise the corporation in the duties of the corporation under subsections (b) through (d) of this section; and

(B) shall assist the corporation in leveraging private sector resources for the purpose of carrying out such duties of the corporation.

(b) ACCESS TO STATE-OF-THE-ART EDUCATIONAL TECHNOLOGY.—

(1) IN GENERAL.—The corporation, in conjunction with the Superintendent, students, parents, and teachers, shall establish and implement strategies to ensure access to state-of-the-art educational technology within the District of Columbia public schools and public charter schools established in accordance with this Act.

(2) TECHNOLOGY ASSESSMENT.—

(A) IN GENERAL.—In establishing and implementing the strategies under paragraph (1), the corporation, not later than 90 days after the date of the enactment of this Act, shall provide for an assessment of the current availability of state-of-the-art educational technology within the District of Columbia public schools and public charter schools established in accordance with this Act.

(B) CONDUCT OF ASSESSMENT.—In providing for the assessment under subparagraph (A), the corporation—

(i) shall provide for on-site inspections of the state-of-the-art educational technology within a minimum sampling of District of Columbia public schools and public charter schools established in accordance with this Act; and

(ii) shall ensure proper input from students, parents, teachers, and other school officials through the use of focus groups and other appropriate mechanisms.

(C) RESULTS OF ASSESSMENT.—The corporation shall ensure that the assessment carried out under this paragraph provides, at a minimum, necessary information on state-of-the-art educational technology within the District of Columbia public schools and public charter schools established in accordance with this Act, including—

(i) the extent to which typical public schools within the District of Columbia have access to such state-of-the-art educational technology and training for such technology;

(ii) how such schools are using such technology;

(iii) the need for additional technology and the need for infrastructure for the implementation of such additional technology;

(iv) the need for computer hardware, software, training, and funding for such additional technology or infrastructure; and

(v) the potential for computer linkages among District of Columbia public schools and public charter schools.

(3) SHORT-TERM TECHNOLOGY PLAN.—

(A) IN GENERAL.—Based upon the results of the technology assessment under paragraph (2), the corporation shall develop a 3-year plan that includes goals, priorities, and strategies for obtaining the resources necessary to implement strategies to ensure access to state-of-the-art educational technology within the District of Columbia public schools and public charter schools established in accordance with this Act.

(B) IMPLEMENTATION.—The corporation, in conjunction with schools, students, parents, and teachers, shall implement the plan developed under subparagraph (A).

(4) LONG-TERM TECHNOLOGY PLAN.—Prior to the completion of the implementation of the short-term plan under paragraph (3), the corporation shall develop a plan under which the corporation will continue to coordinate the donation of private sector resources for maintaining the continuous improvement and upgrading of state-of-the-art educational technology within the District of Columbia public schools and public charter schools established in accordance with this Act.

(c) DISTRICT EMPLOYMENT AND LEARNING CENTER.—

(1) ESTABLISHMENT.—The corporation shall establish a center to be known as the "District Employment and Learning Center" or "DEAL Center" (in this title referred to as the "center"), which shall serve as a regional institute providing job training and employment assistance.

(2) DUTIES.—

(A) JOB TRAINING AND EMPLOYMENT ASSISTANCE PROGRAM.—The center shall establish a program to provide job training and employment assistance in the District of Columbia.

(B) CONDUCT OF PROGRAM.—In carrying out the program established under subparagraph (A), the center—

(i) shall provide job training and employment assistance to youths who have attained the age of 18 but have not attained the age of 26, who are residents of the District of Columbia, and who are in need of such job training and employment assistance for an appropriate period not to exceed 2 years;

(ii) shall work to establish partnerships and enter into agreements with appropriate governmental agencies of the District of Columbia to serve individuals participating in appropriate Federal programs, including programs under the Job Training Partnership Act (29 U.S.C. 1501 et seq.), the Job Opportunities and Basic Skills Training Program under part F of title IV of the Social Security Act, the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.), and the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.);

(iii) shall conduct such job training, as appropriate, through a consortia of colleges,

universities, community colleges, and other appropriate providers in the District of Columbia metropolitan area;

(iv) shall design modular training programs that allow students to enter and leave the training curricula depending on their opportunities for job assignments with employers; and

(v) shall utilize resources from businesses to enhance work-based learning opportunities and facilitate access by students to work-based learning and work-experience through temporary work assignments with employers in the District of Columbia metropolitan area.

(C) COMPENSATION.—The center may provide compensation to youths participating in the program under this paragraph for part-time work assigned in conjunction with training. Such compensation may include needs-based payments and reimbursement of expenses.

(d) WORKFORCE PREPARATION INITIATIVES.—

(1) IN GENERAL.—The corporation shall establish initiatives with the District of Columbia public schools and public charter schools established in accordance with this Act, appropriate governmental agencies, and businesses and other private entities, to facilitate the integration of rigorous academic studies with workforce preparation programs in District of Columbia public schools and public charter schools.

(2) CONDUCT OF INITIATIVES.—In carrying out the initiatives under paragraph (1), the corporation shall, at a minimum, actively develop, expand, and promote the following programs:

(A) Career academy programs in secondary schools, as established in certain District of Columbia public schools, which provide a "school-within-a-school" concept, focusing on career preparation and the integration of the academy programs with vocational and technical curriculum.

(B) Programs carried out in the District of Columbia that are funded under the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.).

(e) PROFESSIONAL DEVELOPMENT PROGRAM FOR TEACHERS AND ADMINISTRATORS.—

(1) ESTABLISHMENT OF PROGRAM.—The corporation shall establish a consortium consisting of the corporation, teachers, school administrators, and a consortium of universities located in the District of Columbia (in existence on the date of the enactment of this Act) for the purpose of establishing a program for the professional development of teachers and school administrators employed by the District of Columbia public schools and public charter schools established in accordance with this Act.

(2) CONDUCT OF PROGRAM.—In carrying out the program established under paragraph (1), the consortium established under such paragraph, in consultation with the World Class Schools Panel and the Superintendent, shall, at a minimum, provide for the following:

(A) Professional development for teachers which is consistent with the model professional development programs for teachers under section 402(a)(3), or is consistent with the core curriculum developed by the Superintendent under section 411(a)(1), as the case may be, except that in fiscal year 1996, such professional development shall focus on curriculum for elementary grades in reading and mathematics that have been demonstrated to be effective for students from low-income backgrounds.

(B) Private sector training of teachers in the use, application, and operation of state-of-the-art technology in education.

(C) Training for school principals and other school administrators in effective private sector management practices for the purpose of site-based management in the District of Columbia public schools and training in the management of public charter schools established in accordance with this Act.

(f) OTHER PRIVATE SECTOR ASSISTANCE AND COORDINATION.—The corporation shall coordinate private sector involvement and voluntary assistance efforts in support of repairs and improvements to schools in the District of Columbia, including—

(1) private sector monetary and in-kind contributions to repair and improve school building facilities consistent with section 601;

(2) the development of proposals to be considered by the Superintendent for inclusion in the long-term reform plan to be developed pursuant to section 101, and other proposals to be submitted to the Superintendent, the Board of Education, the Mayor, the District of Columbia Council, the Authority, the Administrator of the General Services Administration, or the Congress; and

(3) a program of rewards for student accomplishment at participating local businesses.

SEC. 2605. JOBS FOR D.C. GRADUATES PROGRAM.

(a) IN GENERAL.—The nonprofit organization established under section 2602(2) shall establish a program, to be known as the "Jobs for D.C. Graduates Program", to assist the District of Columbia public schools and public charter schools established in accordance with this Act in organizing and implementing a school-to-work transition system with a priority on providing assistance to at-risk youths and disadvantaged youths.

(b) CONDUCT OF PROGRAM.—In carrying out the program established under subsection (a), the nonprofit organization, consistent with the policies of the nationally-recognized Jobs for America's Graduates, Inc.—

(1) shall establish performance standards for such program;

(2) shall provide ongoing enhancement and improvements in such program;

(3) shall provide research and reports on the results of such program; and

(4) shall provide pre-service and in-service training of all staff.

SEC. 2606. MATCHING FUNDS.

The corporation shall, to the extent practicable, provide funds, an in kind contribution, or a combination thereof, for the purpose of carrying out the duties of the corporation under section 2604, as follows:

(1) For fiscal year 1996, $1 for every $1 of Federal funds provided under this title for section 2604.

(2) For fiscal year 1997, $3 for every $1 of Federal funds provided under this title for section 2604.

(3) For fiscal year 1998, $5 for every $1 of Federal funds provided under this title for section 2604.

SEC. 2607. REPORT.

The corporation shall prepare and submit to the Congress on a quarterly basis, or, with respect to fiscal year 1996, on a biannual basis, a report which shall contain—

(1) the activities the corporation has carried out, including the duties of the corporation described in section 2604, for the 3-month period ending on the date of the submission of the report, or, with respect to fiscal year 1996, the 6-month period ending on the date of the submission of the report;

(2) an assessment of the use of funds or other resources donated to the corporation;

(3) the results of the assessment carried out under section 2604(b)(2); and

(4) a description of the goals and priorities of the corporation for the 3-month period beginning on the date of the submission of the report, or, with respect to fiscal year 1996, the 6-month period beginning on the date of the submission of the report.

SEC. 2608. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—

(1) DELTA COUNCIL; ACCESS TO STATE-OF-THE-ART EDUCATIONAL TECHNOLOGY; WORKFORCE PREPARATION INITIATIVES; OTHER PRIVATE SECTOR ASSISTANCE AND COORDINATION.—There are authorized to be appropriated to carry out subsections (a), (b), (d) and (f) of section 2604 $1,000,000 for each of the fiscal years 1996, 1997, and 1998.

(2) DEAL CENTER.—There are authorized to be appropriated to carry out section 2604(c) $2,000,000 for each of the fiscal years 1996, 1997, and 1998.

(3) PROFESSIONAL DEVELOPMENT PROGRAM FOR TEACHERS AND ADMINISTRATORS.—There are authorized to be appropriated to carry out section 2604(e) $1,000,000 for each of the fiscal years 1996, 1997, and 1998.

(4) JOBS FOR D.C. GRADUATES PROGRAM.—There are authorized to be appropriated to carry out section 2605—

(A) $2,000,000 for fiscal year 1996; and

(B) $3,000,000 for each of the fiscal years 1997 through 2000.

(b) AVAILABILITY.—Amounts authorized to be appropriated under subsection (a) are authorized to remain available until expended.

SEC. 2609. TERMINATION OF FEDERAL SUPPORT; SENSE OF THE CONGRESS RELATING TO CONTINUATION OF ACTIVITIES.

(a) TERMINATION OF FEDERAL SUPPORT.—The authority under this title to provide assistance to the corporation or any other entity established pursuant to this title (except for assistance to the nonprofit organization established under section 2602(2) for the purpose of carrying out section 2605) shall terminate on October 1, 1998.

(b) SENSE OF THE CONGRESS RELATING TO CONTINUATION OF ACTIVITIES.—It is the sense of the Congress that—

(1) the activities of the corporation under section 2604 should continue to be carried out after October 1, 1998, with resources made available from the private sector; and

(2) the corporation should provide oversight and coordination of such activities after such date.

Subtitle L—Parent Attendance at Parent-Teacher Conferences

SEC. 2651. ESTABLISHMENT.

(a) POLICY.—Notwithstanding any other provision of law, the Mayor of the District of Columbia is authorized to develop and implement a policy requiring all residents with children attending a District of Columbia public school system to attend and participate in at least 1 parent-teacher conference every 90 days during the school year.

(b) WITHHOLD BENEFITS.—The Mayor is authorized to withhold payment of benefits received under the program under part A of title IV of the Social Security Act as a condition of participation in these parent-teacher conferences.

SEC. 2652. SUBMISSION OF PLAN.

If the Mayor elects to utilize the powers granted under section 2651, the Mayor shall submit to the Secretary of Health and Human Services a plan for implementation. The plan shall include—

(1) plans to administer the program;

(2) plans to conduct evaluations on the success or failure of the program;

(3) plans to monitor the participation of parents;

(4) plans to withhold and reinstate benefits; and

(5) long-term plans for the program.

SEC. 2653. REPORTS TO CONGRESS.

Beginning on October 1, 1996 and each year thereafter, the District shall annually report to the Secretary of Health and Human Services and to the Congress on the progress and results of the program described in section 2651 of this Act.

The CHAIRMAN. Pursuant to the rule, the gentleman from Wisconsin [Mr. GUNDERSON] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. GUNDERSON].

(Mr. GUNDERSON asked and was given permission to revise and extend his remarks.)

Mr. GUNDERSON. Mr. Chairman, I submit the following for the RECORD.

LEGISLATIVE HISTORY

During the first few months of the 104th Congress, Speaker Newt Gingrich appointed Representative Steve Gunderson (R-WI) to lead an education task force to help establish a world class education system in the Nation's capital. As a part of the task force activities, Representative Gunderson convened numerous meetings with individuals and interested groups in the District of Columbia, including the office of the Mayor of the District of Columbia, District of Columbia Delegate Eleanor Holmes Norton, the Superintendent of the District of Columbia Public Schools, the President of the District of Columbia Board of Education, Board of Education members, educators, union members, parent education reform groups, National education reform experts, and many others.

Additionally, Delegate Eleanor Holmes Norton, together with Speaker Gingrich, convened a town meeting at Eastern High School to hear from District of Columbia citizens about their concerns with the current education system.

Legislatively, the Subcommittee on Oversight and Investigations of the Economic and Educational Opportunities Committee held hearings on the subject of District of Columbia education reform on May 12, 1995, June 8, 1995 and June 27, 1995. Withnesses included, among others, the President of the Board of Education, the Superintendent of the District of Columbia Schools, the Committee on Public Education, Parents United for District of Columbia Public Schools, City Council members William Lightfoot and Kathleen Patterson, principals of public schools, the National Urban Coalition, Ted Kolderie of the Center for Policy Studies, the President of the Washington Teachers' Union, the President of the American Federation of Teachers, the Education First Coalition, parents, and a representative of the Office of the Mayor.

The education amendment to the District of Columbia Appropriations legislation is the end product of these meetings and hearings. It represents a balancing of many competing interests, and is designed to transform the current education system into one of the best in the world.

TITLE II—DISTRICT OF COLUMBIA SCHOOL REFORM

Subtitle A—District of Columbia Reform Plan

Subtitle A of Title II of the bill requires that the Superintendent of Schools, with approval of the Board of Education, develop a long term reform plan for the District of Columbia School Public System. This provision builds on the efforts currently underway by the District. The long term reform plan outlined in the legislation uses the same philosophy outlined by School Board President Wilma Harvey and Superintendent Franklin Smith in the one-year action plan entitled "Accelerating Education Reform in the District of Columbia: Building on BESST" that was submitted to Rep. Steve Gunderson on July 13, 1995.

Subtitle A requires that the plan be consistent with the financial plan and budget for the District of Columbia required by the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104-8). The legislation requires that the Superintendent consult with the Board of Education, Mayor, District of Columbia Council, and the Authority. The Superintendent is also required to include the public and any interested groups or organizations in the development of this process—similar to the approach outlined by the Superintendent in the District of Columbia's "Planning Guide for Local School Restructuring Teams" report.

The long term report focuses on how the District of Columbia is preparing to become a world-class education system and model for the nation. The legislation asks the District of Columbia to describe how it plans to accomplish certain goals and objectives. Any amendments to the plan shall be submitted by the Superintendent, with the approval of the Board of Education, to Congress and must be consistent with section 201 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104-8).

Subtitle B—Public Charter Schools

Subtitle B of this amendment authorizes the establishment of public charter schools. On October 23, 1995, the Education and Libraries Committee of the DC Council passed, by a vote of 4-0, legislation authorizing the establishment of independent public charter schools. The DC Council legislation is very similar to this subtitle. A recommendation that either the DC Council or Congress enact legislation authorizing independent public charter schools was also included in the reform plan submitted by the Superintendent and the president of the Board of Education on July 13, 1995, to Rep. Steve Gunderson.

Public charter schools represent a new type of public school that maintains the essential elements of public education: public charter schools are funded by the public, are open to the public, and are accountable to the public for results. Public charter schools are different, however, from traditional public schools in that they are not required to be managed by a government bureaucracy. Educators may establish new schools and have an opportunity to realize their educational vision for what constitutes a quality education. A public charter school may not charge tuition, except to nonresidents, and must be open to any student regardless of aptitude. A school may limit admission to certain grade-levels and may choose to have an instructional focus, such as the arts, science, or advanced technology.

Public charter schools are a key component of a comprehensive reform strategy. Public charter schools would encourage innovation and entrepreneurialism by educators. They would be free from many of the burdensome rules and regulations that educators find interferes with their ability to provide excellence in education. Public charter schools have full control over their day-to-day operations, including budgeting and personnel, but they must be non-sectarian and non-profit. Public charter schools may enter into contracts or leases for any service, but contracts over $10,000 in value must be reviewed by the District of Columbia Financial Responsibility and Management Assistance Authority.

The amendment also contains safeguards to ensure that a two-tiered system of public schools would not result from the creation of public charter schools. Eligible chartering authorities are required to give special consideration to petitions to establish public charter schools that would focus on students with special needs, such as students with disabilities, disruptive students, or students who have dropped out. In addition, the new funding formula for public education described in subtitle E is expected to result in additional funding for public charter schools serving students with special needs. As a result, I would expect that quality programs would be encouraged that would serve such students, improving equity and raising the quality of their education.

In order to encourage a diversity of public charter schools, as well as to encourage healthy competition, multiple entities must be permitted to approve charter petitions. This subtitle designates as eligible chartering authorities the Board of Education and five public or federally-chartered universities located in the District of Columbia. To ensure common standards of quality, this subtitle designates a detailed list of issues that petitions to establish public charter schools must address and a uniform procedure for their consideration, regardless of which eligible chartering authority is reviewing such a petition. Mindful of the fact that the legislation passed by the DC Council Education and Libraries Committee also establishes a charter schools commission, which is not included in this Act, this subtitle allows the DC Council to designate additional entities as eligible chartering authorities.

While this subtitle would designate multiple chartering authorities, a common framework for accountability is desirable for public charter schools. Therefore, this subtitle authorityes the Board of Education, upon the recommendation of the Superintendent, to deny renewal of a public charter school if its students are performing below average on the assessments to be established pursuant to subtitle D. Parental choice, informed by a school's performance on the common student assessments and other factors that a parent may deem important, constitutes another important aspect of accountability. Further, the charter of a school may be revoked at any time for financial mismanagement or violation of this Act or other applicable laws.

Within this framework of accountability for results, public charter schools will provide teachers with an unprecedented degree of flexibility and professional opportunity. Public charter schools also offer families a greater degree of choice, enabling parents to select the educational environment that best suites their children's needs. Because charter schools are supported through the enrollment-based per capita funding formula described in subtitle E, a public charter school must satisfy the parents of students enrolled at the school or it will cease to exist.

Subtitle C—Even Start

The inclusion of Even Start as a part of the D.C. schools reform package is a reflection of Rep. Bill Goodling's belief, as well as my own, in the power of family literacy to

insure positive educational outcomes for young children. Even Start is based on the knowledge that children who have parents who can help and support them in their educational endeavors are more likely to succeed than those who have parents with low literacy skills and little knowledge on how to help their children succeed in school.

In the recent national adult literacy survey there were approximately 40 million adults who scored in the lowest level of the literacy scale. Twenty percent of the population of this country have been found to have minimal basic skills. This is a strong indication that there is a high level of illiteracy in our country. What is of major concern is that many of these individuals are parents.

As a result, it is difficult to believe that any effort to increase the likelihood of school success for young children in the District of Columbia will be completely effective if it does not address the whole family. What is needed is a comprehensive family literacy program which, in addition to parent training, raises the literacy skills of participating adults. The Even Start program meets this criteria.

In order to avoid the duplication of programs serving the District of Columbia, eligibility for the District of Columbia to participate in the basic Even Start Grant program has been eliminated. The current Even Start law has been amended to provide a separate authorization amount for Even Start programs in the District of Columbia. Funding for Even Start programs funded under current law would be maintained under this new authorization.

Under the provisions of this legislation, the Department of Education would be responsible for selecting grantees and oversight of Even Start projects in the District of Columbia. Five percent of available funds is provided to the Secretary to provide technical assistance to eligible entities, including one or more local nonprofit organizations, to provide technical assistance to eligible entities in the area of community development and coalition building. An additional five percent would be provided to the National Center for Family Literacy, a recognized authority in this field, for technical assistance to eligible entities. It is expected that the National Center for Family Literacy will assist in ensuring that funded projects are of high quality and provide the intensity of services necessary for success.

In order to reach those individuals in greatest need of services and families whose children are at greatest risk of educational failure, eligibility for the District of Columbia Even Start Program has been focused on those individuals eligible to participate in an adult education program (i.e. those without a high school diploma or GED or with low levels of literacy). Parents who are still attending, or who are eligible by age to attend, a public school in the District of Columbia are also eligible in order to ensure that they receive an adequate education and, therefore, are able to assist their children to receive the best possible education. It is recognized that teenage parents are at great risk at becoming welfare dependents and that their children often suffer because of their poor parenting skills and low levels of education. Therefore, it is important to include this group of young parents in the list of those eligible for services under this program. However, it is also the intent of this amendment that these teenage parents receive the educational component of the Even Start program as part of the regular education program offered in District of Columbia schools. Further, any child of a parent who meets criteria outlined above and who is under the age of seven is eligible for services.

Finally, a priority is given to targeting services to families living in a school attendance area where schools are conducting a schoolwide program under Title 1 of the Elementary and Secondary Education Act. In this way, services will be focused on those families in greatest need.

The most recent report distributed by the Department of Education indicated that the average Even Start project did not provide sufficiently intensive instruction and did not obtain significantly greater gains when compared to a control group. Approximately 50 percent of the projects had their adults in adult education for fewer than 9 hours a month. Many parents participating in Even Start have very low literacy levels. It takes between 100 and 150 hours of instruction to raise an individual one grade level. As a result, 9 hours per month is not going to make the type of difference in the lives of participants to enable them to become—and remain—their child's first and most important teacher. Therefore, the District of Columbia Even Start initiative requires programs to be built on the findings of the "National Evaluation of the Even Start Family Literacy Programs," including the provision of intensive services in parent training and adult literacy or adult education. It is clear that programs which are of greater intensity produce superior results. Therefore, it is imperative that only those projects which meet this requirement participate in the District of Columbia Even Start program.

In addition, the Chapter 1 Even Start Program is amended through this legislation to include comparable language on intensity of services. It is estimated that a quality Even Start Program requires $225,000 per year to operate. The District of Columbia Program authorization level assumes this level of funding for each program by limiting the number of projects which can be funded in a given year. Since this legislation eliminates funding for the District of Columbia under the basic Even Start program, the authorization amount for the first year would include funds for the existing Even Start projects as well as six new projects. Funding for the remaining years under this authorization would allow for the addition of six new projects each year as well as continued funding for the original projects.

Projects are also required to meet the matching requirements contained in the basic Even Start law. However, these requirements may be waived, in whole or in part, should the eligible entity demonstrate to the satisfaction of the Secretary that they will otherwise be unable to participate in the program.

Due to inclusion of the match provision, and the possibility that projects will utilize the entire amount appropriated for this purpose, language has been included which provides for a redistribution of excess funds among grant recipients which can demonstrate additional need.

Provision is made for an independent evaluation of the District of Columbia Even Start program in order to determine their effectiveness in providing high quality family literacy services. This evaluation should be completed by March 1, 1999, with an interim report issued by March 1, 1998. The results of the evaluation are to be used for purposes of program improvement and for determining the number of appropriate grants to be awarded by the Secretary in fiscal year 2000. Although the amount authorized assumes a funding level of $225,000 for each project fund, it may become apparent, after the evaluation, that this amount is higher or lower than necessary to provide high quality Even Start Programs. It is, therefore, important that the Secretary be able to adjust the number of grants awarded to reflect the results of the evaluation.

Subtitle D—World Class Schools Panel; Core Curriculum; Assessments; and Promotion Gates

Subtitle D provides the assistance and the guidance necessary for the District of Columbia public schools to begin on the path toward a world-class education system. The core of education is the curriculum. While schools should have discretion with respect to some portions of the curriculum, and full discretion with respect to instruction and inputs, there is a legitimate public interest in ensuring that public schools teach students a core of vital concepts, factual knowledge, and skills. This care should address at least the key academic content areas of English, mathematics, science and history. There is a further legitimate public interest in ensuring that students' competence in this core curriculum represent a high level of achievement, in fact that it be world-class.

To assist the District, in particular the Superintendent and Board of Education, in establishing such a core curriculum, a panel of experts is established: the World Class Schools Panel. In order to provide the perspective of parents, one appointee is a parent of a student in the District of Columbia public schools. The proposal to establish such a panel has as its origin the request by the Superintendent and the president of the Board of Education, in a reform plan submitted to Rep. Steve Gunderson on July 13, 1995, for approximately $2 million for the development of new curricula and assessments. Such a need exists in the District public schools, but a nationally-established panel of experts is the proper vehicle for such an effort. Further, the panel is also directed to recommend model teacher training programs that individual schools, or the school system, may adopt.

Because even the formal adoption of a high-quality curriculum constitutes only a minimal improvement if there is no way to determine how well students are mastering the curriculum, assessments that provide such information are also vital. To be of maximum use, assessments must inform parents of their child's progress, as well as the progress of the child's school. Such information needs to be placed in the context of the performance of other schools, the District, other states, the nation, and especially, other nations that historically perform well on international comparisons of student achievement, such as Germany, France, Japan, and South Korea. Tools useful for developing such assessments are becoming increasingly available, such as through the third international math and science study, now underway, or through publicly-released items from the national assessment. Further, it is also important for such assessments to satisfy professional standards of reliability and freedom from bias, as established by the American Psychological Association and the American Education Research Association. To the degree that new assessments address such technical standards, it is also useful to have such assessments exemplify the range of knowledge and skills that students are intended to master in the core curriculum. It is the responsibility of the World Class Schools Panel to develop, or adopt, the appropriate assessments to accomplish these important purposes.

While the Board of Education is free to reject the recommendations of the Panel, if it chooses to do so it must still establish its own core curriculum and assessments that meet the requirements of this subtitle. The establishment of new promotion criteria ("promotion gates") by the Superintendent and Board of Education, another reform included in the reform plan submitted to Rep. Steve Gunderson on July 13, 1995 by the Superintendent and president of the Board of Education, is also required under this amendment. To ensure coherence in the system, the new assessments measuring achievement of the core curriculum will serve as one criterion for such "promotion gates," though not necessarily the only criterion.

Subtitle E—Per Capita District of Columbia Public School and Public Charter School Funding

Subtitle E of Title II of the bill directs the District of Columbia to develop a per pupil formula for funding K–12 education starting in FY 1997. This uniform formula will be used to provide operating budgets on the basis of enrollment for the school system as a whole and for individual public charter schools. According to a January 1995 report by the District of Columbia Committee on Public Education, "Of the 40 largest school systems in the country, the District ranked first in per pupil expenditures." The report further states that, "By almost any measure, student academic performance has worsened." This information is disturbing and as a result the District of Columbia is directed to establish a uniform formula for funding the education of students enrolled in either public charter schools authorized in subtitle B of this amendment or the District of Columbia School System, and to have the General Accounting Office do an audit of the student enrollment count.

To account for appropriate differences in the costs of educating different types of students, the formula shall take into account such variations for students at different grade levels as well as for students with special needs. The District will define "special needs," but it is expected to address such categories as students with disabilities, students that have dropped out, and highly disruptive students. Such a formula will clarify and focus decisions regarding funding for public education around students' needs.

For FY 1996, $75,000 is authorized for the General Accounting Office (GAO) to audit the student enrollment count of the school system. For FY 1996 through FY 2000, $200,000 is authorized for each year for transition costs associated with starting public charter schools. These funds are necessary due to the school year beginning in September while the fiscal year begins in October, therefore resulting in a one month funding gap for any new public charter school.

Subtitle F—School Facilities Repair and Improvement

Subtitle F of this amendment begins to address the facilities problems that plague the District of Columbia schools. It is appalling that the schools of our Nation's capital have had to be closed, as a result of judicial intervention, because they were deemed unsafe for children. This subtitle encourages assistance by the private sector and government agencies to bring new life to the bricks and mortar of the District of Columbia schools.

A January 1995 report by the District of Columbia Committee on Public Education entitled "Our Children Are Still Waiting" noted that the "District must generate a sense of urgency in the business and philanthropic community and re-enlist them in targeted support for very particular, concrete school reform goals." Congress agrees with this statement and is asking the General Services Administration to step in and help guide the District of Columbia Public School System through school facilities repair and improvements. It is not the intent of this amendment for Congress to take over the maintenance of the school system, but rather to become a partner with the school system to help repair and improve school facilities. This is not a long-term arrangement, but shall last no more than two years. It is also the expectation of Congress that this partnership will make appropriate use of the "Superintendent's Task Force on the Education Infrastructure for the 21st Century: Preliminary Facilities Master Plan 2005 for the District of Columbia Public Schools". As the plan notes, "this preliminary plan is a first step in obtaining the District of Columbia's assessment of its public school facilities, the children served by them and a sense of their entitlement to high quality services."

The report further states that "While this preliminary plan creates a framework for moving forward, it does not complete the planning task. It suggests a considerable departure from business as usual and requires the disciplined coordination among all components of DCPS, other city entities and community stakeholders that are currently intervening to impact both student population trends and quality of life in the city." It is the hope of Congress that this report will be useful as a starting point to complete the task at hand and that cooperation, innovation and efficiency will prevail. Further, it is the hope of Congress that such a revitalization of school facilities will take hold and become a permanent fixture in the school system of our Nation's capital.

Subtitle G—Department of Education "D.C. Desk"

Subtitle G of Title II of the bill requires the Department of Education to establish a "DC Desk" to help coordinate efforts by the District of Columbia school system to apply and receive federal grants. The Director of the DC Desk shall be appointed by the Secretary of Education and shall not be paid more than a GS–15 rate of the General Schedule.

The duties of the Director of the DC Desk shall include coordinating with the Superintendent a comprehensive technical assistance strategy, identifying federal grants for which the District of Columbia public schools may be eligible and identifying private and public resources that could be made available to the District of Columbia Public School System and public charter schools established under subtitle B of this amendment. By providing this additional resource at the federal level to the District of Columbia, it is expected that greater resources will be infused into the District of Columbia Public School System to provide new and innovative approaches to learning.

Subtitle H—Residential School

Subtitle H of Title II of the bill authorizes funds for the planning and initial capital costs to develop a residential school within the District of Columbia. Two million dollars are authorized in FY 1996 to develop and initiate a residential school program, of which no more than $100,000 may be used for planning purposes.

In a July 13, 1995 reform plan submitted to Representative Steve Gunderson, the president of the District of Columbia Board of Education and the Superintendent of the District of Columbia Public School System proposed allowing the District of Columbia to establish a public residential school. This amendment provides funds to the District to establish such a school. The District of Columbia Public School System has indicated that it intends for such a school to be designed for highly disruptive or troubled youth and this is my expectation.

Several school systems have public residential schools operating. Chicago is experimenting with the idea in a public housing complex. As the Washington Times reported: "For centuries, the children of the rich have been sent to boarding schools in search of a tightly controlled educational environment . . . Now in Chicago, children of the not-so-well-to-do will soon get to try something similar."

By providing a residential school in the District of Columbia, as has been done in Chicago, Texas, North Carolina and several other jurisdictions, a new alternative will be created for District of Columbia students to learn and thrive. By offering a new opportunity for District of Columbia residents and their children, D.C. children will have another way to succeed in school and in their future.

Subtitle I—Progress Reports and Accountability

Subtitle I of Title II of the bill, requires that no later than 60 days after enactment of this Act, the District of Columbia Council must submit a report to Congress describing actions the Council has taken to facilitate first-year reforms within the District of Columbia Public School system. In order to allow for local legislative discretion as well as responsibility, this amendment does not include a number of legislative components that would facilitate public school reform in the District, including implementation of the first-year reform agenda of the District of Columbia Public School System. In response to this demonstration of respect for the principle of Home Rule, it is the expectation of Congress that the DC Council will act swiftly to enact such legislation following the enactment of this Act by Congress.

Subtitle I also requires that the Superintendent submit to Congress, no later than August 1, 1996, a report regarding the status of implementation of a far-reaching first-year reform agenda. This agenda is based on the reform plan submitted by the Superintendent and the president of the Board of Education to Rep. Steve Gunderson on July 13, 1995, "Accelerating Education Reform in the District of Columbia: Building on BESST." While ambitious, the agenda described in this subtitle does not include every single item contained in the July 13, 1995, reform plan, only those that are most critical and of the highest priority. This year, Congress is resisting the temptation to micromanage, abolish or replace the institutions governing the DC Public School System this year, on the expectation that comprehensive reform will be implemented. Over the course of the next year Congress will conduct appropriate oversight. When considering the FY 1997 budget for the District, Congress will evaluate the progress of this implementation and decide whether to intervene more directly to redesign the governance arrangement for public education in the District.

Subtitle J—Low Income Scholarships

Subtitle J of Title II of of the bill establishes a low-income scholarship program. Under the program, a non-profit corporation

is established to administer two kinds of scholarships for District of Columbia residents: (1) tuition scholarships; and (2) scholarships for after school activities or the costs of transportation. The program is part of a broader education reform package whose goal is to expand the range of choices for low-income families and to improve the quality of education in the District of Columbia. Within this broader framework, existing private and independent schools in the District and surrounding jurisdictions are only one component.

The tuition scholarships will cover the full costs of tuition, up to $3,000, for students below the poverty level. For students between 100 percent and 185 percent of the poverty level, the scholarship will equal one half the costs of tuition, up to $1500. Tuition scholarships may be used at participating private schools in the District as well as public or private schools in surrounding jurisdictions.

The scholarships for after school activities or transportation will cover the full costs of such activities, up to $500. Eligible students are those whose family incomes are no more than 185 percent of the poverty level. Such scholarships are available for use within the District of Columbia at either traditional public schools, public charter schools as established under this legislation, or private schools. Such scholarships are envisioned to be used, among other things, for payment of the costs of after school tutoring, rental of band instruments, the costs of summer school, or the costs of traveling across town to attend a new public charter school.

The corporation established to administer the program is directed to award, to the extent feasible, an equal number of the two types of scholarships (i.e. tuition scholarships and after school or transportation scholarships).

A seven member Board of Directors will oversee the operations of the nonprofit scholarship corporation. Six members are to be appointed by the President from nominations submitted by the Speaker of the House of Representatives and the Majority Leader of the Senate. One member will be appointed by the Mayor of the District of Columbia.

During hearings held by the Subcommittee on Oversight and Investigations of the Economic and Educational Opportunities Committee, testimony supporting the scholarship concept was received from several sources. First, at the Subcommittee hearing of June 27, 1995, Eenid Simmons, Director of the Office of Policy for the Mayor of the District of Columbia, spoke in favor of private school choice, though with limitations. The Office of the Mayor has advocated means-testing for any choice program. This amendment recognizes the wisdom of such a provision, and accordingly has made the scholarships available to those families with incomes at or below 185 percent of the poverty level.

Second, at the same Subcommittee hearing, Otis Troupe, the Chairman of the Vouchers Committee of the Education First Coalition, strongly endorsed private school choice as a means of improving the education of District children, though he endorsed a different mechanism than that contained in this amendment. He noted:

"I am a particularly enthusiastic proponent of voucher-supported public education. . . . To my mind, a program of voucher-supported fully accredited alternative schools will very quickly bring a flexibility of choice to the sterile landscape of 'non-options' that are currently offered to parents of DC school children. . . . Once operational, vouchers would immediately and drastically expand the choices available to participating parents. Immediately, children in the vouchers program would experience a drastically expanded range of choice [sic] for schools and academic programs."

Because of the concerns of some in the District that a voucher system would remove local public funds and send them to private schools, such an approach is not contained in this amendment. The concept of permitting greater choice among all schools for low-income families who cannot afford choice at present, however, is maintained in this amendment.

Third, the Education and Libraries Committee of the District of Columbia Council responsible for education legislation unanimously (5–0) "embraced," in an official committee report dated July 21, 1995, a Federally-funded scholarship program. It is this approach that is embodied in this subtitle.

Fundamental to the concept of this scholarship program is the maximization of equality of opportunity for low income families. The tuition scholarships will provide such families with the same kinds of choices—including private schools in the District as well as public or private schools in surrounding jurisdictions—that higher income families already have available. The after school activities and transportation scholarships are similarly targeted toward low income families.

Some establishment clause concerns have been expressed regarding whether this amendment provides direct Federal assistance to sectarian schools. It does not, however, provide direct Federal assistance to any participating schools. Rather, the assistance is to the student. The intent of section 2553(c) of the bill is to make clear that the students are the primary beneficiaries of the scholarships, and not the schools. This amendment envisions no discrimination for or against private schools on the basis of religion in the operation of this program, but instead neutrality.

Section 2557(a)(1) of the bill prohibits independent and private schools from discriminating on the basis of a student's disabilities if the school is equipped to provide an appropriate education. This part of section 2557(a)(1) is intended to reflect current law requirements under section 504 of the Rehabilitation Act of 1973 (29 USC 794).

The low-income scholarship program was carefully designed to satisfy Constitutional requirements under the First Amendment. Over the past 12 years, the U.S. Supreme Court consistently has upheld programs that provide assistance for students who attend private schools. In *Mueller* v. *Allen*, 463 U.S. 388 (1983), the Court upheld Minnesota's income tax credits for educational expenses, most of which were incurred in religious schools. In *Witters* v. *Department of Services for the Blind*, 474 U.S. 481 (1986), a program paying for a blind student to pursue training for the ministry at a religious seminary was upheld. In *Zobrest* v. *Catalina Foothills School Dist.*, 113 S. Ct. 2462 (1993), the Court sustained the use of funds under the Individuals with Disabilities Education Act to pay an interpreter for a deaf child attending a Catholic High School.

In these cases, the Court established that such assistance is permissible if (1) the choice where to use assistance is made by parents of students, not the government; (2) the program does not create a financial incentive to choose private schools; and (3) it does not involve the government in the school's affairs.

The proposed scholarship program fulfills these criteria. Like the G.I. Bill and federal daycare assistance, the choice of where funds are expended is made not by the government but by the scholarship recipients. Because the tuition scholarships amount only to the cost of tuition or some lesser amount, the program does not create a financial incentive to choose private schools. Scholarships are also available to pay costs of supplemental services for public school students, who already receive a free education. Moreover, the program involves only those regulations necessary to ensure that reasonable educational objectives are met, and does not create entanglement between the government and religious schools.

The scholarship program does not impermissibly establish religion, but instead serves to expand educational opportunities for children who desperately need them.

Subtitle K—Partnerships With Business

Within the context of limited public resources and an ever increasing demand for additional and more effective services—Subtitle K of Title II is intended to facilitate a process and develop an infrastructure under which private sector contributions are effectively leveraged to bring about positive change in the community.

The centerpiece of this Subtitle is the establishment of the District Education and Learning Technologies Advancement (DELTA) Council. The DELTA council will bring together representatives of business, community leaders, and others willing to contribute time, energy and resources to carry out a variety of activities related to education, training and employment within the District of Columbia.

The DELTA Council (established by a nonprofit corporation selected by the Superintendent of DC schools) has many important functions, including coordinating donations from the private sector so that they are used in a comprehensive and effective manner with full accountability. It is expected that the corporation, through the DELTA council, will not only meet, but surpass, the goals set forth in the legislation to match the Federal grant amount at an increasing rate (up to 5:1) over the three year authorizing period. It is intended that the DELTA council will work with the General Services Administration in the coordination of donated services related to the repair and improvement of schools.

The integration of up-to-the minute educational technology into an inner-city school curriculum has shown impressive results. A recent article in the National Journal focused on the impact such an initiative had on schools in Union City, N.J.:

"Bell Atlantic Corp., the Philadelphia-based regional Bell operating company, provided computers and wired the classrooms and homes of students, teachers and administrators to join them all in an electronic network. It then connected the network to the Internet and a host of multi-media education programs. 'We initiated the project to test the technology—which works'; John G. Grady, the manager of Bell Atlantic's Video Service, explained 'But we were surprised in a wonderful way with the educational outcomes.' Truancy and dropouts plummeted; test scores soared. All the schools in the district raised their levels of attendance and student achievement."

Under this legislation, the DELTA council, in conjunction with the Superintendent, students, parents and teachers will establish and implement strategies to ensure access to state-of-the-art educational technology. This

process will begin with a comprehensive technology assessment which, to the extent possible, shall be done pro bono by a qualified private sector firm. Based on this assessment, the DELTA council will facilitate the development of a short-term technology plan to be carried out in conjunction with the schools, students, parents and teachers.

It is recognized that computers, hardware, software and access to emerging technologies do not, by themselves, ensure success. In fact, they are worthless if they are not utilized effectively and constructively. As such, teachers need to be knowledgeable both on how to use these technologies as well as how to teach such technology and the applications of such technology.

Under this legislation this vital link is established through the creation of a Professional Development Program for Teachers and Administrators. This program will bring together teachers, school administrators and universities within the District of Columbia in order to provide professional development for teachers. This training will include private sector training of teachers in the use, application, and operation of state-of-the-art technology in education. This program will also provide training for school principals and other school administrators in effective private sector management practices.

The unemployment rate for 18-25 year olds in the District of Columbia is simply too high. There needs to be an effective effort, beyond school reform, to assist these individuals in gaining the skills necessary to obtain and retain employment. Subtitle K provides for the District of Employment and Learning Center, "DEAL Center". The center will provide the district with a regional institute to provide job training and employment assistance for these individuals. The basic premise behind this center is that one of the most effective approaches to employment programs is the combination of on-the-job and classroom training. As such, the center will focus on job placement, including temporary work assignments, combined with training opportunities. This training may be supported with needs-based payments in order to make training a viable option for those individuals who may otherwise not be able to afford the time to participate in such a program.

The center will use funds from a variety of sources (beyond what is made available under this section), including funds leveraged through the private sector by the DELTA council and through partnerships with other governmental agencies and appropriate federal employment and training programs.

It is recognized that there are currently efforts in this Congress aimed at streamlining the multitude of Federal job training and employment programs and providing a simpler framework for state and local implementation of such federal programs. This subtitle encourages such reforms to be started within the District by the Mayor as soon as possible and further supports full accountability for these funds. It is further encouraged that the Mayor and other local officials coordinate the design and implementation of such reforms with the efforts of the DELTA council and with the efforts of the DEAL Center.

It is also expected that initiatives will be carried out with District of Columbia Public School System and interested public charter schools at the secondary level to facilitate the integration of rigorous academic studies with workforce preparation programs. In particular, it is the intent of this amendment to promote the expansion and quality of current high school career academy programs as established in certain District of Columbia schools.

This amendment also recognize the value of implementing nationally-proven programs. One such example is the Jobs for America's Graduates (JAG) program. According to the 1994 Annual Report issued by JAG, the program has benefited over 175,000 youth in 22 different states and 400 communities. Over 90 percent of them have successfully completed high school and over 80 percent, at the end of nine months after leaving school are either on the job, in the military or enrolled in postsecondary education or training.

This amendment provides funding for a Jobs for D.C. Graduates Program modeled after the JAG program and consistent with Jobs for America's Graduates, Inc. This program would assist schools in workforce preparation initiatives. Specifically, these initiatives assist at-risk and disadvantaged youth in graduating from high school and in finding and maintaining quality jobs thereafter. It is expected that FY 1996 funding would serve at least half of all 12th grade students and funding authorized in future years would include all interested 12th grade students.

Subtitle L—Parent Attendance at Parent-Teacher Conferences

Subtitle L of Title II of the bill authorizes the Mayor to condition welfare benefits on parent attendance and participation in parent-teacher conferences once every 90 days. The Mayor must submit to the Secretary of Health and Human Services a plan for implementation of such a program. The plan must state how the Mayor plans to administer the program, conduct evaluations of the program, monitor the participation of parents, withhold and reinstate benefits, and long-term plans for the program. Beginning October 1, 1996, the District of Columbia is required to annually submit a report to the Secretary of Health and Human Services and Congress on the progress of this program.

The idea for such a program arose at one of the many consensus meetings I held to develop this comprehensive reform package. It was suggested by teachers who emphasized the need to ensure greater parent involvement. Further, it is consistent with the overall philosophy of the reforms proposed by District of Columbia school officials. In a July 13, 1995 letter to Representative Steve Gunderson, Mrs. Wilma Harvery, president of the District of Columbia Board of Education, and Franklin Smith, Superintendent of the District of Columbia Public Schools, cited the value of parent involvement in the success of both schools and students. "Parent and community involvement are critical to student and school success . . . Research show parent involvement is a crucial component in school success."

The Carnegie Corporation issued a report in June 1989 entitled "Turning Points: Preparing American Youth for the 21st Century". The report states the need to re-engage families in the education of our children and to have them become more actively involved in the school. "Reversing the downward slide in parent involvement and closing the gulf between parents and school staff with mutual trust and respect are crucial for the successful education of adolescents." It is intended that this subtitle on parental involvement will re-engage parents to become actively involved in the education of their children.

Mr. GUNDERSON. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Pennsylvania [Mr. GOODLING], chairman of the Committee on Economic and Educational Opportunities.

Mr. GOODLING. Mr. Chairman, I would plead with my colleagues to listen to only one special interest group today, and that is the special interest group that is never heard. That special interest group is the children's special interest group. That special interest group is the children's special interest group of low-income families.

Mr. Chairman, I ask my colleagues to please not listen to any of the others. We had that kind of consensus, until all of the sudden special interest groups decided that we should forget about the children. Let us only think in terms of whatever it is that we think is important, and I am asking my colleagues to think about children.

Mr. Chairman, I am also asking Members to think about the amount of time that was put into developing this in a cooperative fashion. The gentleman from Michigan [Mr. HOEKSTRA] had 20 people from all segments of the District of Columbia society come and testify. The gentleman from Wisconsin [Mr. GUNDERSON] has gone all over this community.

Mr. Chairman, we had a town meeting downtown, and I closed the town meeting, my part of the town meeting, by saying that it is my hope that as adults we will think as adults and not act like children. My fear is that we will act like children and children will suffer.

We are always talking about demonstration projects around here. Mr. Chairman, here is a golden opportunity to see a demonstration project first-hand right here. We owe it to the community. We owe it to the children. We can watch it right here in the Nation's Capital.

Mr. Chairman, I would encourage Members to understand I too have always opposed vouchers. I oppose vouchers now. We are not talking about vouchers. What we are talking about is a scholarship. Not to the wealthy. We are talking about a scholarship to low-income youngsters who cannot benefit from any other program that is presently out there. We are talking about what it is we can do to help parents become the first and most important teacher a child will ever have. That is what this is all about.

Mr. Chairman, let us speak for the children today. Let us not pay any attention to any other special interest group; just the children. The children of the District of Columbia and the parents of District of Columbia children with low-income. Mr. Chairman, I plead with Members to ignore all other special interest groups.

Mr. DIXON. Mr. Chairman, I rise in opposition to the Gunderson amendment.

I do so with a great deal of respect for the distinguished gentleman from

Wisconsin who has spent countless hours on the most laudable of goals—improving educational opportunities for thousands of children in the District of Columbia. I know that he has consulted, cajoled, and compromised with District officials, and others intimately involved with this effort, to develop a consensus education reform package that could move the District public schools toward a world class education system.

Nevertheless, Mr. Chairman, the Gunderson plan, no matter how laudable the effort, simply does not belong on this appropriations bill. This amendment is a 142-page bill that authorizes some $100 million over 5 years for a variety of initiatives relating to the District of Columbia public schools. This amendment does not appropriate one additional dime to the District of Columbia. This is a proposal that should have been considered by the Government Reform Committee and the Economic and Educational Opportunities Committee. Those are the committees that have jurisdiction over this matter, not the Appropriations Committee.

Attaching this legislative proposal to this bill will most certainly result in a protracted conference with the Senate over this matter, and will most certainly result in a delay in getting critically needed funds to the District of Columbia.

Moreover, we cannot escape the fact that there is a deep disagreement over the substance and underlying philosophy of this proposal. It is deeply flawed in several respects. First, more than 40 percent of the new authorizations in the bill—some $42 million—is for so-called low-income scholarships. These funds would not be spent improving the quality of the District public schools—the stated intent of the Gunderson plan.

Rather, almost half of the additional funding in the measure would be spent to provide Federal funds for scholarships to low-income District students to attend private and religious schools in the District and the suburbs. Call it what you will, this is no different than a private school voucher plan. The Secretary of Education who also believes that it is a private school voucher plan says that "This aspect of the draft act is highly objectionable as a matter of good public policy."

Mr. Chairman, I cannot support the Gunderson amendment with its provisions to divert limited Federal resources to private and religious schools, with little or no public accountability for how the funds would be used. The proposal contains virtually no requirements that schools receiving these vouchers be accountable to the public for the type or quality of education they provide. There are no requirements governing quality of curriculum or teaching.

Moreover, this program is unconstitutional. The Supreme Court has consistently struck down aid programs that constitute public subsidies of religious schools.

Mr. Chairman, the Gunderson plan would also authorize the creation of so-called charter schools in the District of Columbia — a concept that the District Board of Education has already addressed. I have to ask the question why Congress must step in to tell the District school board to do what it already has the power and authority to do.

Of course, the answer is that this is all about the Republican ideology to promote privatization. There is a political agenda here to permit private schools to receive public education funds—pure and simple. The Gunderson plan would allow almost anyone to set up a taxpayer-funded charter school with minimal requirements. The Gunderson plan would simply drain resources from District public schools to these new charter schools, increasing the financial burden on a school system already fighting near collapse.

Under Gunderson, charter schools would operate independently—free of any meaningful requirements to ensure academic standards, preserve students' civil rights, or protect school employee rights. Charter schools would not be required to meet standards to ensure that teachers are qualified to teach or even have a minimal level of education. Charter schools would be outside the protections and rights of collective bargaining agreements between the public school system and employee unions. Charter schools would be outside standards that apply to other schools regarding health, safety, and other measures that affect the well-being of pupils and staff.

Mr. Chairman, these provisions strike at the heart of public education. This plan does not promote meaningful educational reform in the District of Columbia's public schools. I urge a no vote.

Mr. DIXON. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri [Mr. CLAY] the ranking member of the Committee on Economic and Educational Opportunities.

Mr. CLAY. Mr. Chairman, I rise to oppose the Gunderson amendment because it mandates a voucher program to finance the education of students from the District of Columbia in private and religious institutions. These vouchers could be used not only in private schools in the District of Columbia, but in surrounding jurisdictions as well. Mr. Chairman, a voucher by any other name is still a voucher.

As a preliminary matter, this provision violates home rule. The citizens of this great city should not be blackmailed by Congress into measures detrimental to the well-being of their schoolchildren simply because we hold power over the District's purse. The elected leaders of this city have not asked us to impose a program on its school system that strikes at the heart of public education.

The voucher provisions of the Gunderson amendment are contrary to the cause of school reform and may be unconstitutional. Furthermore, they do not promote overall improvement of education for all children, rather they drain much needed resources from underfunded public schools. I never thought I would see the day that this Congress would allow Federal funds to be diverted to schools which will be free to discriminate against students, including the disabled, even in their admissions policies.

Mr. Chairman, in my committee we have struggled to examine the consequences of vouchers. A little over a week ago, we conducted a field hearing in Milwaukee, WI, in a bipartisan attempt to assess what lessons a voucher program there held for national education policy. The answers are far from clear, and there is no sound evaluation data from which we can draw reliable conclusions.

The Gunderson proposal does not address those questions, but it does raise many others. How would District schools benefit from diverting funds to Montgomery County and Fairfax County schools? I do not dispute the obvious fact that some individual students may profit, but how in the world would that improve educational quality in the District for those not privileged to be accepted by private schools in neighboring States?

Mr. Chairman, the Congress has no right to establish a laboratory for radical experiments in the District of Columbia that would treat its children as guinea pigs. We would not impose the same ridiculous conditions on free citizens of any other jurisdiction. I urge my colleagues to oppose the Gunderson amendment.

Mr. GUNDERSON. Mr. Chairman, I yield 1½ minutes to the gentleman from Virginia [Mr. DAVIS], the chairman of the Subcommittee on the District of Columbia.

Mr. DAVIS. Mr. Chairman, the city schools are in crisis, and I want to compliment the gentleman from Wisconsin for working with many myriad of business and civics groups to bring this proposal before the House today.

Mr. Chairman, the city schools are in crisis. Less than 43 percent of eligible students are graduating from high school, and the students who graduate from high school, who are lucky enough to receive that diploma, in many cases are unable to go forward with a college education or vocational education or even to find jobs.

Mr. Chairman, what I have heard from the other side of the aisle is no proposals, no solution. If money were the answer, we would have solved this

problem a long time ago. Over $9,000 per student, higher than any State in the United States, is the average that the city is spending on students today. But pouring money into this is not by itself the solution, although this proposal gives more money to the city than they currently get today. More money for Even Start; charter schools, bringing entrepreneurial modes into this.

We have heard a lot of talk about vouchers and opposition to scholarships. The city already does this. They do it under the ADA proposals for handicapped students today. Millions of dollars are going into private schools from the city, some of them out in Fairfax County. Accotink Academy, the School for Contemporary Education, giving people who qualify, under those laws passed by Congress, an opportunity.

Mr. Chairman, why cannot we extend this to the poor in the city as well, instead of condemning them to an educational system which has given them nothing but failure to date. We have a higher responsibility in this body than to just turn our heads.

This has been worked very closely with local citizen groups, with the local business community, to try to bring as much of a consensus that we ever can to these very difficult problems in the District of Columbia.

Mr. Chairman, I think this is a great start for the students in the city who are not hurt in this debate. The interest groups who are afraid of some kind of precedent are opposed, and some of the unions are opposed, but the students are the ones that really should be our interest.

Mr. DIXON. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. OBEY], the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Chairman, earlier this year the Republican majority approved cuts of $3.5 billion from discretionary education programs, including over a billion dollars in title I. The District of Columbia will share in those reductions. The harmful effect of those cuts will far outweigh any benefit, potentially, that may accrue to the District under the Gunderson amendment.

Mr. Chairman, my fundamental objection is that this amendment should not be here on this bill in the first place. We are 1 month into the beginning of the fiscal year. Ninety-two percent of the Federal budget is still being held up on the appropriated side of the budget.

Mr. Chairman, it is because amendments like this are being attached. This is a legislative issue. It ought to be dealt with by the legislative committee. It is a 144-page add-on which our committee has had absolutely no hearings on and which we should not be passing on here today.

Mr. Chairman, I know that most Members will vote for or against the amendment. I am profoundly opposed to this amendment. Not only because it should not be on the appropriation bill, but also because I think it has profound national implications as well. But even if I am the only one, as I was yesterday, I am going to vote "present" when the vote comes on this bill to simply indicate my objection to the constant practice of bringing legislative items to this bill that should not be here.

Mr. Chairman, I was not elected to be a city councilman for the District of Columbia. I was not elected by District residents in order to decide what their education rules are going to be. If they do not like what the Congress does here today, they cannot vote against us.

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That breaks the principle of accountability. It indeed means taxation without representation. It means the establishment of policy without representation. That, in my view, means that this amendment constitutes an illegitimate legislative act. That is why I am going to vote "present" on these and all other legislative items, because we have no business in this forum, in this committee, voting on this issue.

If the gentleman from Pennsylvania [Mr. GOODLING] likes the idea, then, fine, do your duty and bring it out of your committee. That is the committee of jurisdiction.

Mr. GUNDERSON. Mr. Chairman, pointing out that there are no mandates in this bill on D.C. schools, I yield 1½ minutes to the gentleman from New York [Mr. WALSH], the chairman of the D.C. Committee on Appropriations.

Mr. WALSH. Mr. Chairman, I thank the gentleman from Wisconsin [Mr. GUNDERSON], my good friend and distinguished colleague, and I rise in support of his amendment and offer him my deep gratitude for the work that he has done.

Mr. Chairman, we did, in fact, have hearings in our subcommittee regarding education where we discussed the issues with parents, students, teachers, school board members and other interested parties. The schools and the kids need help, Mr. Chairman. Our subcommittee received many requests to make changes in the District's public schools. We considered cutting the pay of school board members. We considered cutting their staff. We considered forcing other changes. But we held back.

The work of the control board and the work that the gentleman from Wisconsin [Mr. GUNDERSON] has done I think, will have a dramatic and positive effect in the very near future on the quality of education in the District of Columbia.

Mr. Chairman, this vote is for the kids of this city. Wealthy families in Washington, DC, have had, and continue to have, the choice, the opportunity, to send their kids to private schools or public schools. What we are suggesting is that we are in favor of middle-class families and poor families having those same choices.

We believe that there is no greater gift that parents can give their children than a quality education. That should not be just for wealthy families, Mr. Chairman. That should be for poor families, middle-class families and all families in the District of Columbia. This goes a very short way in helping that to happen. I am hopeful that success will breed success and others will contribute to this scholarship program.

Mr. DIXON. Mr. Chairman, I yield 1 minute to the gentleman from the beautiful State of Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, this is a critical critical issue that has been at great debate for 200 years in this country. Religious institutions, including schools, have an absolute, unhampered, unbroken, historic tradition, constitutionally protected right to practice religion with no government restraints.

The public, on the other hand, has an absolute right to require, through government, accountability and responsibility from any institution that takes its money. Therefore, 200 and plus years ago, the Founders said, thus, no government public money shall go to aid any particular religion or religion generally. They were trying to avoid the entanglement of mandates and regulations from this body or any government body over religious institutions. That is why we oppose vouchers by any name, whether you call them scholarships or parochial aid.

Understand, my colleagues, this money just does not go to the District of Columbia. It goes to Montgomery County, Prince George's County, Arlington County, Fairfax County, and Alexandria County.

Mr. GUNDERSON. Mr. Chairman, I yield 2 minutes to my colleague in arms, the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Chairman, I rise in strong support of the Gunderson amendment which would drastically improve the schools in our Nation's Capitol.

Early this year, after Congressman GUNDERSON was chosen to lead the D.C. school reform effort, he asked me if I would help. For many years, my wife and I have helped get money and equipment to help build and equip hospitals, orphanages, and fire departments all over the world. In our hometown, we helped found, fund, and build a day care center for welfare mothers, so when the gentleman from Wisconsin called on me, I was excited to have the opportunity to help.

Approaching businesses for donations is something I have done all my life

and so I understand the concept of lining up suppliers of construction materials. Next I approached local construction firms to see if they would assist in the effort. Their reaction was positive but they warned me that they had been involved before and that soon after the repairs had been completed, the repaired schools had been vandalized. They also advised me that the many regulations affecting construction in the District of Columbia made their efforts more difficult because of wasting money. The Davis-Bacon Act and the Fair Labor Standards Act restrictions on volunteers topped the list. Unfortunately, due to the opposition of Delegate NORTON and others, the Gunderson amendment does not include these waivers, which will be a disincentive to participation by the local construction industry.

Raynard Jackson, an aggressive young Republican, offered to line up volunteers and suggested getting additional volunteers from local industrial schools to help in the areas for which they were being trained such as carpentry, plumbing and electrical work. This would help provide on-the-job training for these young people and help them gain skills for the future. This effort is also in jeopardy because the waiver on volunteers was not included.

Although the opposition to these waivers has made the job of repairing D.C. schools more difficult, I am still willing to help and I still support the Gunderson amendment. That is really saying something, because my colleagues know how much I oppose the Davis-Bacon Act. Without being critical, I would offer an old adage to the D.C. Delegate and other leaders; "Don't look a gift horse in the mouth." Many of us care about the District of Columbia and want to help. Do not throw roadblocks in our way. Let us not let partisanship jeopardize the future of D.C.'s school children. Let us not waste this opportunity. Support the Gunderson amendment.

Mr. DIXON. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. Mr. Chairman, I rise today in admiration of the gentleman from Wisconsin [Mr. GUNDERSON] and in opposition to his amendment.

Mr. Chairman, like the gentleman from Wisconsin [Mr. GUNDERSON], I am a strong supporter of reforming public education in the district and find a number of ideas contained in his bill to be promising and worthwhile. But I oppose this amendment's language that would authorize use of Federal taxpayer funds to pay for private school vouchers or scholarships or whatever it is that we choose to call them.

I appreciate the efforts of the gentleman from Wisconsin [Mr. GUNDERSON]. He has met tirelessly with representatives of the community and those with a stake in the schools. Unfortunately, it is not enough simply to have meetings.

We have before us today an amendment that would create a very broad-based experiment in the lives of children. The gentleman from Wisconsin [Mr. GUNDERSON] has called this the best compromise we can achieve, and yet the committee of jurisdiction has not held one hearing on this detailed plan, much less a markup or any working compromise among Members that might have achieved real consensus.

My greatest concern is that there is little or no public accountability on how these dollars would be used. This amendment fails even to define what a school is for the experimental purposes under this plan and who can be a teacher in one of those experimental schools. There are provisions for a report to Congress, but nothing to ensure that the scholarship schools raise the achievement of students, nothing to ensure that we are not using Federal money to transfer students from one environment to another, with no real benefit to the kids.

At the same time, there is no real provision in this bill that provides for an effective, unbiased, comprehensive, scientific evaluation of the program that would give us an accurate picture of any positive or negative results as the plan proceeds.

For the reasons I have just outlined and a thousand questions unasked and unanswered, the dollars provided for in this amendment are highly questionable as a matter of good public policy. Maybe that is too strong. Maybe it is just uncertain as to whether it is sound public policy.

If we are to truly respect the longstanding tradition of this body to conduct careful deliberation, then I urge Members to vote "no" on this amendment so the committee with jurisdiction in matters of education may undertake even the most basic work and study that this significant change in policy requires.

A school is eligible to receive Federal voucher funds if it enrolls 25 or more students and can produce a financial statement. If it is a newly created school, it needs to produce 10 letters of support from the community. This is not a responsible reform that will benefit children. It is a business opportunity that has no way of guaranteeing a better schooling for the children involved. It is an invitation for fraud and misuse of funds. There are provisions in this amendment for a report to the Congress, but nothing to ensure that the scholarship schools raise the achievement of the students—nothing to ensure that we are not merely using Federal money to transfer students from one environment to another with no real benefit to the child.

At the same time there is no provision in this bill that provides for an effective, unbiased, and comprehensive scientific evaluation of the program that would give us an accurate picture of any positive or negative results. The evaluation component of this amendment is so minimal, and only applicable after 4 years, that it will not tell us anything reliable. In an experiment such as this we need to be able to discover what is working, what is not working, what problems have come up—foreseen and unforeseen. We need information about how the children did in their previous schools, what changes in behavior occur, the list goes on and on. The simple statement that an evaluation should be done after 4 years, with only a few specifications on what should be evaluated, will not produce the detailed results we need to hold this program accountable.

This amendment is also a lesson in illusions. There are fewer than 10 schools already operating in the District of Columbia that have tuition at or below the voucher level. In an informal survey, my staff found only a handful of slots open for students to enroll in these schools. These schools also seem to include many hidden costs, fees, and no provisions for transportation. The Speaker offered to fully fund this program for low-income students in the District, but there are not nearly enough openings in private schools in the surrounding areas to accommodate all of those children. There are instances where public schools in the surrounding areas will take students from outside their own district, but those instances are rare and much more costly than the voucher provides. Why then, are we tying up these millions of Federal taxpayer dollars for this program when they could be used to improve the public schools that serve all children in the District?

There are also no provisions in this bill to assure that students who want to participate in this program will be protected by civil rights laws once they are in these private schools. There are no provisions to provide for the disabled students, who often carry with them the need for costly special services. These same services are required by law to be provided by the public schools.

Mr. GUNDERSON. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. WELDON], also a member of our committee.

Mr. WELDON of Florida. Mr. Chairman, I rise in support of the Gunderson amendment.

Mr. Chairman, I would like to say that I was one of the Members who went to Milwaukee to see what the people in Milwaukee had to say about their school voucher program. One of the conclusions that I could not help but make there is that the kids, the moms, the dads in the program love it. They think it is wonderful. The academics, the school education officials who are involved with the unions, they do not like it.

I remember one young lady by the name of Yolanda who came up to me, she was in the audience, and told me about how much this program has impacted her and about how she has gone from a grade point average of 1.4 to 4.0 and how she thought we needed to expand the program in Milwaukee and indeed expand it all over the country.

That is what my good friend from Wisconsin is trying to do here in this bill, to do something for these kids.

The opponents of this amendment have nothing to offer. I feel that we should all support this amendment. It is a good amendment.

Mr. DIXON. Mr. Chairman, I yield 1 minute to the gentleman from Texas, Mr. GENE GREEN.

Mr. GENE GREEN of Texas. Mr. Chairman, I thank the gentleman from California [Mr. DIXON] for yielding me the time.

Mr. Chairman, I would like to commend the gentleman from Wisconsin [Mr. GUNDERSON], my colleague on the committee, for his genuine concern and dedication to education. But even with that I must oppose his amendment. Major authorizing legislation like this should be given careful consideration in a separate bill and obviously should not be attached as an amendment to an appropriations bill. It should go through the Committee on Economic and Educational Opportunities that I serve on with the gentleman from Wisconsin [Mr. GUNDERSON]. I believe that the proposal should go through that committee and have full hearings.

In fact, the Gunderson amendment could actually be instituted by the local community without having to have the structure coming through this Congress. They can create their own programs that they want to, and it does not have to be through the U.S. Treasury. They could do that if they wanted to, without this Congress telling them. Let the local people make the decision, whether it be in my district or here in D.C.

The Gunderson amendment could have dramatic effect because of the private school issue and the Constitution. But let me also say that the concern I have is it may be cherry-picking or picking good students out of the D.C. school district and only to go to certain other school districts. I am concerned because we need those children in the public schools.

Mr. GUNDERSON. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. WOLF], my friend, my classmate and my colleague.

Mr. WOLF. Mr. Chairman, I want to thank the gentleman from Wisconsin [Mr. GUNDERSON] for offering this amendment. This is our chance to help the students in the District of Columbia.

Mr. Chairman, my daughter taught for a year in the District of Columbia. I want to tell you, the schools are not doing very well. We are losing young people year after year after year. If I were a parent and had children in the District of Columbia schools, I would want this bill so badly, and no one in this body should oppose this bill.

Mr. Chairman, how many Members of this Congress, Republican and Democrat, who live in this region have their children in the District of Columbia schools? The answer is probably few or maybe none.

I commend the Speaker. I commend the gentleman from Wisconsin [Mr. GUNDERSON]. If this bill goes down, you will lose children. To vote against the Gunderson amendment is to vote against the young men and boys and girls in this school, in this District of Columia.

None of you would send your kids to these schools. None of you would send your kids to these schools.

This is a good bill. The Gunderson amendment is a good amendment. The Speaker should be commended. It will disgrace this body if this amendment fails.

Mr. DIXON. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Chairman, I rise in opposition to this amendment that allows the use of Federal funds in education for the so-called low-income scholarships. This proposal will establish a voucher program, will only serve to worsen the situation that my colleague from Virginia pointed out, because the vast majority of students will be left behind in a school system with even less resources than they have now.

This amendment will not increase parental choice. In a voucher program, the parents do not have the choice. The private schools have the choice. They will choose the students already in their schools first and then the students who excel in academics next.

In the hearing in Milwaukee to which there was reference, we found that the vast majority of students will be left behind in a school system with less funding than could have been available had they not had the voucher program.

Mr. Chairman, this amendment will do nothing to improve the situation in the Washington, DC, public school system. I urge my colleagues to join the Washington, DC, residents themselves who have already spoken in opposition to this idea in a referendum and reject this amendment.

□ 1330

Mr. GUNDERSON. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. RIGGS], also a member of our committee.

Mr. RIGGS. Mr. Chairman, I thank the gentleman for yielding and for his tremendous initiative and leadership in this area.

I am very glad to follow the gentleman from Virginia. I have a lot of respect for him. A couple of weeks ago we were both in Milwaukee for a field hearing of the Opportunities Committee. We looked at that school system's implementation of school choice for low-income families.

What did we hear? The parents and families participating in that program have a high degree of satisfaction with the program, that school choice is increasing parental involvement in public education, and that is what the Gunderson amendment is all about. It is about shifting the educational paradigm, changing focus from providers of education to consumers of education. This is not about Republican or Democrat, conservative or liberal. It is about empowering low-income families and giving low-income parents the same choice that more affluent parents have to provide educational opportunity for their children.

Mr. DIXON. Mr. Chairman, I yield one-half minute to the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Chairman, in the hearing in Milwaukee we did hear great satisfaction for those who were in the program, but the fact is we did not hear from those who were left behind with fewer resources.

Mr. DIXON. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK of Florida. Mr. Chairman, I want to commend my friend, the gentleman from Wisconsin [Mr. GUNDERSON], for a well-intended attempt to help D.C. schools. But the message I bring is that the people who live in the District know how their youngsters should be educated.

We have said in this Congress that this Congress is tired of micromanaging and passing down things to States. Use that same rule of thumb in dealing with the D.C. school system.

I am sure each of us has some well-intended desires, but it took under, President Bush's administration, 2 years to even study, to get to Education 2000. Now we are going to do this on an appropriations bill.

It is very, very inadequate planning in education. This is a crucial thing, the education of the youngsters in the District of Columbia.

I want to let this Congress know that the youngsters in the District of Columbia have every right to a good education that is well thought out and well constructed and a systematic approach leading to education. No one-shot-overnight deal for them is going to work.

So be sure, before you vote for anything, to vote against this amendment. No matter how well intended it is, it is a very dangerous initiative.

Mr. DIXON. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Chairman, I have great respect for the commitment of the gentleman from Wisconsin to education. I am a bit shocked that he has allowed himself to be used to make this kind of presentation.

What the American people fear most is Federal interference in education. Here is a situation where the children of the District of Columbia will be made guinea pigs of the radical right. You will have a private plantation system developed where without any kind

of accountability, experimentation will be run out of the Speaker's office. It is the worst kind of situation where Federal money is going to be used in a very partisan way to set some precedents that then will be used for the rest of the country.

The precedent with respect to vouchers has been discussed a great deal. We have discussed vouchers. We have gone through that. The American people rejected vouchers for private schools. To come through the back door in this way, using the power of the Speaker's office and holding out carrots for a District which is desperate for funds, is the wrong way to do it. The American people will not tolerate it.

I hope we will withdraw this amendment.

Mr. DIXON. Mr. Chairman, I have one additional speaker remaining.

Mr. GUNDERSON. Mr. Chairman, I am honored to yield the balance of my time to the Speaker of the House of Representatives, the gentleman from Georgia [Mr. GINGRICH].

The CHAIRMAN. The gentleman from Georgia [Mr. GINGRICH] is recognized for 4½ minutes.

Mr. GINGRICH. Mr. Chairman, let me say first of all I am a little disappointed at some of how the D.C. bill has evolved, because last year when we were in the minority and we were approached about helping at a point where it would have been impossible for the Democrats to get votes for the District of Columbia appropriations bill, a number of us did everything we could to be helpful and provided the margin of passage. We did it because we thought this was our National Capital, and we had an obligation to do it.

But I am even more disappointed in the consistent refusal of Members, who ought to know better, to deal directly with the problems of children in terrible schools. Now, this is an article from yesterday's Washington Post: "D.C. school in chaos, Teachers' Union says; reports of violence cause fear at Ballou; officials say principal is in control."

This is a quote:

> Members of the Washington Teachers' Union complained yesterday that Ballou Senior High School, in Southeast Washington, is so out of control that some teachers and students have been staying home. "There have been robberies at the school, assaults, cherry bombs," union president Barbara Bullock said. "When we saw the chaos, we had to speak out. Teachers are afraid for themselves and the students." She said some teachers have called the union and said. "They are stressed out. You can't teach with all that hell-raising going on outside in the hall." Patricia Laster, an English teacher, said there is "constant traffic in the halls, there is open smoking of marijuana. Some of the students can be absolutely incorrigible. there have been threats made on teachers. Because of scheduling mix-ups, she said, some students still do not have class assignments and simply roam the halls.

Now, I would say to my friends, how long are you going to abandon the children? How long is the next unionized bureaucrat going to matter more than the child? How long is the next political support from the local teachers' union or political support from the local bureaucrats going to matter more than the children?

Somebody said they were worried about children being left behind. I will make you an offer. If the Democratic Party or if any significant faction is prepared to make this scholarship program available for every child in the District of Columbia who is below the poverty level, I will work with you to find the funding in the next 30 days for every child in the District of Columbia who is below the poverty level. Do not tell me about the Republicans favor the rich. Do not tell me that class warfare baloney.

On this program, the gentleman from Wisconsin [Mr. GUNDERSON] worked with the local community to develop a program targeted to the poorest children in this city, the children that every one of you knows is being cheated today, today. The President knows they are being cheated. His daughter goes to a private school. The Vice President knows they are being cheated. His go to a private school.

We are trying to give the poorest people in this city the same opportunities of the President and the Vice President.

Mr. DIXON. Mr. Chairman, will the gentleman, the Speaker, yield?

Mr. GINGRICH. I yield to the gentleman from California.

Mr. DIXON. Mr. Chairman, as I understand this bill, there is $42 million over 5 years dedicated to this, and there is to be an effort to raise private funds. Do you think that that is going to fund the children of the District?

Mr. GINGRICH. I just said, I will say to my good friend, I just said to you if you will support this, in the next 30 days I will work with you. We will put together full funding, full funding for every child below the poverty level. It is time that somewhere in America somebody had the guts to stand up and say that in the inner cities of this country, on the American Indian reservations of this country, and in some rural areas, in that order, we are cheating these children, and we are cheating them on behalf of teachers' unions, and we are cheating them on behalf of bureaucrats. We stand around and say we ought to do better.

We have an article on page 1 today that says 60 percent of the kids in this country who are seniors cannot do any American history; they failed the history test for the most basic items. This country is in a crisis.

We had a Million Man March out here that said they are sick of the welfare state, they are sick of being cheated, they are sick of living in neighborhoods with fear of drug dealers.

We had an article in the Washington Post yesterday describing precisely the kind of school the gentleman from Wisconsin [Mr. GUNDERSON] is trying to save.

Now, you want to call my bluff? Then you support the Gunderson amendment and let us sit down and see who is prepared to help the poor children. Do not tell me when Democrats vote for the teachers' union, against the poorest children in this city, when Democrats vote for the bureaucrats against the poorest children in this city, do not tell me who is the party of the rich. We are prepared to help the poorest children. We will do what we can.

But no citizen should look at this Congress and watch somebody come in there and vote "no" on Gunderson and I think they care about the children. People who vote "no" on Gunderson are voting for the unions and the bureaucrats, no matter what the damage is to the kids.

The gentleman from Wisconsin [Mr. GUNDERSON] has done a heck of a job reaching out to everybody, and as the Washington Post said very clearly, there are a lot of groups who helped him until, in fact, there was strong opposition.

Where does the opposition come from? It comes from the bureaucrats who do not want to have to change. It comes from the tenured teachers who are incompetent, who do not want to be challenged.

Now, we should quit requiring the children of D.C. to go to violent schools, drug-ridden schools and schools that are dens of illiteracy and dens of ignorance, and we should give them a chance to have a scholarship and go to a decent place, and if the Black Caucus will vote with us, I will work with you to find the rest of the money.

But do not use some lame excuse about leaving kids behind. This is an important first step. It is a vital first step, and if you will call our bluff, we will get you the resource.

Mr. BRYANT of Texas. Mr. Chairman, will the gentleman yield?

Mr. GINGRICH. If I have time, I will. I yield to the gentleman from Texas.

Mr. BRYANT of Texas. I thank the gentleman for yielding.

Will you pull this bill for 30 days, let us find that money, and then bring the bill back to the floor so we know for sure what you are saying is what you will do?

Mr. GINGRICH. If you will give me your word, if Mr. DIXON gives his word, we will not have to take 30 days. You two give us your word that you are going to vote "yes" on final passage when it comes back and you are going to vote for the Gunderson amendment when it comes back. We will find the money.

Mr. BRYANT of Texas. Before I give you my word, Mr. Speaker, how much money are you promising?

Mr. GINGRICH. Let us see how much it is going to take for children under poverty.

Mr. BRYANT of Texas. How much money do we need to do this?

Mr. GINGRICH. Let us see how much it is calculated.

Mr. BRYANT of Texas. If you do not know how much money is needed, Mr. Speaker, you cannot promise you are going to bring it back in 30 days and fix it and then ask us to vote for it on the basis of your promise, if you do not know how much money is needed.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from New York.

Mr. WALSH. I think the city government would have a big problem if we held up this bill for another 30 days. They spend that Federal formula money the day that it arrives.

Mr. DIXON. If the gentleman will yield, as I listened to the Speaker here, it would be worth it to hold it up to fund all the kids in private schools in the District of Columbia. It certainly would be worth holding up the bill to do that.

Mr. GINGRICH. I did not say all the kids. I said children below the poverty line.

Mr. DIXON. That includes, Mr. Speaker, 92 percent of the kids in the school district here.

Mr. GUNDERSON. Mr. Chairman, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Wisconsin.

Mr. GUNDERSON. I was just going to point out that we are only talking about students who "are at 185 percent of the poverty level or less," who want to apply for some kind of a scholarship. Now, we are happy to do a survey, and before this bill comes back from conference, I think we are going to be able to have some understanding of exactly what the cost will be.

Mr. GINGRICH. If the Chair will indulge, let me say one last thing, because I have been generous in trying to yield. Let me say one last thing. The gentleman from Texas just implied if the scholarship money was available, every child in the D.C. schools would leave. If the gentleman truly believes these schools are so bad that every child in the D.C. schools would leave, then the gentleman ought to wonder why he is trapping them in a monopoly that is failing. If you will vote "yes," before we come back from conference we will find the money.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. I want to point out I think games are being played again. You see, we are forgetting all about the opportunity we have to get the private sector involved in fixing schools that need fixing in the worst way. We are talking about getting some seed money in there to make sure that the private sector can come and help with the scholarship program. But all we want to do is talk around the issue and forget about kids. That is the tragedy.

Mr. GINGRICH. I have run out of time. The Chair is being indulgent. Let me just say if you will vote "yes," we will do the survey. We will find out how many children want to leave. In fact, I hope the D.C. schools will cooperate. We will do the survey even if you vote "no." Your predicate is that every child will want to leave, so it will cost too much, so let us keep them trapped where they are being destroyed, because we do not have the nerve to face up to how many want to leave. We are prepared to serve the children. You vote "no" for the bureaucrats. We will vote "yes" for the children. Morally we should vote "yes."

Mr. BRYANT of Texas. Will you tell us how much money, Mr. Speaker, and we will consider whether to vote for it or not.

Mr. DIXON. Mr. Chairman, I think this is a very interesting dialog. I ask unanimous consent that we have 5 minutes to continue it.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. GUNDERSON. Mr. Chairman, reserving the right to object, I did not hear the request.

Mr. DIXON. I asked unanimous consent to have 5 minutes to continue this dialog.

The CHAIRMAN. Is that per side, 5 minutes per side?

Mr. GUNDERSON. Is it 5 minutes for the Speaker? Is that what it is?

Mr. DIXON. I was asking. The Speaker can ask unanimous consent.

Mr. GINGRICH. For a dialog or for more speeches?

Mr. DIXON. Mr. Chairman, I ask unanimous consent that I have 5 minutes to speak out of order.

Mr. GUNDERSON. Mr. Chairman, reserving the right to object.

The CHAIRMAN. The Chair can only entertain an even-handed request.

The gentleman from California has 3 minutes remaining of his time. If there is an extension of that time, the time must be equal on each side.

The gentleman from California has 3 minutes remaining.

Mr. DIXON. Mr. Chairman, I yield 1 minute to the gentleman from Missouri [Mr. CLAY].

□ 1345

Mr. CLAY. Mr. Chairman, I thank the gentleman for yielding me time.

Let us talk Turkey here. They are talking about what they want to do for the children of the District of Columbia. Let me say they have already denied Head Start to 690 children in the District with their budget cuts. They have already denied 2,500 District of Columbia children Basic and Advanced Skills. They have eliminated Goals 2000, denying improved teaching and learning, to as many as 21,500 children in the District. They eliminated summer jobs for 2,029 in the District.

Now they are talking about improving the quality of education in the District by awarding 14 scholarships, 14 scholarships, to some 65,000 school children in the District of Columbia.

I say this is another farce they are trying to perpetrate on the public.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. CLAY. I yield to the gentleman from Pennsylvania.

Mr. GUNDERSON. Mr. Chairman, I just want to indicate we increased Head Start in 5 years 180 percent. Guess how many youngsters got included? Thirty-nine percent. 180 percent increase in money, 39 percent increase in participation.

Mr. CLAY. Mr. Chairman, that argument is part of the farce. That is part of the farce.

Mr. DIXON. Mr. Chairman, I yield myself one minute.

Mr. Chairman, this is certainly a very interesting conversation. Once again, let me say to the gentleman from Wisconsin [Mr. GUNDERSON], he has done an excellent job, but there is major opposition to the bill and major concern about the bill. The bill has never had a hearing.

The chairman of the subcommittee talked about a hearing. I think the gentleman from Wisconsin [Mr. GUNDERSON] will concede he came to our committee, which is not the appropriate committee, took about 20 minutes, and gave us some generalization about what the gentleman intended to include in the bill.

But more importantly, the scholarship program, or voucher program, whatever it is called, could be applied to schools outside of this jurisdiction, and could be applied to religious schools.

But, more importantly, to address the Speaker's concern, my personal view is that we should improve the public schools in the District of Columbia. That is where the problem is. Because there are not enough resources in this country to voucher or give scholarships to all the needy children.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. All time has expired on the side of the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. DIXON. Mr. Chairman, I believe I have 3 minutes to close.

The CHAIRMAN. There was no extension of time by unanimous consent.

Mr. DIXON. There was no objection to the unanimous-consent request.

The CHAIRMAN. The Chair advised the gentleman from California [Mr. DIXON], if the unanimous-consent request was to extend the time controlled by the gentleman, under the rule, the same extension would have to be given to the other side. The rule

adopted by the House so constrains the committee.

Mr. DIXON. Could the Chairman tell me how much time I have left?

The CHAIRMAN. The gentleman from California has 1 minute remaining.

Mr. DIXON. Mr. Chairman, I ask unanimous consent that each side be allowed to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The gentleman from California [Mr. DIXON] still has the right to close.

Mr. GUNDERSON. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. GINGRICH], the Speaker of the House.

Mr. GINGRICH. Mr. Chairman, I just cannot resist, because I think this is such a wonderful moment. Correct me, because the gentleman from Wisconsin has done this work and it is magnificent, but as I understand it, the gentleman has provided $3,000.

Mr. GUNDERSON. If the gentleman will yield, the maximum is $3,000.

Mr. GINGRICH. The maximum amount to be provided is $3,000. So if the student in the case that has been hypothesized says, "Can I have $3,000," we currently spend, I believe, $9,000.

Mr. GUNDERSON. Between $8,000 and $9,000.

Mr. GINGRICH. So in fact the taxpayer will be saving $5,000 for every child who decided to go over. So for every child who decided to go over, we could have two more scholarships for the next two children, because the current school system is spending between $8,000 and $9,000 on bureaucrats and people who are failing. Understand this, they are currently spending between $8,000 and $9,000.

We are suggesting a scholarship program for the poorest children in the worst schools, and it is almost self-funding. So I just think it is ironic, it is fascinating, that in the last possible defense of the worst possible system with the least possible excuse, we are now being given rigmarole.

We will find the money. The gentleman from Florida [Mr. YOUNG], on the Committee on Appropriations, said we will find the money. So do not suggest to us this is about money. This is about whether you are for the unionized bureaucracy and the teachers that are failing and the schools that are dangerous, or whether you are for the poorest children in D.C., in the poorest neighborhoods, in the worst schools, having the same opportunity as the Gore family, the same opportunity as the President's family, and, by the way, in a city where only 28 percent of the teachers send their children to public schools, because the teachers know better, and they will not send their children to public school. We are giving the poorest children the same opportunity for less cost to the taxpayer. I think there is no excuse for voting "no."

Mr. DIXON. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in praise of the gentleman from Wisconsin, STEVE GUNDERSON, as a human being, as a colleague, and as a Member. The gentleman is rare. I rise in praise of the gentleman from Pennsylvania [Mr. GOODLING] as well. These Members have worked so beneficially and fruitfully with me and many in my district.

I rise in gratitude to the Speaker, who has appointed a task force, which has diligently worked with us on a home rule basis.

If Members had conducted themselves as the gentleman from Wisconsin [Mr. GUNDERSON] has during what I have come to call the Gunderson round, this would not be a polarized Congress. The gentleman has been an example of problem solving that the entire Congress needs to emulate.

The gentleman has tried desperately for a win-win situation, and has virtually made it. The gentleman has respected local democracy in the District of Columbia. The gentleman has spent countless hours, not only with District officials, but with individual residents whose name no one will ever know.

In the very beginning, when the Speaker's task force was appointed and the notion of vouchers, call them vouchers, call them scholarships, got in the press, the residents of the District of Columbia, I can tell you, were up in arms, and they called and they screamed, and they wanted to know more about vouchers than they wanted to know about the financial authority being imposed on them. I think that is because there has been a referendum in the District of Columbia, and in that referendum, a program of the kind that is a small part of the bill of the gentleman from Wisconsin [Mr. GUNDERSON] was voted down overwhelmingly.

I ask Members of the other side what you would do if there had been a referendum in your district and people voted this down, not because of money, but because overwhelmingly my constituents believe it is the District public schools that must be improved.

So in the end we agreed to a compromise that was a private scholarship fund for private schools, and anybody could apply. For us, the compromise was that we knew some of our students who were best and most conscientious would leave, but that was the compromise.

It was in Mr. Gunderson's own Republican conference where there was an insistence that there not be only private scholarship funds, which all of us would try to raise money for, but Federal funds as well.

Mr. Chairman, this is not an ordinary issue. Each side feels itself bound by principle. This has been for me a principle. That is why I have looked for a compromise all during this time. This is a collision of principles, and pejorative comments on either side do not truly respect the principles that are at stake here. And on top of the principles involved in private funding, we have religious schools.

The good news is I have been meeting on a daily basis and will continue to meet on a daily basis. The Gunderson proposal is too important to throw away. I refuse to give up on this bill. I regret it has for many of us, as in a Greek tragedy, a fatal flaw.

The CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from Wisconsin [Mr. GUNDERSON].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. DIXON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 241, noes 177, answered "present" 1, not voting 14, as follows:

[Roll No. 763]

AYES—241

Allard	Cooley	Goodlatte
Archer	Cox	Goodling
Armey	Cramer	Goss
Bachus	Crane	Graham
Baker (CA)	Crapo	Greenwood
Baker (LA)	Cremeans	Gunderson
Ballenger	Cubin	Gutknecht
Barr	Cunningham	Hall (TX)
Barrett (NE)	Davis	Hancock
Bartlett	Deal	Hansen
Barton	DeLay	Hastert
Bass	Diaz-Balart	Hastings (WA)
Bereuter	Dickey	Hayes
Bilbray	Doolittle	Hayworth
Bilirakis	Dornan	Hefley
Bliley	Dreier	Heineman
Blute	Duncan	Herger
Boehlert	Dunn	Hilleary
Boehner	Ehlers	Hobson
Bonilla	Ehrlich	Hoekstra
Bono	Emerson	Hoke
Browder	English	Horn
Brownback	Ensign	Hostettler
Bryant (TN)	Everett	Houghton
Bunn	Ewing	Hunter
Bunning	Fawell	Hutchinson
Burr	Fields (TX)	Hyde
Burton	Flanagan	Inglis
Buyer	Foley	Istook
Callahan	Forbes	Jacobs
Calvert	Fowler	Johnson (CT)
Camp	Fox	Johnson, Sam
Canady	Franks (CT)	Jones
Castle	Franks (NJ)	Kasich
Chabot	Frelinghuysen	Kelly
Chambliss	Frisa	Kim
Chenoweth	Funderburk	King
Christensen	Gallegly	Kingston
Chrysler	Ganske	Klug
Clinger	Gekas	Knollenberg
Coble	Gilchrest	Kolbe
Coburn	Gillmor	LaHood
Collins (GA)	Gilman	Largent
Combest	Gingrich	Latham

LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Meehan
Metcalf
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Moran
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—177

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Bateman
Becerra
Beilenson
Bentsen
Bevill
Bishop
Bonior
Borski
Brewster
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Costello
Coyne
Danner
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meek
Menendez
Meyers
Mfume
Minge
Mink
Mollohan
Murtha
Nadler
Neal
Oberstar
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Reed
Richardson
Rivers
Roemer
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Studds
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

ANSWERED "PRESENT"—1

Obey

NOT VOTING—14

Berman
Boucher
Chapman
Conyers
de la Garza
Fields (LA)
Gephardt
Miller (CA)
Moakley
Pelosi
Rangel
Stokes
Tucker
Weldon (PA)

□ 1415

The Clerk announced the following pair: on this vote:

Weldon of Pennsylvania for, with Mr. Conyers against.

Messrs. ORTIZ, BATEMAN, SKELTON, and STUPAK changed their vote from "aye" to "no".

Mr. CRANE changed his vote from "no" to "aye".

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1415

Ms. NORTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the bill before us puts this Member in an untenable position. The bill has gone through needless water torture. There are amendments that openly invite confrontation and a possible veto—that can only be solved in conference. There are cuts so large that it will bring the District crashing down around this body one day while it is in session if no accommodation is reached in conference.

Yet, Mr. Chairman, I cannot honestly stand here and say to my side that more of what the District wants it will get if this bill goes down in final passage.

Mr. Chairman, to the other side I say, they cannot get anything more because they have gotten virtually everything they want, including a devastating cut, the most severe antichoice provision in the United States ever enacted in a bill, and now an appropriation in a bill, and much more.

Mr. Chairman, neither side has anything more to gain by stopping this bill and putting the District of Columbia at risk. We have heard much about the D.C. government during this debate. It has been castigated as if the District were not reflective of the problems of urban America. It has been castigated as if Congress itself had not put a financial authority in place which has not had time yet to begin the vital and indispensable work of reform.

We have heard nothing about what the District has done, that the gentleman from New York [Mr. WALSH], the chairman of the subcommittee, could and should have taken some credit for. I was forced to get on the floor with that record: the establishment of a financial authority; twice as many positions saved as the Congress required; a torturous cap that has brought services to barely breathing.

Mr. Chairman, this morning's paper talks about an example of what the District has done all on its own. "This fall, the University of the District of Columbia collapsed five colleges into two and 60 departments into 18."

A study, Apple Seed Center, a group of conservative lawyers, has put out a report indicating that the Federal payment should not be $600 million, but over $1 billion.

Most of all, if I could continue to have my colleagues' attention, in my city $2 out of $3 are earned by nonresidents. Leave aside the notion of a commuter tax, we do not have any State that could recycle some of that money back the way they do in Syracuse and Philadelphia and elsewhere.

Most of all, my colleagues have not heard about the innocent bystanders. When people come before this Congress, they talk about the D.C. government. They do not talk about the people I represent.

Mr. Chairman, the Washington Times a few days ago wrote an article about the people I represent. I want to leave Members with what it said so that they will know that what I have said about the cut must be rectified.

"Deteriorating Services Drive Out Middle-class." Mr. Chairman, let me just read a little bit of what they say.

"I am giving up," said Gail Barnes, a 14-year District resident and advisory neighborhood commissioner in Ward 4. "I don't want any more potholes beneath my knees, street lights that are out, trees that are untrimmed."

Mr. Chairman, another part, "The latest essential service to blink out is repair of street lights and traffic signals. The District owes Potomac Electric Power Co. about $20 million for light repair and citywide electric bills * * * Since its contract with PEPCO ran out September 25, the city has tried to handle repairs itself, but the Department of Public Works has been unable to keep up with the demand."

Mr. Chairman, I appreciate that the Speaker has called PEPCO to say, "Hold on. Somehow the money will get to you," but if that is not a case study in desperation for this city, I do not know what is.

"Hundreds of police officers," the article says, "have left the department in recent months. Arrests have plummeted as overall crime has risen 11 percent compared to the first nine months of last year."

We are told that, "* * * the police lack paper to copy reports, new tires and parts for cruisers and scout cars." We are told that, "* * * during the summer, five of the city's 53 fire companies were closed each day in order to cut costs, and during the past week, six of the city's 16 ladder companies were out of service because of mechanical problems."

Mr. Chairman, any Members who think this city is not in a state of crisis should read their own Washington Times.

Mr. Chairman, I appreciate what Members have gone through having to suffer through a bill that is not their own and has nothing to do with them. This bill puts the District in an untenable financial position. It will not be improved if we vote it down.

Mr. WALSH. Mr. Chairman, I rise to strike the requisite number of words.

Mr. Chairman, I beg the indulgence of my colleagues just for a moment. This has been my first opportunity to chair a Subcommittee on Appropriations and bring a bill to the floor. It has been an amazing journey.

Mr. Chairman, let me just briefly explain what we have done. We pay the District of Columbia $660 million in lieu of taxes for property occupied by the Federal Government in the District. Basically, we are paying rent. We also give them $52 million for the pension programs for police, firefighters, teachers, and judges.

Mr. Chairman, $712 million, that is what this bill is really all about. This year is the first time that the funds will go to the control board, directly to them. They will then allocate those funds, and they will make the cuts in agency and program budgets.

What are the cuts? We are about $85 million under last year's funding level. For some, that is not enough; for others, it is too much.

We have also asked the control board to look at a number of items like rent control, privatization, and the District's health care system. We did that to preserve home rule to let the District make their own decisions.

Mr. Chairman, what are the other issues, the ones that take up all the debate? Abortion. For those on the right, this bill has the toughest language ever on a District of Columbia appropriations bill. On the left, the NEA amendment was defeated. There should be something in there to make every Member in this room happy.

Mr. Chairman, I ask for bipartisan support. I ask my colleagues to set their one issue aside, if they would. We have work to do. We complain about our constituents having one issue. They are with us 95 percent of the time. We go off the ranch for 5 minutes, and they are angry and upset with us. We are doing the same thing here. I ask my colleagues to set their one issue aside. Help us to pass this bill.

Mr. Chairman, a reporter did a profile of me recently. He accused me of being dour and humorless. I said to him, "If you had spent 250 out of the last 300 days working on trying to solve the District of Columbia's problems, you would be suicidal, let alone dour."

Mr. Chairman, the District is a mess. We all know it. No Member has been tougher on the District of Columbia than I have, but there is progress. The CFO is starting to assert himself. He is starting to take over the finances of the District. The District is responding to pressure.

We have a responsibility. We have talked a lot about our rights, but we have a responsibility to pay our rent to this city. We are not talking about the national debt. That comes next week.

Mr. Chairman, let me just finish with a story. I had the opportunity not to long ago to attend a prayer breakfast where Chuck Colson spoke. Those Members who are old enough to remember Watergate will remember Chuck Colson. He went to jail for what he did in Watergate, and now he runs a jail ministry, and he does a wonderful job with people.

Mr. Chairman, he talked about a statement that he made when he was in Washington. He said, "I would go over my mother's back to pass a bill, a certain bill." For him, winning was everything, and sometimes it is for us now.

Do my colleagues know what that bill was? It was postal reform. Now, I do not know if that gets my colleagues' juices flowing, but it does not get mine.

Mr. Chairman, the point here is that we have got to set our differences aside and do our job. This is an appropriations bill. We have to pass it sooner or later, and I would strongly request that my colleague, the gentleman from California [Mr. DIXON], reach across the aisle, as I did last year, and help us to pass this bill.

Mrs. MINK of Hawaii. Mr. Chairman, I rise today in opposition to the Gunderson amendment which establishes a publicly funded education voucher program within the District of Columbia.

I do not wish to deny the District of much needed Federal assistance for their school system, but this amendment should be defeated because it is unconstitutional, it has broad implications regarding Federal education policy, and it goes against the wishes of the District population.

This amendment will establish a program in which Federal dollars can be used for direct support to private and religious institutions, with no accountability for the use of those dollars. This is clearly unconstitutional. Time and time again the U.S. Supreme Court has held that public funds cannot be used to pay, either directly or indirectly, for religious education or the religious mission of parochial schools. Yet under the Gunderson amendment religious schools cam receive direct payment from the Federal Government for tuition costs.

Mr. Chairman, establishing a voucher program will no doubt benefit a few students whose parents have the drive and ambition to stake out better opportunities for their children. But it does nothing for the many students who are not accepted to the school of their choice or cannot participate because there is not enough money.

The concept of a public education system is based on a belief that everyone should have access to basic level of quality education for all students. Unfortunately, many of our public schools are not providing that level of education. But instead of improving that quality of education for all children through our public system, the private school voucher solution benefits the few at the expense of the many.

I fear that this amendment signifies the approach the Republican majority intends to take for Federal educational assistance to throughout the country. It is the wrong way to go. And with our precious Federal education dollars shrinking rapidly the effects will be even more devastating.

Mr. Chairman, this amendment also goes against the will of the people of the District of Columbia. In an overwhelming referendum in 1981 the District population opposed a voucher program and again this year, the District of Columbia School Board reaffirmed this decision. While the Republican majority continues its rhetoric about local control and giving power back to communities and localities, when it comes to the District of Columbia they impose a program which the public does not support.

I urge my colleagues to vote against the Gunderson amendment.

Mr. TORKILDSEN. Mr. Chairman, the horror of Halloween took on new meaning Wednesday when I learned that one of my constituents, Gloucester City Councilor Valerie Nelson, was hit by a car while visiting the District. This accident was not due to her or the driver's negligence. It was due to the fact that the District had not paid its power bill. The crosswalk lights at 14th and Independence were not functioning, along with hundreds of other lights throughout the city.

The District not paying its bills is the height of irresponsibility, and epitomizes the type of mismanagement that has brought the District to its own present state of disrepair. Living and visiting the Nation's Capital should be a safe and special experience. While the city cannot insure all people against tragedy, paying the bills to maintain basic public safety is just that—basic.

What started out as a great family experience turned into a nightmare for Mrs. Nelson. She was walking in the crosswalk with her 12-year-old daughter on the way to visit the Smithsonian. Her young daughter watched in horror as her mother was sent flying onto the hood of a car and then rushed to the hospital with a crushed pelvis. It is reprehensible that this family is suffering because of the incompetent District government. While this is one family in my district, we all know thousands of families who visit our Nation's Capital every year. All of our constituents—and District residents—are at risk.

It is ironic that Americans travelling to our Nation's Capital to view the Government at work are imperiled because the functions of the local government aren't functioning. I call on the District to prioritize their spending. Bills related to public safety must be paid first—before the school board salaries, even before the Mayor's salary. There is absolutely no excuse for not paying bills that facilitate the health and well-being of citizens and tourists. What other important bills are not being paid? How many people have to be injured—perhaps killed—before the District will govern this city?

Congress and the tax-paying residents of the District deserve to know the answers.

Mr. CLAY. Mr. Chairman, my amendment is very simple. It prohibits the use of Federal tax

dollars to subsidize vouchers for private and religious school education. While many aspects of the Gunderson amendment propose improvements in public school education in the District of Columbia, the voucher proposal will harm the District's public schools.

My amendment does not speak to how the District of Columbia can use its own funds. It is limited strictly to the use of Federal tax dollars.

The private school vouchers in the Gunderson amendment would allow Federal tax dollars to be funneled into private and religious institutions. The U.S. Supreme Court has consistently struck down programs that constitute public subsidies of religious institutions, so the Gunderson provision is probably unconstitutional.

Mr. Chairman, we should not permit Federal tax dollars to be used to support private schools that are under no accountability to the Federal Government for the type and quality of education they provide. These schools would receive Federal taxes even though they might discriminate against students, including the disabled, or would cherry pick from among only the best and brightest DC school children.

I urge my colleagues to support my amendment.

The CHAIRMAN. Are there further amendments?

If not, the Clerk will read the last two lines of the bill.

The Clerk read as follows:

This Act may be cited as the "District of Columbia Appropriations Act, 1996".

The CHAIRMAN. Are there further amendments?

If not, under the rule, the Committee rises.

□ 1430

Accordingly the Committee rose; and the Speaker pro tempore (Mr. GUTKNECHT) having assumed the chair, Mr. HASTINGS of Washington, 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. 2546) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1996, and for other purposes, pursuant to House Resolution 245, he reported the bill back to the House with sundry amendments 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? If not, the Chair will put them en gros.

The amendments were agreed to.

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

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

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 224, nays 191, not voting 18, as follows:

[Roll No. 764]

YEAS—224

Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chapman
Christensen
Clement
Clinger
Coburn
Collins (GA)
Combest
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Forbes
Fox
Franks (CT)
Franks (NJ)
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gillmor
Gingrich
Goodlatte
Goodling
Gordon
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hoekstra
Hoke
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson, Sam
Jones
Kasich
Kim
King
Kingston
Knollenberg
LaHood
Largent
Latham
LaTourette
Laughlin
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
McCollum
McCrery
McDade
McInnis
McIntosh
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Mollohan
Montgomery
Moorhead
Moran
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Pombo
Porter
Portman
Pryce
Radanovich
Regula
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Shadegg
Shaw
Shays
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff

NAYS—191

Abercrombie
Ackerman
Allard
Andrews
Baldacci
Barrett (WI)
Becerra
Beilenson
Bentsen
Bevill
Bishop
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Castle
Chenoweth
Chrysler
Clay
Clayton
Clyburn
Coble
Coleman
Collins (IL)
Collins (MI)
Condit
Costello
Coyne
Cunningham
Danner
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Foley
Ford
Fowler
Frank (MA)
Frelinghuysen
Frost
Furse
Gejdenson
Gibbons
Gilchrest
Gilman
Gonzalez
Goss
Gutierrez
Hancock
Hansen
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hobson
Holden
Horn
Hoyer
Jackson-Lee
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
Klug
Kolbe
LaFalce
Lantos
Lazio
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Meyers
Mfume
Minge
Mink
Molinari
Murtha
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pomeroy
Poshard
Rahall
Ramstad
Reed
Richardson
Rivers
Roemer
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sisisky
Skaggs
Slaughter
Stark
Stockman
Studds
Stump
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates
Zimmer

NOT VOTING—18

Berman
Boucher
Conyers
de la Garza
Fields (LA)
Gephardt
McHugh
Miller (CA)
Moakley
Nadler
Pelosi
Quillen
Quinn
Rangel
Riggs
Stokes
Tucker
Weldon (PA)

□ 1449

Mr. PALLONE and Mr. LUTHER changed their vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. RIGGS. Mr. Speaker, on rollcall No. 764, I was unavoidably detained by a conflicting meeting and inadvertently missed the vote. Had I been present, I would have voted "yea."

APPOINTMENT OF ADDITIONAL CONFEREES ON H.R. 2491, SEVEN-YEAR BALANCED BUDGET RECONCILIATION ACT OF 1995

The SPEAKER pro tempore (Mr. GUTKNECHT). Without objection, under the authority granted in clause 6 of

rule X, the Speaker appoints as additional conferees from the Committee on Commerce for consideration of title XVI of the House bill, and subtitle B of title VII of the Senate amendment, and modifications committed to conference: Mr. HASTERT and Mr. GREENWOOD.

There was no objection.

The SPEAKER pro tempore. The Clerk will notify the Senate of the change in conferees.

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, I ask for this 1 minute for the purpose of engaging with the distinguished majority leader to find out what the schedule will be like for tonight and for next week.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Texas, the majority leader.

Mr. ARMEY. Mr. Speaker, we just had the last vote of the day and of the week. The House will not be in session tomorrow.

Mr. Speaker, the House will meet in pro forma session on Monday, November 6. There will be no votes on Monday.

On Tuesday, November 7, the House will meet at 12:30 p.m. for morning hour and at 2 p.m. for legislative business. The House will consider the following 12 bills under suspension of the rules:

H.J. Res. 69, reappointing Homer Alfred Neal to the Smithsonian Board of Regents;

H.J. Res. 110, appointing Howard H. Baker, Jr., to the Smithsonian Board of Regents;

H.J. Res. 111, appointing Anne D'Harnoncourt to the Smithsonian Board of Regents;

H.J. Res. 112, appointing Louis Gerstner to the Smithsonian Board of Regents;

H.R. 2527, permitting electronic filing and preservation of Federal Election Commission reports;

H.R. 238, providing for the protection of free-roaming horses in the Ozark National Scenic Riverways;

H.R. 207, the Cleveland National Forest Land Exchange Act of 1995;

H.R. 2437, providing for the exchange of certain lands in Gilpin County, Colorado;

H.R. 1838, providing for the exchange of lands with the Water Conservancy District of Washington County, Utah;

H.R. 1585, the Modoc National Forest Boundary Adjustment Act;

H.R. 1581, land conveyance, city of Sumpter, Oregon; and

H.R. 1163, land exchange at Fire Island National Seashore.

After consideration of the suspensions, the House will take up the conference report for H.R. 1977, the Department of Interior Appropriations Act for fiscal year 1996.

It should be noted, Mr. Speaker, that any recorded votes ordered will be postponed until 6 p.m. on Tuesday, November 7.

On Wednesday and Thursday, Mr. Speaker, the House will meet at 10 a.m. We plan to consider the conference reports for S. 395, the Alaska Power Administration Sale Act, and H.R. 1058, the Securities Litigation Reform Act, both of which are subject to rules.

The House will also take up a continuing resolution for the 1996 fiscal year, which is subject to a rule.

Of course Members should be advised that additional conference reports may be brought up to the floor at any time.

Mr. Speaker, we expect to conclude legislative business for the week by around 6 p.m. on Thursday, November 9. There will be no legislative business on Friday, November 10, in observance of Veterans Day.

Mr. BONIOR. Mr. Speaker, I thank my colleague, and I have one or two inquiries to my friend from Texas.

There is, as the gentleman has stated, a very important conference report on the Interior bill that you have scheduled for Tuesday evening, and, given the lightness of the schedule on Wednesday, would it not be possible to move that bill to Wednesday and do it in the light of day instead of late in the evening on Tuesday?

Mr. ARMEY. I thank the gentleman for making that request, but we have already very carefully developed the schedule for the purpose of having Members in attendance on Tuesday night, and there will be no change.

Mr. BONIOR. What is the status of the product liability bill; may I ask my friend from Texas?

Mr. ARMEY. If the gentleman will yield, we expect perhaps the motion to go to conference sometime next week.

Mr. BONIOR. Sometime next week.

And I note there was also another continuing resolution that the gentleman from Texas mentioned in his remarks, which means that I guess we expect that we will not meet the second deadline for finishing the appropriation bills, and so my question, I guess, to my friend from Texas would be:

When do you expect us to do that and can you give us a sense of how long the extension will be?

Mr. ARMEY. We expect to do the CR on Wednesday, and of course we expect to continue working on the appropriations.

Mr. BONIOR. Have you picked a date yet?

Mr. ARMEY. I respond to the gentleman by saying as soon as possible we will be bringing them back from conference.

Mr. BONIOR. But my question was to how long the extension might be, the CR, through what date.

Mr. ARMEY. The exact details of the time frame for the CR are still in the discussion stage. We will not have that determined until perhaps sometime tomorrow.

Mr. BONIOR. Mr. Speaker, I thank my friend for his observations and comments.

ANNOUNCEMENT OF OFFICIAL OBJECTORS FOR THE PRIVATE CALENDAR FOR THE MINORITY SIDE

Mr. BONIOR. Mr. Speaker, I, on behalf of the Democrat leaders, am pleased to announce that the official objectors for the private calendar for the minority side for the 104th Congress are as follows: Mr. BOUCHER of Virginia, Mr. MFUME of Maryland, and Ms. DELAURO of Connecticut.

ANNOUNCEMENT OF OFFICIAL OBJECTORS FOR THE PRIVATE CALENDAR FOR THE MAJORITY SIDE

Mr. ARMEY. Mr. Speaker, I am pleased to announce that the official objectors for the private calendar on the majority side for the 104th Congress are as follows: Messrs. SENSENBRENNER of Wisconsin, COBLE of North Carolina, and GOODLATTE of Virginia.

ADJOURNMENT TO MONDAY, NOVEMBER 6, 1995

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

HOUR OF MEETING ON TUESDAY, NOVEMBER 7, 1995

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, November 6, 1995, it adjourn to meet at 12:30 p.m. on Tuesday, November 7, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

□ 1500

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. NETHERCUTT). Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 5 minutes.

[Mr. WISE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

THE DEMOCRATS: AFRAID THE PARTY IS OVER?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. SCARBOROUGH] is recognized for 5 minutes.

Mr. SCARBOROUGH. Mr. Speaker, earlier this morning I was amused by what I heard from many of the Members on the Democratic side coming up and talking about how off base the new Republican majority was in planning to balance the budget and cut taxes. We heard one Member come up and say it was going to be the end of the Republican Party; that they were going to pay, because they were absolutely outraged at these tax cuts that we were forcing on the American people.

Another Member came up and said that he was proud of what they did in 1993, that they helped bring down the debt, and that the Republicans were being mean-spirited because these tax cuts would hurt senior citizens, these tax cuts would hurt middle-class Americans, these tax cuts would hurt everybody: dogs, cats, you name it. The Democrats think if you cut taxes, it is going to hurt all of America.

The facts are these: Americans are taxed more today than they have ever been. Those Members that came up, proud of what they did in 1993 and not liking what we are doing today, forgot to mention one thing. In 1993, the Democratic Party, without the help of one Republican vote, passed the largest tax increase in the history of America. What did that tax increase do to those senior citizens who they now claim to want to protect? It raised taxes on senior citizens. In fact, it stole money from senior citizens and their Social Security funds by raising the tax rate to 85 percent.

If that was not enough, if their assault on Social Security was not enough in the 1993 tax increase, they decided to make sure that seniors would be punished for being productive. So what did they do? They lowered the earnings level from $34,000 to $14,000. Heaven forbid that our senior citizens dare to make a positive impact on our economy after they retire and get on Social Security.

I tell you, they talk about wanting to help the working class, and then they criticize tax breaks that are going to help the working class. Somehow they have not gotten past the old, worn-out 1960's radical notion that you can love jobs and you can love job creation, but you have to hate the person that creates the jobs. It makes absolutely no sense.

I guess all these Democrats coming out and kicking and screaming, saying no, please, please, save the American people from tax cuts; explain why on the cover of U.S. News and World Report this week there is a story that says "The Democrats: Is the Party Over? They know they are in trouble, and it is even worse than they think."

I would suggest that one of the reasons that the party is over for the liberal Democratic Party in America is because they have consistently been enemies of working-class Americans. They have consistently voted for higher and higher taxes. Any Democrat you hear speaking today on the budget most likely voted in 1993 for the largest tax increase in the history of America.

Despite what they say about wanting to protect senior citizens' wages and wanting to protect Medicare and wanting to protect Social Security, facts are a hard thing to shake. The fact is, it was the Democratic Party that voted to raise taxes on senior citizens and on Social Security recipients. How they can come up 2 years later with a short memory and criticize the Republican Party in the most just absolutely extreme terms imaginable is beyond me. They call us Nazis because we want to preserve and protect Medicare.

My gosh, the spokesman for the President of the United States said we wanted Medicare to die and probably wanted senior citizens to die, also. This is not the talk of a rational party, this is the talk of people who know that the curtain is coming down on 40 years of the most radical governing concepts that have ever invaded Washington, DC. We are moving beyond that, we are daring to make a difference, we are daring to empower American taxpayers and the middle class again. That is what we do. Hopefully the Democrats will come on board.

CONTINUATION OF REPORT INTO TAXPAYER SUBSIDIZED LOBBYING IN WASHINGTON, DC

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. MCINTOSH] is recognized for 5 minutes.

Mr. MCINTOSH. Mr. Speaker, I wanted to continue our report on the Subcommittee on Regulatory Relief's investigation into taxpayer—subsidized lobbying that goes on here in Washington. Most recently, our subcommittee has uncovered a group known as the National Council of Senior Citizens that receives 95 percent of its funding, or $73 million, from the taxpayer each year.

The NCSC, as it is known, is organized as a nonprofit 501(c)4 corporation. It gets its grant money mainly to operate programs that are to benefit senior citizens, including the senior community employment program, and the chairman of the subcommittee who has oversight over that program, the gentleman from California, Mr. DUKE CUNNINGHAM, this morning announced that the GAO had done an investigation into the NCSC and various groups who administer those programs and found that they had been misdirecting much of the taxpayer money to pay for their Washington operations, and that this misuse of the taxpayer funds was leading the gentleman from California to say that we need to fundamentally redo this program.

Part of what happens with the NCSC is that they have set up a political action committee. That political action committee, or PAC, spent $400,000 in the last 4 years giving contributions to candidates who were running for President, for Senate, and the House of Representatives. Remember, this is the group that receives 95 percent of its money from the Federal Government. They have set up a political action committee. It is virtually an extension of the Federal Government.

If you think about it, would we want to have the IRS setting up a political action committee, or the Treasury Department setting up a political action committee, or maybe OSHA setting up a political action committee? I do not think so. The taxpayer would not put up with that. That is virtually what is happening with this group here.

Even more disturbing to me was the notion of how they raised their funds from the private sector. In our investigation we discovered that in one of their housing projects for senior citizens who are on low income, they send out letters from the management urging them to pay dues to the NCSC. I want to read to the American people from a letter from one of the management in the Robert Sharp Towers in Florida.

It says to the members of that housing unit, all of whom are senior citizens, who are retired, living and barely subsisting on Government pensions or Social Security, the letter says:

> There are many reasons for joining the NCSC. First of all, you have the privilege of living in these beautiful buildings, protected with security, free from financial worries of high rent and big raises.

Then it goes on to say:

The NCSC is well known and a powerful national organization, with political clout in Washington. To carry on, the organization needs money for these worthwhile projects, such as lobbying and letter writing, which take paper, stamps, envelopes, and hard work. Dues are payable June 1.

The message is, if you want to stay in this senior housing project, you had better pay your dues to the NCSC. That type of intimidation I think is unconscionable. It goes to fund lobbying efforts by this group to spend more taxpayer dollars, and it is something, quite frankly, that we should no longer allow to occur in this Congress.

I will submit for the RECORD, Mr. Speaker, a copy of that letter, along with a recent policy statement by the NCSC saying that as of October 13, when we brought this matter to their attention, they are no longer allowing their management staff to issue such letters recruiting funds from their senior housing members, thereby admitting that it is a disastrous idea to have that conflict of interest.

The material referred to follows:

ROBERT SHARP TOWERS, NCSC HOUSING MANAGEMENT CORP.,
Miami, FL, June, 1995.

DEAR TENANT: All TENANTS are asked to become Members of the NATIONAL COUNCIL OF SENIOR CITIZENS (N.C.S.C.).

The Dues are $12.00 a year for an individual or a couple and can be paid in the office.

The N.C.S.C. is responsible for building ROBERT SHARP TOWERS, and have always been active in Benefits for SENIOR CITIZENS—Social Security, Medicare, Senior Aide Program.

There are many Reasons for joining N.C.S.C.

First of all you have the privilege of living in these beautiful buildings, protected with Security, and free from financial worries of high rent and big rates, which people are forced to pay in privately-owned apartments.

The N.C.S.C. is well-known and powerful National Organization with political clout in Washington. To carry on, the Organization needs money for these worthwhile Projects such as Lobbying and letter writing, which takes paper, stamps, envelopes and hard work.

Dues are payable the First of JUNE.

Please cooperate and pay your $12.00 DUES as soon as possible.

Sincerely,

MARJORIE MCDONALD,
Manager.

NCSC TALKING POINTS FOR HOUSE FLOOR, PREPARED FOR CONGRESSMEN MCINTOSH, ISTOOK, HAYWORTH—NOVEMBER 2, 1995

NCSC received 95% of its annual budget ($73 million) from government grants last year.

NCSC is a 501(c)(4) non-profit organization.

NCSC gets most of grant money to provide jobs to low-income seniors through a program called the Senior Community Service Employment Program (SCSEP), which is funded under Title V of the Older Americans Act and administered by the Department of Labor.

Half of NCSC's Annual Report for 1994 is dedicated to its political and legislative activity. Only four pages are dedicated to its job programs.

NCSC's PAC made $405,000 in contributions in the last 4 years to Presidential, House and Senate candidates.

NCSC is participating in a labor-based coalition that is directing a multi-million dollar TV ad campaign against Congress' efforts to balance the budget and save Medicare.

One of NCSC's wholly-owned subsidiaries—the NCSC-Housing Management Corporation—operates dozens of seniors' housing projects nationwide. In one of these projects—the Robert Sharp Towers in Miami—the NCSC threatened to take away housing if tenants refused to pay NCSC dues.

[NCSC's THREATENING LETTER IS ATTACHED].

When NCSC was confronted with this letter in October 1995, it is immediately adopted a policy prohibiting its employees from soliciting tenants to join NCSC.

[NCSC's NEW POLICY IS ATTACHED (policy is in italic)].

A recent GAO Report cites NCSC, along with 9 other groups, for improperly spending $20 million in SCSEP grant funds on excessive administrative expenses.

McIntosh, Cunningham and Hayworth held a press conference this morning [SEE ATTACHED PRESS RELEASE] to focus attention on these outrages, and to call for:

(1) block granting Title V funds to the states to eliminate groups like NCSC that do nothing but waste money on administrative expenses; and

(2) adopting the Istook/McIntosh/Ehrlich/Simpson/Craig amendment to the Treasury Postal Appropriations Bill to end welfare for lobbyists like NCSC.

Section III

SITE STAFF RESPONSIBILITIES

3-3 It is not intended that the members of the Board of Directors of the Owner Corporation implement the various daily administrative operations of the property where a Managing Agent has been contracted for such purposes. Dependent upon the extent of Board involvement in the property, many policy and procedural aspects necessary for the operation of the property are delegated to the Managing Agent. However, in all instances, the staff employed for the property are responsible to the Site Manager who, in turn, is responsible to the Property Manager and/or representatives where designated.

As the Managing Agent, NCSC-HMC expects from Site staff the utmost care and respect to be given all residents and the general public in dealing with site activities. Questions asked of you by the residents must be answered promptly and politely. If you cannot provide an accurate response, bring the question or issue to the attention of the Site Manager/Property Manager for a response.

Volunteers who work under the direction of the Site Manager should regularly convene, as should other site staff, to work out problems, bring themselves up-to-date on procedures, and to offer recommendations to NCSC-HMC on improving the conditions existing within the property.

Only authorized site staff are permitted to handle the property funds, Resident records and matters regarding sensitive property issues, (e.g., recertification/verifications, etc.). Should you have a question with respect to your role as an employee, do not hesitate to bring the matter to the attention of your immediate supervisor.

Managers and all staff of properties are prohibited from soliciting for membership, products or services to be purchased by tenants. Managers and all staff are prohibited from sending out informational material utilizing project stationary or signing such solicitation utilizing your title as manager. Any violation of this policy will result in severe disciplinary action.

CONGRESSMAN DAVID M. MCINTOSH,
Washington, DC, November 2, 1995.

MCINTOSH BLASTS LOBBYING GROUP NCSC FOR INTIMIDATING OLDER AMERICANS

WASHINGTON—Leading the drive in the House to end taxpayer subsidies to lobbyists who launder those funds for political activities, freshman Rep. David McIntosh, R-Ind., on Thursday blasted a taxpayer-subsidized lobbying group for intimidating seniors into paying dues to that group.

The National Council of Senior Citizens receives 95 percent of its annual budget, or $73 million, in taxpayer grants—making it virtually an arm of the federal government. One of its subsidiaries, the NCSC-Housing Management Corp., operates dozens of seniors' housing projects nationwide. In one housing project, Robert Sharp Towers in Miami, the NCSC threatened to take away seniors' housing if they refused to pay NCSC dues.

In a June letter to residents of Robert Sharp Towers, NCSC asked for membership dues (see attached letter). The letter also said benefits of NCSC membership include "the privilege of living in these beautiful buildings . . . free from financial worries of high rent and big raises, which people are forced to pay in privately-owned apartments."

McIntosh said the letter is the worst form of intimidation and prays upon vulnerable senior citizens who depend on NCSC for housing.

"The message to seniors from this thinly veiled threat is clear—either pay NCSC dues or you're out on the street," McIntosh said. "Not only is NCSC using our tax dollars to pay for its lobbyists, but it also is threatening and coercing vulnerable older Americans—and that's an outrage.

"While taking more than $73 million from taxpayers, NCSC lobbies, operates a PAC to make political contributions and buys advertising against congressional efforts to balance the budget. The activities of NCSC are a scandal and an affront to every taxpayer because we're the ones subsidizing NCSC's lobbying and intimidation—taxpayers are subsidizing welfare for lobbyists."

Each year the government hands out as much as $160 billion in taxpayer grants to thousands of nonprofit groups. While many of these groups do charitable work that benefits society—feeding the poor, housing the homeless or cleaning the environment—others engage in highly sophisticated lobbying and political advocacy. And some nonprofits even do their lobbying at taxpayers' expense.

During the last six months, the House Government Reform and Oversight subcommittee on Regulatory Affairs—on which McIntosh serves as chairman—has held four hearings into the money laundering of taxpayer funds for Washington lobbyists. Each hearing has been a window into the world of high-powered Washington lobbying and the lengths to which some lobbyists will go to hide their taxpayer subsidy.

On the NCSC, McIntosh has found that while taking in $73 million in taxpayer grants NCSC also operates an aggressive political action committee that during the last four years has made $405,000 in contributions to candidates for the House and Senate. NCSC also is participating in a labor-based coalition—comprised of other lobbyists that

also receive taxpayer grants—that is directing a multi-million dollar television advertising campaign against congressional efforts to balance the budget and save Medicare. The ads include attacks against specific lawmakers.

In an investigative series on lobbying by taxpayer-financed groups, the New York Post reported last month that the "first 15 pages of its (NCSC's) 32-page annual report detail NCSC's extensive 'advocacy' activities, including * * * lobbying for Clinton's health care plan and against the balanced budget amendment."

The Post also highlighted the NCSC housing subsidiary and the motivation for its lobbying: "The NCSC successfully fought cuts in a program especially important to its bottom line: the Section 202 federal housing subsidy for seniors, which brings in tens of millions to its subsidiary, NCSC-Housing Management Corp."

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. McINTOSH. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. One of the questions I had, Mr. Speaker, to the gentleman, as the gentleman knows, I offered an amendment similar to his, vis-a-vis the military-industrial complex contractors and other people who, really, 100 percent of their money was coming through the Federal Government through contracts. As you know, they also send out letters to their management saying everyone must give, they must give cheerfully, and they must give to the following people, and so forth. That went down.

Can the gentleman tell me, what is the distinction between the charitable nonprofit side and these for profits?

Mr. McINTOSH. Mr. Speaker, I ask unanimous consent to continue for 1 additional minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. McINTOSH. Mr. Speaker, the key difference there is that contractors are already covered by Government regulations and have very strict limits on what they can do for lobbying. There has also been a misunderstanding about our bill. It is not only applying to charities and nonprofit groups, but also to for-profit groups, including Government contractors when they receive grants, such as research grants. So the gentleman from Colorado [Mr. SKAGGS], who does not agree with our legislation, pointed out that many businesses would be limited by our bill in how much lobbying that they could in fact do.

Let me, if I might ask the gentlewoman, if we incorporated her provision into the bill, would she then be able to work with me to try to get this passed?

Mrs. SCHROEDER. Mr. Speaker, if the gentleman will continue to yield, one of the reasons I offered this is because I think it is unbelievable we are going after the Girl Scouts and not after the Lockheeds and the big military people. I am shocked at the people who voted to go after the Girl Scouts, but not to go after that. I think we ought to be evenhanded. I would prefer we go after neither.

Mr. McINTOSH. Let me say, Mr. Speaker, we are not going after the Girl Scouts.

THE EFFECT ON THE AMERICAN PEOPLE OF THE POTENTIAL CRISIS IN THE BUDGET AND CUTS IN SOCIAL PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE. Mr. Speaker, we come to this podium to raise several issues, and so many are before us. I do think in terms of the philanthropic limitations on pressing their points, we do trample on constitutional rights of first amendment speech when we deny the Boy Scouts and Girl Scouts and United Way to press their issues before the U.S. Congress. I hope we will consider that.

What I would hope that we would also consider as we proceed this week is to not talk about Democrats and Republicans, frankly, but really to talk about the American people and the potential crisis that we are not facing in light of some very argumentative language and mean-spirited language about holding this country hostage, about train wrecks and refusing to lift the debt ceiling, which for many people might sound extremely confusing, but we are not at a point with a budget reconciliation proposal, dominated and proposed by the Republican majority, that cuts $270 billion from Medicare and $182 billion from Medicaid, cuts education, training, and cuts the opportunity for research and development, clearly not a direction this country should go in as it relates to the needs for our young people to be educated, cutting and burdening our students in colleges by increasing the amount of student loan payments they have to make by taxing them during the time they are in college.

We find that really, whatever persuasion the American people are, you will find now cited in the Wall Street Journal that 73 percent of Americans prefer smaller Medicare and education cuts over a 10-year budget.

No one is denying that there should be an opportunity to balance this budget. Most of us in our right mind are concerned about the future of this country, and those of us who have come from local government and State government, I have come from local government in the city of Houston, have balanced budgets. But it is patently unfair as the American people, these are not Democrats and Republicans, who have said 73 percent prefer a 10-year budget plan and much smaller cuts, because they know what they will face as working Americans when their children who are in college, whether it be community college or whether it be a 4-year college or graduate school, will have interest accruing on their student loans. They understand what it means when we have cut 30 percent of research and development, the very crux of creating jobs in America for those who come out with their diploma and are told that there is no employment. They, frankly, know what it means when 61 percent ask for the President of the United States, as I have done by way of a letter to him, to veto this Budget Reconciliation Act.

□ 1515

My challenge and charges to the Republican majority and to the Speaker is that we should not hold this Nation hostage with respect to the debt ceiling. We have bonds that may be in default, we have the potential for mortgage rates to go up over this period of time, car payments to go up over this period of time, and we are facing a crisis that will not allow us, frankly, to consider the concerns of Americans.

I have to look at, in the summer of 1996 in Houston, TX, the loss of some 6,000 summer jobs for our young people. Now, many have accused those positions that come through the Houstons works program and come through funding through the Department of Labor as being baby-sitting positions.

Well, let me tell my colleagues what it does for high school students who have never been exposed to the work world. It gives them a challenge. It gives them income in many instances to provide for their parents who need to have extra income to make ends meet, it helps expose them to career opportunities, and yes, it sometimes provides them with the simple things like food, clothing, and the opportunity to go back to school in the fall. Yet, because of cuts in programs that have been constructive all over the Nation, job training programs and summer work programs, of which I am a product of, we will have a crisis in the summer of 1996.

Mr. Speaker, this crisis can be avoided if we take a moment to look at this budget reconciliation package and acknowledge that it is the absolutely wrong direction to take this country. We are remembering the 1981 tax cuts of which this $270 billion will be used, and let me say to those who are making under $50,000 and may have two or more children, you will not see any tax cut, for they have cut sizably the earned income tax credit.

Many of our citizens who consider themselves middle income and make $28,000, they will not receive that benefit, and they have cut the earned income tax credit that has been really a support system and a reward system

for those working individuals making under $50,000. We will not get that with the $270 billion in Medicare cuts that are supposed to be for tax cuts for those making over $300,000.

So my point is, let us not hold this Nation, Americans, hostage on this issue of the debt ceiling. It is time to extend it so that we do not go into default, and that we acknowledge that we have a responsibility worldwide to keep this country's system, economic system stable, so that real discussions can be had: Do we want to cut student loans. I mean, frankly, do we want to do that. Do we not want to look reasonably at the Medicare cuts to ensure that Medicare is stable for those of you who are now working Americans, but yet not burden the elderly Americans who would have to pay the higher premiums, and do we want you today to have higher mortgage payments and car payments because we are not frankly dealing with the American people.

Lift the debt ceiling for a while, let us have a budget reconciliation package that really responds to the American public, all of us, some 73 percent who want this country to work.

AGREE TO DISAGREE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. HAYWORTH] is recognized for 5 minutes.

Mr. HAYWORTH. Mr. Speaker, one of the great things about this Nation is the fact that we can come here and agree to disagree, the fact that we are free to have a variety of different opinions.

The gentlewoman from Texas [Ms. JACKSON-LEE] who preceded me in the well has some very definite opinions that differ from mine, as is her right, and really, there is so much information that begs a response that I just think it is appropriate to point out a couple of things.

No. 1, with reference to first amendment rights of freedom of expression, this is what the Constitution says: "Congress shall make no law abridging the freedom of speech."

Nowhere in the Constitution of the United States does it state that the Congress will subsidize with American tax dollars someone's right to politically organize. Mr. Speaker, it is not really free speech when you and I are required with our tax dollars to pay for it, point No. 1.

Point No. 2, with reference to the comments of my friend from Indiana, I find it incredibly shocking that a public housing project would be involved in what amounts to a senior shakedown. The language needs to be repeated, because it needs to be amplified. All tenants are asked to become members of the National Council of Senior Citizens, NCSC. That in itself would not be so bad, a simple request. Of course, the American people need to know that over 95 percent of the funding for the NCSC comes from you and I and other taxpayers. But still, that money is not enough. There has to be more that comes from seniors.

There are many reasons for joining NCSC. First of all, you have the privilege of living in these beautiful buildings protected with security and free from financial worries of high rent and big raises which people are forced to pay in privately owned apartments. The NCSC is a well-known and powerful national organization with political clout in Washington. To carry on, the organization needs money for these worthwhile projects, such as lobbying and letter writing which takes paper, stamps, envelopes, and hard work. Dues are payable the first of June.

Now, certainly, Mr. Speaker, every organization has a right to ask for membership, but is it the role of the Federal Government of the United States to step in with taxpayer dollars and be a party to what in essence is a letter that I believe tries to intimidate seniors involved in the shakedown.

It was interesting, too, to listen to some of the rhetoric that is brought forth to the well of this House. My good friend from Texas just talked about cuts. Again, my friends on the liberal side of this House fail to understand simple mathematics. When expenditures are increased, there are no cuts. Average spending for a Medicare recipient will rise from $4,800 this year to $6,700 in the year 2002. That is an increase of 45 percent per beneficiary. Yet, in the twisted mathematics of Washington, replete with Orwellian news speak, people come to the floor of this House time and time again to talk about cuts.

The gentlewoman said we were holding the American people hostage with reference to making a decision to finally balance the budget.

Mr. Speaker, I submit, if we do not face economic facts, we will continue to hold future generations of Americans hostage. If we fail to answer this clarion call to action, we will be acting without any responsibility or regard for the real work at hand. Make no mistake, this talk of cut is absolute fiction. This is absolutely false. We are restraining the rate of growth in Government; we are not making cuts. That is patently true.

The fact is that we are moving now to save the very programs that folks claim are being sacrificed, to save the very programs that will work for this generation of seniors and to provide the framework to continue those programs on. That is the absolute fact in front of the American people.

In this debate, let people of goodwill with disagreements come to this floor and indeed, write their Congress people, but let them do it without tax dollars, without the largesse of the hard-working men and women of America, because face it, friends, one of the big truths is this: Money does not emanate from the Government, it comes from you and me, from working and paying our tax dollars. That supplies the money, and we should be held accountable for the way in which that is spent.

Now, absolutely good people can disagree, and I would champion the right of my friend from Texas to disagree with me, as she often does. But let us level with the American people.

Mr. Speaker, we will continue this at a later time. The debate goes on.

HOLD THE CHILDREN HARMLESS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, I would like to pick up a bit where the gentlewoman from Texas left off, because we are going to hear so much about the budget and reconciliation and balancing the budget, and I do not know about anyone else, but when I talk about this at home, folks' eyes glaze over. They hate their own budgets, so why should they want to listen to what is going on here.

Let me talk just a bit about why there is so much passion, why there is not an agreement, and why we have certain Members willing to take the full faith and credit of this great Nation and hold it hostage, so that they can get their way on the budget.

Mr. Speaker, if we took a kitchen table in America and sat everyone around it and you were trying to do a family budget, and let us assume you have to cut spending, as we have to cut it in this body. Here is the big difference between the two sides, here is the big difference: We do not want to take money from the children in Head Start education and college, we do not want to do that, and we do not want to take grandma and grandpa's money sitting at that table so we can send $20,000 to the rich uncle who lives in Chicago that makes half a million dollars. That is what this budget fight is about.

Now, they are going to say, oh, but the rich uncle who lives in Chicago is the guy who creates the jobs, so he has to get the money. But that is bottom line what this is about.

We are saying, this is not the time to send a present to the rich uncle. I think at every kitchen table in America when times are tough you try to hold the children harmless so they can get their education, they can get their nutrition in the school lunch program, and they have a chance to go to college, because they are the future. You try as long as possible and as hard as possible to hold the seniors harmless, because they have not caused this. But

this is just like your budget, only bigger, by a magnitude of gazillions of dollars, and the thing is, who pays?

The gentleman from New York is going to have a very eloquent session on this, talking about education. People do not know how badly we have hurt education. In my State alone, the estimate for the increase of 9th to 12th graders in the next few years is almost 28 percent. Twenty-eight percent more kids are going to be hitting those senior high schools. So the Federal Government is backing away from all sorts of programs, plus it zeroed out summer jobs for those kids, and it did all sorts of other things that is going to impact their future.

So this is what it is about. People know they cannot get enough votes here to override a veto, so they have to take this debt ceiling thing, the thing that guarantees our money, the thing that guarantees the bonds of this Nation, the thing that guarantees the full faith and credit of this Nation, and hold it hostage and say, we will not lift the ceiling unless you let us have our way so we can take money from the little kids and money from grandma and grandpa and send it to the rich uncle in Chicago. Hey, if you think that is a good plan, you have to be really happy, that is what is going on. But when you get behind everything else, that is exactly what is happening here. So try and keep that in mind.

I must also say, this being the 75th anniversary of women having had the right to vote, this has been a very hard week for me in this body. We have seen all sorts of things change, and you would wonder if women could vote at all.

We have seen charts being allowed on this floor that were not medically certified, that were inaccurate, that should never have been here and that were never here before, but suddenly the rules are going to allow that. We have seen the rules expanded for the other side so that they can talk; we have seen women's health and women's lives being taken away as a reason for doctors to treat them. Is that not amazing?

So I really hope that the women of America start waking up, and the men too, that are really understanding this.

We heard the debate about whether the nonprofits should be able to lobby here. Well, I want to tell you, let me tell you who is lobbying here, and that is the military industrial complex. That is why you have $8 billion worth of B-2 bombers that nobody wants and all sorts of add-ons to the defense bill. They can do it and they are doing it with 100 percent Federal money, because a lot of them work in companies where all their money is Federal money. Nobody wants to turn them off. But they are so afraid that the senior citizens may come in here and talk about Medicare cuts or the Girl Scouts might come and talk about what happens if they lose some of the money in jobs programs for the summer, or the schools and teachers come in and talk about Head Start or what happens if we cut back, that those people must be gagged.

Mr. GUNDERSON. Mr. Chairman, reserving the right to object.

The CHAIRMAN. The Chair can only entertain an even-handed request.

The gentleman from California has 3 minutes remaining of his time. If there is an extension of that time, the time must be equal on each side.

The gentleman from California has 3 minutes remaining.

Mr. DIXON. Mr. Chairman, I yield 1 minute to the gentleman from Missouri [Mr. CLAY].

□ 1530

Mr. CLAY. So we gag them. But when I offer my amendment to say, OK, if you are going to gag them, we ought to gag the defense contractors, no, we do not do that.

These are not American priorities that I know unless this is a different America than the one I know. I hope we find some way to break through the clutter and noise and try to bring to people what these real issues are, and people get engaged in this.

Government is not the hokey-pokey. You cannot just put your hand in or your foot in. You have got to put your whole self in, understand the issues, and start working to make a difference or you are going to be awakened in a couple of years and wonder what happened.

PRESIDENT UNWILLING TO LEAD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. RIGGS] is recognized for 5 minutes.

Mr. RIGGS. Mr. Speaker, throughout our history Americans have looked to their President for leadership in meeting the challenges and crises we as a country have faced. George Washington led us through the birth of our Nation, Abraham Lincoln preserved the Union and freed the slaves, Franklin Roosevelt led us out of the Great Depression and into victory in World War II, and Ronald Reagan faced a challenge of double-digit interest rates and double-digit inflation and gave us the greatest peacetime economic expansion in history while bringing about the collapse of communism.

But today, as we face the challenge of finally getting America's fiscal house in order and balancing the budget for the first time in 26 years, we see a President who is not willing to lead. In fact, we see a President who has abdicated his responsibility to lead just when the value of personal responsibility is undergoing a revival in America. Instead of submitting a balanced budget of his own to offer as an alternative to the Republican budget, President Clinton proposed a phony budget that did not balance at all.

The nonpartisan Congressional Budget Office, CBO, the budget office that President Clinton said we should all go by, says the President's budget leaves us with a $209 billion deficit in the year 2005, a bigger deficit than we have today. In fact, have a little chart that shows the budget deficit growing under the President's so-called balanced budget plan from $196 billion today in fiscal year 1996 to $209 billion in fiscal year 2005.

The President's so-called balanced budget is such a joke not a single Democrat would even vote for it. Indeed, when Republican Senators HATCH and SANTORUM offered the President's budget in the Senate, the Senate defeated it by a vote of 96 to 0.

Instead of submitting a plan to save Medicare, which his own Medicare trustees said would be bankrupt in 7 years, President Clinton has ignored the problem, refused to work with us in Congress, the majority party, anyway, to save Medicare, and has engaged in a Medicare campaign designed to frighten and deceive senior citizens about the Republican plan.

Instead of coming forth with a bill to end welfare as we know it, as the President promised when he ran for President, the President remains silent throughout the welfare debate. Instead of delivering on a middle-class tax cut, as he also promised when he ran for President, and it is interesting that Candidate Clinton said one thing and President Clinton did another thing although, but instead of delivering on a middle-class tax cut as he promised during his Presidential campaign, the President pushed through the biggest tax increase in history, a tax increase that the President has recently admitted was a mistake. In fact, he said down in Houston at a fund raiser:

> Probably there are people in this room still mad at me for that budget because you think I raised your taxes too much, and it might surprise you to know that I think I raised them too much, too.

That is what the President said. But, characteristically, the President blamed someone else for his own mistake, in this case the Republican Party in the Congress, which voted unanimously against the Clinton Democratic tax increase.

So, Mr. Speaker, at a time when Americans are embracing the value of personal responsibility, what does the President do but blame everyone else for his own lack of leadership?

Well, Mr. Speaker, Republicans in this Congress are different. We are keeping our promises, and we are stepping up to the Nation's challenges. No more excuses, no more Washington gimmicks, no more blame game. Republicans are providing the leadership

that President Clinton promised but which, unfortunately, he lacks, the leadership that America needs.

It took less than a year for us Republicans to accomplish what President Clinton, in the most powerful office in the world, the most powerful political office, could not deliver in 3 years. In fact, just last week, we passed historic landmark legislation which balances the Federal budget for the first time in 26 years. We actually will balance the budget by the year 2002 by limiting the increase, not the decrease, in Federal spending to approximately 3 percent per year between now and 2002.

Second, we preserve and we protect and strengthen Medicare while allowing Medicare spending to increase for every senior every year. The increase in California, where I come from, is from $5,000 per Medicare beneficiary today to $8,000 per Medicare beneficiary in the year 2002. In fact, over that 7-year period, we plan to spend an aggregate of $50,000 per Medicare beneficiary in California.

Third, genuine welfare reform that requires work, that emphasizes the family, and gives people hope for the future.

Last and very importantly, tax cuts for families and for economic growth and job creation in the private sector which gives us most of our new, good-paying jobs.

Mr. Speaker, it is time for the President to follow the Republicans' lead, do the right thing for America's future and support a budget, our budget, that truly reflects America's values.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 2492. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 1996, and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1382. An act to extend the Middle East Peace Facilitation Act.

THE HORRIBLE TRUTH ABOUT TAXES IN LIGHT OF BUDGET AND APPROPRIATION PROCESS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes as the designee of the minority leader.

Mr. OWENS. Mr. Speaker, the budget and appropriation process is behind schedule. I think that it has seldom been as far behind as it is now. But, as we all know, it is moving, and the critical high point is about to arrive. The negotiations between the Democratic President and the Republican-controlled Congress will mark the high point of this whole process.

Already there have been preliminary negotiations, I understand, at the White House; and we are beginning to enter that process. I think it is important at this point to take stock of where we are and to have the American people understand their vital role in this process.

I would like to, first, congratulate the American people, because the polls show that American common sense is again on target. American common sense, despite all the confusion, the double talk, the contradictions, the obfuscation, the diversions, despite it all, the American people understand basically what is going on; and their common sense has prevailed, and we have to listen to it.

According to the Wall Street Journal, 61 percent of the people want the President to veto the Republican budget. Yes, the Republican budget produced by this House of Representatives and the Senate, both controlled by Republican majorities, 61 percent of the American people, according to the Wall Street Journal, want the President to veto that budget. Thirty-two percent said it is OK.

Seventy-three percent of the American people prefer smaller Medicare and education cuts, and they prefer a 10-year budget, according to the Wall Street Journal. Seventy-three percent prefer a 10-year budget and smaller cuts. Only 22 percent would go with a 7-year budget and the deep cuts that are proposed by the Republican majority.

Common sense is on target. Congratulations, American people, congratulations to democracy.

When the decisionmakers and the people who are locked into the closets of Washington lose their way and cannot understand the obvious, the American people can bring them back to reality.

Yes, the American people are on target right now, but I fear, as we move closer and closer to the climactic point of this whole process of budget and appropriations that there is going to be more attempts to confuse the American people. There will be more obfuscation and more diversions thrown at the American people.

So we have to be careful. Contradictions will be rampant. There will be a refusal to acknowledge certain things, like they will not acknowledge the horrible truth about taxes in America.

I believe we should have a tax cut. I believe American individuals and families, certainly those making $50,000 or less, must have a tax cut. It is only fair, because they have been swindled, they have been swindled since 1943 by having the great shift in the proportion of the revenue burden borne by individuals and families versus corporations.

That is my chart that always bring because there is no truth more fundamental, no truth more important than the truth of this chart, which shows how the tax burden shifted from American corporations to American individuals and families.

Herein lies the solution to the problem of the deficit, herein, lies the solution to the problem of a balanced budget, and herein lies the solution to the problem of giving some relief to the American people who have borne such high taxes for so many years.

There might have been a justification during the era when we were fighting the cold war. So the American people made sacrifices. They bore the high taxes. The cold war is over now. There is no reason to continue, and there certainly is no reason why you had the shift which is so dramatic from the corporate world bearing the great portion of the tax burden to a situation now where the corporate world bears a very tiny portion of it and individuals and families are forced to bear most of it.

I will come back to that, but that is one of those acknowledgments, one of the pieces of truth that both the White House and the Republican-controlled Congress refuse to acknowledge. We are going to have negotiations at the White House, and I certainly support my Democratic President. I am glad that you have the President there instead of a Republican President. We are going to have a little more balance, but I worry about it.

I recall several years ago when negotiations took place at the White House between the Republican President, George Bush, and the Democratic Congress, at that time I also worried, because the same phenomenon was under way, where corporations were still getting away with murder. Corporations were still being allowed to pay less and less taxes. Democrats will have to take responsibility for that.

I remember at that time I wrote a rap poem which started:

In that great white D.C. mansion there's a meeting of the mob.
And the question on the table is which beggars will they rob.
There's a meeting of the mob.
Now I'll never get a job.

I wrote that from the point of view of the average person out there who deserves to have at least an economy which is producing jobs and an economy which is not going to take away too great a portion of his wages after he is able to get a job and make some wages.

So this contradiction will not be discussed at the White House at great length. They are going to just give in to the phenomenon which exists, give in to corporations, and that is most unfortunate. We cannot let them do that.

I think if the American people understood what is going on in a better way, that common sense out there, that common sense which makes our democracy work among the people, that common sense would be communicated up the ladder to both the Members of the Republican-controlled Congress and the President and his staff in the White House.

There is a refusal to acknowledge the great income gap that exists in America right now, that is getting greater, the gap between those who are richest and those who are poorest, has never been larger. We are at the top of the countries in the world in terms of income gap. We used to be in the middle. Great Britain had a greater income gap between the very rich and the very poor. Now it is in America.

Democratic America now has the greatest gap between the very rich and the very poor. We have to acknowledge that. If we acknowledge that, then at the White House they would be discussing an increase in the minimum wage.

The Republican-controlled Congress says, "We will not discuss an increase in the minimum wage. We will not increase the minimum wage even one penny." That is what they have said. They will not discuss it because we want to bring the wages of American workers down to the level of the cheapest labor in the world. The labor in Mexico is cheap but it is even cheaper in Bangladesh. We want to make our workers come down to that level so our products will become competitive.

□ 1545

What they mean is so our profits will skyrocket even more than they are now. We are making the highest profits in the history of Wall Street, in the history of American corporations. They are doing very well, but they want to go down, wages to go down even lower so that they can make even bigger profits. That is a contradiction. That is a problem that they will not acknowledge on one side of the table at the White House. The President is on record that he is willing to raise the minimum wage, but not the Republican-controlled Congress. They will not acknowledge the fact that all of this talk about giving block grants to the States and having the States take over programs, especially the programs that are for the poor, that that has a big contradiction built into it. It is not sound at all.

They imply that certain States, like my home State of New York, are wasteful States, that we spend too much money on Medicare and Medicaid, and yet the facts are that New York State as a State consistently pays more into the Federal Treasury in terms of Federal taxes than any other State in the Union.

In 1994, we paid in almost $19 billion more than we got back from the Federal Government. It went as high as $23 billion 1 year, what New York State was paying into the Treasury, $23 billion more than we were getting back.

On the other hand, the States of the South all pay less into the Federal Treasury than they get back. They get back more from the Federal Government than they pay in, all of the States of the South, except Texas, and the difference is they paid a little bit more in 1994. They paid a little bit more in than they got back.

But $68 billion more was received from the Federal Government by the southern States than they paid in. It is the Northeast States, it is the Great Lakes States, those are the States that are paying more in.

If you want to have block grants, if you want to push these programs down to the State level, you are going to hurt, you are going to hurt the southern States. You are going to hurt the poorest States. If you gave New York all of its money and said, "Look, you take care of yourself," we would have in New York $19 billion more than we have now. Nineteen billion more would be available to take care of the problems of New York State if they did not have to go to the Federal Government.

You know, that kind of contradiction is built into all of this talk about States being given the priority to run programs, all of this criticism of States like New York State that has a higher expenditure for Medicare and Medicaid. We spend our money taking care of people. You know, what do the other States spend their money on? What is wrong? What is more noble than taking care of the health of people? That is another acknowledgment that needs to take place if these discussions are going to go on at the White House.

They ought to come back to the American people's level. They ought to come back to the common sense level. They ought to acknowledge that there are generous, giving States and ungrateful, receiving States. Because those Representatives of the ungrateful, receiving States are always up talking about how horrible it is that you have so much money being spent on Medicare and Medicaid in places like New York, they do not acknowledge the fact that they are getting more money from the Federal Government than they paid in on a consistent basis.

There is also a refusal, and this is a very costly refusal, a refusal by one side of the table, the Republican-controlled Congress side of the table, to recognize education as a priority investment, and to give education top priority. Again, there is a contradiction here, because we just had today on the floor an amendment related to giving certain additional funds to the District of Columbia for certain items related to education that the Speaker finds very pleasant and thinks, in his own commonsense opinion, a good idea, and we were going to add money to the D.C. budget for that purpose while, at the same time, the almost $4 billion in cuts in education by the Federal Government, when you take away the D.C. portion of that cut, it means that D.C. has lost a tremendous amount of money as a result of actions taken by the Speaker and his Republican-controlled Congress. They are taking away far more than they are giving.

It is like the slaves used to have to live under abominable conditions all year long. They had the worst possible housing, they had to wear flax shirts that scratched, they could not sleep in decent beds, they were fed the worst kind of food. At Christmas time the master always made sure everybody got as much as they wanted to eat. You could eat ham on Christmas day, and people rejoiced and they loved the master all year around sometimes because of what he did for them on Christmas.

So there is an attempt in this D.C. budget that the Speaker has proposed for education to create Christmas time in D.C. and let everybody be grateful for some extra money that is going to be dropped in there while they cut the basics away from the education aid that comes from the Federal Government.

So for education, health care, and other vital programs, we need to act here in Washington in a way which puts us in touch with the common sense out there in the rest of America. The rest of America is on course. We in Washington do not seem to get it. We are caught up in our own rhetoric. We are confused by all the entanglements, and we just do not understand what the basic American people understand.

The budget and the appropriations process goes forward. The Senate and the House Appropriations Committees are now going to finalize a budget that they both agree on. In both the Senate budget and the House budget, there are horrible cuts to very vital programs. There is not much that can be done. That process is in motion, and if the two reach some kind of agreement on the basis of what they both have, the results will still be horrible, because they both have passed budgets and appropriations and the reconciliation package that, in the final analysis, cannot be salvaged. There is no salvaging of the budget between the Senate and the House for Medicaid. Medicaid as an entitlement is taken away. It is no longer there in the House-passed reconciliation bill. They did not do Medicaid the honor of having Medicaid be put in a separate bill so we could vote on Medicaid by itself and discuss the various aspects of what is being lost through these budget cuts. They would not give Medicaid that honor.

They had Medicaid treated with great contempt. After all, Medicaid is a program for poor people. They had the worst of contempt for Medicaid, so they just folded Medicaid into the reconciliation bill. Medicaid does not even get a discussion, but the cuts in Medicaid are horrendous, $180 billion, more

than $180 billion over a 7-year period. That is a greater percentage cut in Medicaid than the $270 billion cut in Medicare. The percentage cut in Medicaid is greater than the cut in Medicare.

Who is getting cut?

Mr. Speaker, the budget appropriation process goes forward. The good news is that the American people are on target. The common sense in America will redeem that situation if common sense is allowed to prevail, if common sense is not subjected to a lot of manipulation, a lot of confusion between now and the time the budget is finally decided during the negotiation process between the White House and the Republican-controlled Congress. Common sense says that the Republican budget should be rejected.

Again, 61 percent want the President to veto the Republican budget. Thirty-two percent are willing to live with it. Again, among the American people, common sense says that 73 percent of Americans prefer smaller Medicare and education cuts and a 10-year budget.

In other words, they say balance the budget over a 10-year period. Do not do it over a 7-year period, because that means that you have to throw certain groups of people overboard, deny them vitally needed services, and create a mean America, an extreme America that does not have to exist. They have come to that conclusion.

At the time when Washington, when in Washington both Democrats and Republicans are wavering and nobody can see a clear path on a 10-year budget course, we once had that proposed by the President, then it became 9 years, 8 years, there was a lot of seesawing back and forth. The American people said, "Look, what makes sense is to have a balanced budget, and if you do it in 10 years, that is good enough, because you can do it then without inflicting great amounts of pain and suffering on large amounts of people."

Why destroy the fabric of the Nation in an attempt to get the budget under control, if you can get it under control over a longer period without inflicting all of the destruction and pain? Why deliberately dismantle the New Deal, the Great Society programs which large numbers of people benefit from, and they have not been heard from in terms of their not wanting to have these programs continued. They want Medicaid to continue. They want Medicare to continue. They want the small Federal investment in education to continue.

Federal investment in education is not that great. So why have that 7 percent of the total education budget for the whole country, why have that cut back? You know, most of the education funds spent in this Nation are supplied by the States and by local governments. The Federal Government only provides 7 percent of the total. About $360 billion-plus is spent on education in all forms. For the last years the figures are available, $360 billion-plus, and of that amount 7 percent only are expenditures that were Federal. So it is the other two levels of government that bear the education burden.

The Federal Government bears a portion of it that is vital, however. It is very critical that there be some kind of research and development in education, very critical that there be guidance in terms of standards. It is very critical that what the States themselves would find very inefficient to do, because one State having to bear the burden of educational research means that you have a budget for research that is out of proportion with the total budget.

Why do that when you can have the benefit of the economies of scale and have education research, since we all are Americans? We all are living in the same society and the same economy, basically. Why can you not have research with respect to how to improve our schools, how to teach better, how to make better use of our facilities, how to use new educational technology, equipment, why can you not have that done on a national basis by a Department of Education, and have all of the benefits of that research and development shared? That is common sense again, and we do not want to divert from that common sense.

So we will have a situation where the commonsense approach that the American people have shown will be under attack, under assault. They will be trying to confuse the issue, trying to manipulate opinions, and the contradictions will be rampant. The contradictions, things that just do not make sense, keep coming out of Washington. Things that just do not make sense are proposed by the Republican-controlled majority.

It does not make sense that you have cut education by almost $4 billion, the Federal aid to education, and when you cut Federal aid to education, you are cutting Federal aid to Washington, DC.

It does not make sense to cut that so drastically and then come back in a D.C. appropriations bill, District of Columbia appropriations bill, and offer $45 million for vouchers for poor children in the D.C. public schools. You are taking away some money that they had for lunches, you are taking away the money or part of the money they had for title 1 programs, you have taken away part of the money they had for Head Start programs, you have taken away Aid to Families with Dependent Children, so poor children may not have decent clothes or a decent place to stay. You have taken all of that away. Now your are proposing here on the floor to spend $45 million just for vouchers for children in the District of Columbia. You are going to start a voucher system so that children can go to private schools, instead of improving the public schools, and you are going to do that using a special approach which is totally out of sync with the rest of what the education laws are doing.

□ 1600

You are going to do that without using the Department of Education? You are going to do that in a way which would allow the worst kind of intrusion into education by the government?

Government at any level should not have partisan interference with education. We work very hard to try to keep partisan interference with education at a minimum. But here the Federal Government is feared most of all. We went for years without having the Federal Government have any role in elementary and secondary education, because the American people did not want dominance by the Federal Government on education matters.

I have always said this fear on education matters is an unfounded fear, because the tiny portion of the education funds provided by the Federal Government will never place it in a position to dominate education. If we are only providing 7 percent of the funds and the States and local governments are providing the rest of it, how can we come in and dominate education with only 7 percent of the funds?

Even if you move that up to 25 percent, and I think it ought to go that way, I think we ought to have the Federal Government participating in the education process in the United States of America to the point where they are at least bearing 25 percent of the cost. If we went up to 25 percent of the cost, then State and local governments control 75 percent of the revenue and the funding, and they would have control of the decisionmaking.

Any democracy, if you have 75 percent of the control, then you are in control. Nobody can take 25 percent and come in and dominate how our schools are run.

But if you have a program as the Speaker is proposing here in Washington, where they are going to set up their own private foundation with Government money and the Government money is flowing as a piece of largess from the Speaker, the master of the plantation will provide for Christmas some special goodies, and the master of the plantation wants to sit back and talk about his schools in the District of Columbia, his students in the District of Columbia and what they are doing and play games with it in a way which constitutes dramatic Federal interference into local school activities.

That may lead to a lot of good. Christmastime was better than nothing. To be treated like animals all year long, given the least in food, clothing, and shelter, was the lot of the slaves for 232 years. They had to live that way. But if 1 day a year the master decided at least to give some decent food and let them take the day off to eat well and to be free to have a little fun, then Christmas stood out.

We do not want that kind of situation in the funding of American schools. I do not see why the D.C. schools have to be a plantation, run by

a benevolent Speaker, to have a situation where he can reach in and play with the resources, using Federal money, and dictate the degree to which students go to private schools, can use the powerful office of the Speaker to attract private money.

There is a whole lot of interference there, which may be good, but, in the final analysis, will take away the decisionmaking and will set precedents that will be poisonous throughout the whole of America in terms of local school control all over the Nation.

So that is one of those contradictions. That is one of the kinds of things you have to sort out.

There were people who came to the floor and said, "Should I vote for that Christmas gift on the plantation approach to D.C. schools? Should I make sure that some handful of kids get some benefits? Or should I vote for the principles of not having Federal interference to play with the schools in the District of Columbia?"

It was not an easy decision, because when the Speaker hands out a possible Christmas gift of $45 million, it is kind of a hard gift to turn down. It is hard to say to the children of the District of Columbia, you cannot have this gift, because, in the long run, it is going to poison the whole Federal relationship with local governments. This will be a precedent that will certainly lead downhill. Every powerful politician in the Congress, in Washington, will want at some time to play with the education budget in order to be able to have his own plantation and give out Christmas gifts as he sees fit.

That is not the way to go. It is dangerous. Despite the fact it passed the House today, I hope that wisdom will prevail and we will never see the Christmas gift approach to Washington schools, turning them into a plantation, take place.

That is a contradiction you ought to take a hard look at. Take a hard look at the details, American people, with all your common sense. I leave it up to you to evaluate that and see it for what it is worth.

Let me give you another example of the kind of contradictions you have to live with. In the great White House negotiations on the budget, neither side is going to be truthful about the waste of more than $28 billion by the Central Intelligence Agency. The budget of the CIA, an intelligence operation of the United States, is admittedly $28 billion or more. Nobody knows that secret figure. Who can tell it? The few people who know it are sworn not to tell it. So the $28 billion that goes into the CIA is supported by both parties.

Along with some colleagues, I brought a bill to the floor which would cut the CIA budget by 10 percent over a 5-year period. Now, over a 5-year period, if you got 10 percent of $28 billion, you would get $2.8 billion per year over a 5-year period. That is not bad in terms of funds that could be transferred to education.

You are cutting education specifically by $3.8 billion, almost $4 billion. You are cutting job training programs. You are cutting the Summer Youth Employment Program. With a $2.8 billion cut from the CIA budget, and it still would have 90 percent of its budget, we only cut it by 10 percent a year, if you got that $2.8 billion from the CIA budget, you would have some way to give money back to some of these vitally needed programs that have been cut. It is as simple as that.

But the CIA budget will not be touched. We brought the motion to the floor. We had the amendment on the floor to cut it by 10 percent. The first year, we got 57 votes. The last time we brought it up, we got 54 votes. We are going in the opposite direction.

Why do Democrats and Republicans all want to keep a CIA funded at the level of $28 billion when the cold war is over and half of the role of the CIA was to spy on the Soviet Union? And they missed out on that because they did not predict the collapse of the Soviet Union.

Since we brought our bills to the floor, there have been some recent developments in the CIA that even more justify the fact that the CIA is a great waste of the taxpayers' money. I am not saying to cut it out completely, but you could streamline and downsize the CIA, probably by cutting the budget in half.

Because it is obvious that half of the people there are nothing but fumblers and bunglers, old boys in the network, who have a good time. They use the safe houses for illicit sex. They run up expense accounts that nobody can really control. They come up with slush funds.

Recently, it was announced they had a slush fund, a petty cash fund, that was more than $1.5 billion. Can you imagine a petty cash fund in an agency for more than $1.5 billion, and the head of the agency does not know about the petty cash fund? Nobody in authority. The Director of the CIA stated he did not know that there was a petty cash fund of $1.5 billion or more. They do not give figures exactly, but I know from good sources it was at least $1.5 billion.

Nobody knew about it. The President did not know. We have got two intelligence committees, one in the House and one in the Senate. Whenever you talk about cutting the CIA budget, they always have spokesmen from those committees come forward and talk about the great work the CIA is doing and they need every penny. Here is a slush fund out there nobody knew about.

The CIA also built a building for $370-some million near the Dulles Airport. They had a building going up under construction, and the Federal Government did not know who was constructing it. The intelligence committees here in Congress did not know that the CIA was constructing that building.

How can you construct a building which costs $370 million near the Dulles Airport, and it be invisible? I suppose that may be an example of how wonderful the CIA is, how masterful their work is. They can construct a building for $370 million and you do not know it is there, that takes real skill. I do not know whether it is espionage skill or skill in manipulating, but it takes some kind of skill to have a building that costs $370 million constructed near the Dulles Airport, and it be invisible to the members of the Permanent Select Committee on Intelligence and the President and the people who should know about it.

So what I am saying is that while this great budget cut is going forward, while we are trying to balance the budget, while we are saying that we want to bring the Federal Government under control, we want to streamline the Government, while we are saying that the Medicare Program must make sacrifices to the tune of $270 billion, while we are saying we have to take away the Medicaid entitlement and Medicaid has to make a sacrifice to the tune of $180 billion, while we are saying we can have no more Summer Youth Employment Program, while we are doing all these horrendous things to streamline the budget and balance the budget in 7 years, we are still willing to keep funding the CIA at the same level. We are still willing to keep tying up taxpayer money in an enterprise that has discredited itself.

We will not even cut it 10 percent, let alone one-half. Of course, you all know the Aldrich Ames story. I conclude finally with the CIA and the Aldrich Ames story.

The last time we had our amendment on the floor, an amendment which called for cutting the CIA by 10 percent, the Aldrich Ames story was outthere. We knew that Aldrich Ames, a key figure, a key person in the CIA, responsible for counterespionage or espionage with Eastern Europe and the Soviet Union, was a spy for the Soviet Union. That was a fact that had been let out there. The CIA probably would have wanted to keep it secret, but circumstances were such that it could not be kept secret. Ames used safe houses for illicit sex. He was a drunkard. I am sure his petty cash vouchers were never correct. Everything you can imagine, Aldrich Ames did it for years and years in the CIA. Yet they kept pushing him upstairs. They kept promoting Aldrich Ames.

He got away with so much, he decided to go for broke, and he was on the Soviet Union's payroll for millions of dollars.

Aldrich Ames is still arrogantly challenging the CIA. Aldrich Ames still has

not told everything. But the Inspector General of the CIA has conducted an investigation, and the recent conclusion, it is not a secret, it is in the papers, the conclusion is that Aldrich Ames not only caused the death of more than 10 agents in the employ of the United States, not only caused the death of all those people, but he also had a system which was passing on false information up the ladder. Even when the supervisors in the CIA became suspicious of the information that they were getting, they passed it on anyhow, as high as the Secretary of Defense and the President. They let the information go through without saying there is a problem here, or there might be a problem here. The supervisors and the whole old-boy network within the CIA was contaminated to the point where they were knowingly passing on false information to all the Presidents in the past 10 years.

That was going on while Aldrich Ames was in charge of spying on Eastern Europe and the Soviet Union. This is known. Yet we have in the budget an untouchable item. The negotiations at the White House will go forward and say yes, we can get rid of the Summer Youth Employment Program, 32,000 youngsters in New York City, all the big cities across the country, where we have thousands of youngsters who get summer employment from the program. We can get rid of that, but must keep every dime in the CIA.

These contradictions are what the American people need to know about, so you can keep your focus. You are right. You are on track when you say that the President should veto the Republican budget and when you say we should not cut Medicare and Medicaid so drastically; when you say we should spread the budget cuts out for a 10-year period and balance it over a 10-year period instead of 7 years. You are on target. American people, you are on target. Congratulations, democracy. Do not let anybody turn you around. Keep remembering the CIA and that kind of waste. Keep remembering the D.C. Christmas present, the D.C. plantation Christmas present that comes from the Speaker at a party that has cut education across the country by almost $4 billion.

I have one more example, and then I will stop giving examples of contradictions that are running rampant. The final example I give you is an example taken from the Washington Post magazine. This magazine, October 29 of this year, the Washington Post. I give you the documented source. You can get a copy of this, there is no problem. Rush Limbaugh does not have to put his researchers to work to put this out. If Rush Limbaugh wants his researchers to check out the Washington Post, he has enough to do that, and he can do that. But this is a story of monumental waste that every taxpayer should be indignant about.

□ 1615

Monumental waste. And yet it took place in the defense budget. The defense budget is being increased, Mr. Speaker. Over a 7-year period the defense budget will go up.

The defense budget will be increased at a time when there is no more evil empire in the Soviet Union, at a time when we can certainly close down most of our overseas bases, at a time when we do not need any more *Seawolf* submarines, do not need any more high cost nuclear aircraft carriers, at a time when star wars is ridiculous. We are going to continue funding some of those same items.

So the contradiction, the greatest contradiction is in the insistence by the Republican controlled majority in the Congress that we continue to build up the defense budget. A sad portion of that contradiction is that the Democrats in Congress and the White House do not challenge that assumption. Democrats have not proposed, as a party, that we cut the defense budget.

Oh, yes, the Congressional Black Caucus proposed deep cuts in wasteful defense expenditures, but Democrats will not touch it and Republicans want to increase it drastically. That contradiction the American people should bear in mind. They should keep their commonsense head on.

Mr. Speaker, listen to this. According to the report in the Washington Post, October 29, 1995, the magazine section, the Pentagon spent $3 billion on a stealth bomber that was never built. Pentagon spent $3 billion on a stealth bomber that was never built. Now, $3 billion would almost keep the education programs, 70 education programs. Education programs were cut drastically. Some were zeroed out. The overall cost was $3.8 billion in cuts, to be exact. $3.8 billion.

If we just got back $3 billion from the waste in the Pentagon on this stealth bomber, we would be way ahead of the game in terms of funding education programs that are vitally needed. So understand the relationship, the refusal of the White House, the refusal of the Republican controlled Congress to talk about the waste in defense, which generates suffering and pain in the rest of the budget and it prevents us from investing in vitally needed programs like education and job training.

Mr. Speaker, we vitally need education programs and we vitally need job training programs. We cannot do that if we continue to waste money like this. We spent $3 billion to build a stealth bomber and it was never built. Here is the additional information that the American people need to know. We may have to spend $2 billion more in order to get it finally canceled. Listen. We have already spent $3 billion on a stealth bomber that was never built, never flew, but we may have to spend $2 billion more because the companies that were supposed to build this bomber are now suing the Government and stating that the taxpayers owe them another $2 billion.

This is going on right here in Washington, DC at a time when Medicare is being cut drastically, at a time when Medicaid is being cut, at a time when education is being cut by almost $4 billion.

Mr. Speaker, listen to this. I read from the Washington Post magazine:

> It looks like something out of a sci-fi movie. A flying triangle, 37 feet long and 70 feet wide. A plane that does not have wings but it is one big wing. It is sitting in a huge hangar in a defense plant in Fort Worth propped up on a makeshift trailer. Bill Plumley, the man who saved it from the scrap heap, stands on his tiptoes, reaches up to the plane's lightweight underbelly, he sticks his right had into its innards, he taps on the landing gear and he says, "It is all plastic", he says with a smile. That makes sense. After all, this is a model. This is a model plane. It is a full-sized mock-up constructed to test whether all the parts would fit together. But now it is all that remains of the United States Navy's A–12 Avenger.

This is what the stealth bomber was called, the A–12 Avenger.

> A plane that has never flown and never will. It is a procurement fiasco that has already cost the American taxpayers more than $3 billion and is quite likely to cost them $2 billion more.
>
> The A–12 was killed in 1991, smothered in its cradle by Dick Cheney, who was then Secretary of Defense. Cheney was angry that the plane was at least a billion dollars over budget and a year behind schedule.

He was angry because those were the facts, but he was also angry because the Navy and its contractors had concealed from him until after he testified to Congress the fact—they told him the A–12 project was proceeding just fine. In other words, the Secretary of Defense came to Congress and testified the A–12 is on schedule and it is not exceeding its cost, and shortly after that he discovered that not only was it not on schedule, it was a year behind schedule and it was at least a billion dollars over the projected cost.

Inevitably, because this is America, the A–12 has spawned a lawsuit. The Secretary of Defense killed it. He said, no, we will not go further. I will not waste any more of the taxpayers' money. This project is over. We have spent $3 billion, the plane is not here, it does not fly, it is continually mounting in overrun costs, it is canceled. But he found he could not do that. The company sued.

It is a gargantuan and seemingly endless case, described in various newspaper accounts as the largest claim ever filed against the Federal Government and the most expensive lawsuit ever. In other words, the American taxpayers have paid out already $3 billion and now these suits will cost them another $2 billion, these lawsuits that the companies are bringing.

At issue is a huge sum of money. The Navy wants the contractors to return

$1.35 billion of the money that they have already received for the plane that they never built. All this has happened and no one has gone to jail yet. Only in America could this happen and no one ever go to jail. Even in Europe the head of NATO was recently told he is under investigation and probably will be indicted for some crooked things he did in terms of procurement of weapons. But in America nobody has been indicted; nobody is being investigated for wasting $1.35 billion.

Mr. Speaker, the contractors now have the nerve to say not only did they not build the plane and wasted the taxpayers' money, but they want the taxpayers to pay $1.6 billion more. Nobody expects this case to end any time soon, and one attorney for the contractors said it could drag on until the year 2007. The government could lose this case merely because the Secretary of Defense eagerly took responsibility and said I will not let this swindle of the American taxpayers go on any longer. He took action quickly and hastily, and they say he had no authority to take that action. Somebody else was supposed to make that decision. And that is the basis of a court suit that will rob the American people probably of another $2 billion.

Mr. Speaker, the taxpayers have spend $3 billion on a plane that cannot fly. Three billion dollars. Three billion dollars is the cost of all the cuts in education except a few. We could take that $3 billion and restore most of the cuts in education programs.

$1.1 billion has been cut from title I programs. Title I programs go all across the country to schools where poor children exist. Three hundred million dollars has been cut from Head Start programs all across the country. The only time Head Start has been cut since its existence. President Nixon funded Head Start with an increase, President Bush increased Head Start, President Reagan increased Head Start and President Carter increased Head Start. We have never cut Head Start since it came into existence.

Now we have cut Head Start, but we will continue to pour money down the drain on this weapon system we have already decided to cancel. And in this reconciliation package, which is summarized here, the one place where there are increases in the budget is in the defense budget. Great increases take place here in defense.

Mr. Speaker, the American people are on target. Remember what I said in the beginning. The American people said the President should veto this budget. He should veto the budget that contains these increases. He should veto this budget that contains all these increases for defense while cutting education, while cutting Medicare, while cutting Medicaid. Sixty-one percent of the American people said veto the budget. Seventy-three percent of the American people say we prefer smaller Medicare and education cuts, and we prefer a balanced budget over a 10-year period. Common sense is on target.

The contradictions are what we have to watch in order for the American people to maintain their common sense and in order for the American people to understand they are right and people are wrong here in Washington; that the Republican-controlled Congress is wrong. The Republican-controlled Congress is dangerously wrong. The American people are right and the Republicans are wrong. The American people should keep their heads on. They should not let all these contradictions I just talked about confuse them.

Mr. Speaker, another thing the American people have to worry about, and the reason why they are right and the Republicans are wrong here, is because the Republicans refuse to acknowledge basic facts like the ones exhibited by this chart. They refuse to acknowledge the horrible truth about taxes in America.

The horrible truth about taxes in America is that families and individuals have been grossly swindled. And I cannot say this too often, because nobody else in Washington is willing to say it. Here is the answer. Yes, we need a tax cut. The American people need a tax cut. Families below $50,000 deserve a tax cut. They should have a tax cut. I think the President's proposal for a tax cut is on target. The gentleman from Missouri, Mr. Gephardt's proposals for a tax cut is on target. When we combine the two, we can get a sensible tax cut that takes care of trying to correct a wrong that has been done to the American people.

The red line here is corporate America's share of the tax burden. The blue line here is the share of the tax burden borne by individuals and families. In 1943, the first year for these two charts, individuals and families were paying only 27.1 percent of the total tax burden.

If Rush Limbaugh and his various researchers want to check these figures out, these figures come from the U.S. Office of Management and Budget. They can go to the Congressional Budget Office. These are not the kind of figures that there is any controversy about. These figures are all hard figures.

In 1943 27.1 percent of the tax burden was borne by the families and individuals, while 39.8 percent, almost 40 percent of the tax burden was borne by corporations. Corporations, where they are making the greatest amount of money now. Individuals are making less money. Wages have gone down but corporations are making more. At that time they were bearing more of the burden.

We had a great change take place in 1983 when Ronald Reagan first proposed his trickle-down theories. It was not just Ronald Reagan by himself. He had to have some cooperation by the Democratically-controlled Committee on Ways and Means. So the burden for this one is borne by all of the Washington decisionmakers.

It shot up from 27.1 percent in 1943 to 48.1 percent of the tax burden being borne by individuals and families in 1983, 40 years later. 48.1 percent of the tax burden while corporations dropped all the way from 39.8 percent of the tax burden to 6.2 percent.

Mr. Speaker, the American people should listen and let their common sense go to work. They should let their common sense look at these figures. There is no common sense in Washington. Somehow it all gets clouded. There are a lot of factors that go into motion here which make it impossible for Democrats to see this chart and makes it impossible for the Republicans to see this chart. There are obvious answers that jump out at us from this chart.

□ 1630

Are things better now in 1995 than they were in 1983? Yes, they are slightly better. Individuals and families are paying 43.7 percent of the tax burden, instead of 48.1 percent of the tax burden. So individuals are paying a little less than they were before.

Corporations are paying 11.2 percent of the tax burden instead of 6.2 percent, which was the low point they achieved under Ronald Reagan's trickle-down theory. There has been an adjustment. It is a little bit better. But look at the discrepancy here. We still have 48.7 percent of the tax burden being borne by families and individuals, while 11.2 percent is borne by corporations.

Do Members want to balance the budget? Do Members want to lower the deficit. Do Members want to give a tax cut all at the same time? We do not need to use magic. Magic is not necessary. Cut the defense budget that is wasteful that I was talking about before and we get rid of the corporation loopholes.

Mr. Speaker, no Democrat wants to be caught raising taxes. No Republican wants to raise taxes. We can raise this figure here, the share of the revenue that is contributed by corporations can be raised without increases taxes. What we do is close the tax loopholes.

Close the tax loopholes which allow foreign corporations, American corporations with foreign operations, to pay less taxes than corporations in this country totally. Corporations who have all their operations in this country and give all their jobs and business to American workers and pour it into the American economy, they do not get the same benefits as corporations who have foreign operations.

Mr. Speaker, if we just eliminated that loophole, we would raise this figure a little bit. If we eliminated the

subsidies that go to corporations for advertising products in foreign markets, we would raise it a little bit more.

In our Congressional Black Caucus alternative budget we eliminated enough loopholes to raise the revenues of the corporations up to 16 percent. If we raise it up to 16 percent and we cut the defense budget, the waste in the defense budget, we can end up with a balanced budget and we do not cut Medicare and Medicaid 1 cent.

We could end up with a balanced budget and not cut education. Instead of cutting education, education was one area where we increased the budget by 25 percent. In the Congressional Black Caucus alternative budget, education was increased by 25 percent.

Mr. Speaker, education is an investment that America needs to make. It is an investment that the Federal Government needs to make, and we gave it the highest priority. We can do that and still balance the budget and eliminate the deficit and give a tax cut, but we have to deal with the corporate tax loopholes. We have deal with the swindle, the great swindle down from 39.8 percent to 11.2 percent.

We do not have to be geniuses. Any sophomore in high school could do the figures and see, calculate the percentages and see what this figure is. It got as low as 6.2 percent. The scandal was so great, until there was an agreement that we had to do something about this figure. Corporations were paying in 1983 as little as 6.2 percent of the total tax burden, and individuals were all the way up to 48.1 percent.

What am I talking about? I am saying that there are facts and circumstances which the negotiators at the table who are going to decide on the budget that is going to set the course for America for a long time to come will not even acknowledge. They will not acknowledge this chart provides the key to balancing the budget, ending the deficit, and giving a tax cut. They will not acknowledge that a great swindle took place.

So, Mr. Speaker, I present it to you. The American people have common sense who show in the polls that they know what is happening. I say to the American people, "You be the judge. You be the judge of what ought to be happening here in Washington." This is a truth that must be acknowledged.

Another truth that must be acknowledged is the fact of the income gap. Those people who are lucky enough to have a job, the only way that they can get more income is if we lower the taxes. They deserve a tax cut. Families and individuals making $50,000 or less must get a tax cut. I am in agreement with the President and the gentleman from Missouri [Mr. GEPHARDT] on the kind of tax cut that we ought to have.

Mr. Speaker, we lower this figure so that the income of these people would be increased. That is justice, to bring down the tax here. It would be justice if we brought them up here, so that we do not increase the deficit at the same time.

The minimum wage would not cost the American people anything. Taxpayers do not pay a penny in terms of minimum wage increases. It means that we pay a decent wage to people in corporations and private businesses. The government sector also would have to pay additional money, although there are almost no government jobs still that are paying minimum wage. They are already above the minimum wage.

Mr. Speaker, the minimum wage is low, $4.25 an hour. The President and the Democrats in Congress have proposed to increase this $4.25 an hour by 90 cents over a 2-year period; 45 cents 1 year and 45 cents another year. That is the least we can do to deal with a situation which has steadily grown worse.

As the minimum wage has stagnated and stood still, the earning power of these families has gone down. So, we have a situation now where what workers make at the minimum wage pays for far less than it used to.

The minimum wage as a percent of the average nonsupervisory wage has dropped from 52 percent in 1960, to a current low of 37.7 percent. In other words, people in supervisory positions, executive positions, as a percent of wages, minimum wage earners are making 37.7 percent where they used to make about half as much as what the bosses made. The gap in the income is great and it must be attended to.

This is the 57th anniversary for the minimum wage. It was started October 24, 1938. American workers were guaranteed 25 cents an hour wage to protect them from exploitation and to be sure that their work was fairly compensated. We need to increase the minimum wage. Nobody wants to deal with the truth of the income gap and increase minimum wage.

Mr. Speaker, nobody wants to deal with the truth or the fact that as they move all of these programs, like Aid to Families with Dependent Children, like the school lunch program, like portions of Medicare, programs are being pushed down, education programs, to the State and local level. They are saying that the State and local level can handle them better and they are saying that Washington is wasteful. But in America, many States would not have these programs at all if they had to pay for them alone.

Franklin Roosevelt knew what he was doing. He was not naive. Lyndon Johnson knew what he was doing. He was not naive. They understood when they created the New Deal programs that we had a situation where the wealth of the East and Northeast would be translated and go to the poorer States.

Mr. Speaker, let me wind up by saying my message is that Americans are on track. Their common sense, the way they read the situation in Washington, is the one that is correct.

Mr. Speaker, I say to Americans, "Do not allow anybody to confuse you. Maintain your common sense. America needs your common sense in order to get through this budget crisis."

THREE MAJOR GOALS OF THE REPUBLICAN MAJORITY

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Connecticut [Mr. SHAYS] is recognized for 60 minutes as the designee of the majority leader.

Mr. SHAYS. Mr. Speaker, thank you for taking the time to allow me to address the House. I would like to say that I will basically be making some comments and then yielding to my good friend, the gentleman from Kansas [Mr. TIAHRT], who will demonstrate some of what I am saying and amplify and also go on into other areas.

Mr. Speaker, really what I wanted to address the House about was why we are doing what we are doing and what are we doing.

Mr. Speaker, we have three basic goals as this Republican majority. Our first goal is to get our financial house in order and balance our Federal budget. We would like to do that no later than 7 years. We would like to do it sooner, but 7 is the outer limit to balancing that Federal budget.

Our second task is to save our trust funds, particularly Medicare, which starts to go insolvent next year and becomes bankrupt in 7 years.

Our third effort is to transform our social and corporate welfare state into an opportunity society.

Mr. Speaker, the bottom line to this effort is: Get our financial House in Order; balance our budget; save our trust funds, particularly Medicare, which is going bankrupt; and transform our social and corporate welfare state into an opportunity society.

Mr. Speaker, we have heard a lot of dialog in the last few months about whether we are cutting or increasing. The gentleman from Kansas is going to be able to demonstrate what truly is a cut and what is not, but I would like to begin to start that dialog by dealing with five issues that our colleagues on the other side of the aisle refer to as cuts.

One is the earned income tax credit; another is the School Lunch Program; another is the Student Loan Program; a fourth is the Medicaid Program; and a fifth is the Medicare Program.

Mr. Speaker, in none of these five areas did we cut the programs. We increased spending. We allow these programs to grow significantly. What we did is we slowed their growth, and

slowing their growth is absolutely essential.

I have been in Congress now 8 years, but before that I was in the State House in Connecticut. As a State legislator, I had to balance our State budget. I was basically amazed that a Member of Congress could seven vote for a budget that was not balanced. Unless, obviously, our country is in hard economic times and we need an economic generator, but to do it continually when times were bad and when times were good, to continue to deficit spend.

I always vowed that if I came to Washington, that my first issue would be to get our financial house in order and balance our Federal budget. One of my first recognitions was, however, that I only got to vote on a third of the budget. I only got to vote on what came out of the Committee on Appropriations.

Mr. Speaker, we refer to what comes out of the Committee on Appropriations as discretionary spending. It is the spending that funds the domestic discretionary funding, and also foreign aid, what we call international expenditure, and the third is defense spending. All of that is voted out on 13 separate appropriations bills by the Committee on Appropriations. Sometimes we collect them all into one bill.

Mr. Speaker, what we did not get to vote on, and what I have never voted on in my now eight years in Congress, I have never been able to vote on significant changes to entitlements. Entitlements are Social Security; they are Medicare; they are Medicaid; they are certain welfare programs; they are certain farm aid programs. If a citizen fits the title, they get the expenditure.

Mr. Speaker, this Republican majority made a determination that we were not going to change Social Security, but the rest of the budget, the 75 percent that is left over, 76 or 77 percent that is left over, we would begin to address; not just the one-third that is the discretionary spending.

We made a determination with our Contract With America, which by the way is a positive plan that does not criticize Democrats, does not criticize President Clinton. It was a plan that we agreed to. Not just the individuals who are incumbent Members, but those who were challengers. We agreed that if we were elected and were the majority, we would move forward on 8 reforms in the opening day of the session and 10 reforms during the first 100 days.

One of those reforms was a balanced budget amendment. We made a determination with the balanced budget amendment that we would not just vote for a balanced budget amendment, but we would vote to balance the budget. The only way we can do that is to address the incredible challenge that we have with our entitlements, particularly Medicare and Medicaid.

Now, what happens with the earned income tax credit? This is basically an affirmative payment that the Government makes to those who make the very least amount in our country. It is basically for the working poor, primarily. It is an attempt to get them off of welfare and not see a significant drop where they start to pay a lot of taxes. It is an effort to say they will actually get an assistance from the Government to get them up to the level where they get a livable wage.

Democrats, the minority party on the other side of the aisle, they say that we are cutting the earned income tax credit. What is happening with the earned income tax credit is that it is going from $19.8 billion this year to $27.5 billion in the seventh year, the year 2002. Only in this place, in Washington, when we go from $19.8 billion to $27.5 billion could anyone literally call it a cut.

□ 1645

It is nothing, it cannot even come close to being called a cut. It is going to grow, and it is going to expand. We are going to see a significant increase. Same thing with school lunch. School lunch over a 5-year period, now it is $6.3 billion, it will grow to $7.8 billion. How can you say when something goes from $6.3 billion to $7.8 billion it is a cut? You cannot call it a cut. You could say we slowed the growth of spending, but that even is a 5-year plan. It continues to go up even more.

Student loan really gets me. The argument that we are cutting student loans is an absurdity. It goes from $24.5 billion this year. In the fifth year it grows to $33 billion. In the sixth year, it grows to $36 billion.

In the 7th year, so from 24 to 36, it grows by 50 percent basically in 7 years. Only in Washington when you see such a large growth in student loans do people call it a cut.

What are we doing? We are saying that grace period, when you have left school and then you get a job, that grace period where the Government would pay the interest rate, we defer the payment for that grace period, but then you have to pay the interest rate. If you had a loan of $17,000, and that $17,000 loan during the course of payment, you would be paying an additional $9 more a month, basically the cost of a movie and a soda, popcorn or basically the cost of a pizza, once a month.

Now, I am just going to address two issues, Medicaid and Medicare, and then I am going to yield to my colleague from Kansas.

I serve as the chairman of the task force, the working group on the Committee on the Budget overseeing health. We basically served into this process the issue of Medicaid and Medicare.

Medicaid and Medicare collectively are 17.6 percent of our budget. They are growing, doubling basically every 6 or 7 years. They are becoming so large in their expenditure that they are squeezing out the rest of the budget, so that our domestic discretionary, our defense spending, our international, that appropriated item keeps coming down and down. We even spend, because of our incredible deficits, $233 billion just on interest on the national debt. But what are we doing with Medicaid and Medicare?

We are going to allow Medicaid to grow with what it is today at $89 billion to $124 billion in the seventh year. We are going to spend, we spent in the last 7 years $444 billion on Medicaid. In the next 7 years we are going to spend $773 billion. We are spending $329 billion more in the next 7 years for Medicaid. That is a 73 percent increase in spending over the next 7 years as opposed to the last 7 years. Only in this place, in this city, when you spend so much do people call it a cut.

Now, what are we doing with Medicare? Medicare is where I will end by basic comments and then yield to my colleague from Kansas. Medicare is a plan that I am so excited about. Yet, when I have gone back into my district, I have had people describe to me a plan they think we are voting on that has nothing to do with what we are voting on. I think I am against that plan. What are we doing? We spend $178 billion today. In the seventh year we are going to spend $273 billion. That is a 54-percent increase from now until the seventh year.

In the last 7 years we spent $926 billion. In the next 7 years we are going to spend $1,600 billion, or $1.6 trillion. That is $674 billion of new money in the next 7 years, a 73-percent increase again. But people say, OK, you are spending more, but what about all the new beneficiaries, all the new elderly? Had you added up all the new elderly on a per beneficiary, per elderly basis, we are going to go from $4,800 per beneficiary today to $6,700 per beneficiary in the seventh year, a 40-percent increase. So we are going to spend 40 percent more per beneficiary. Only in this city when you spend 40 percent more per beneficiary do people call it a cut.

We are spending far more than the inflation rate necessary to have an excellent program. What we are going to do is slow the growth of this program. But to do that, we have no increase, we create no new copayment and increase no copayment. We create no new deductible or increase any deductible. The beneficiary premium, part B, stays at 31.5 percent, and the taxpayer pays 68.5 percent. That is the difference, that is what the taxpayers are paying. They will continue to pay 68.5 percent. The beneficiary will continue to pay 31.5 percent. As health care cost go up, that 31.5 percent will mean that beneficiaries from part B will pay an additional amount per month as they have during each of the last 7 years where they have paid more.

Then people say, OK, I see that. I understand that. No increase in deductions. No increase in copayment. My premium stays the same. It does change for one group. If you make over $100,000 and you are single, you pay all of Medicare part B. If you are married and you make over $150, you pay all of Medicare part B. You still get Medicare part A as is. That has not changed.

Then the last argument is, the gentleman from Connecticut [Mr. SHAYS] and the gentleman from Kansas [Mr. TIAHRT], can I keep my doctors? Why are you kicking me out of this program? We are not. You can stay in this program. If you want the traditional Medicare Program, this 1960's model fee-for-service program with your doctors, just the way it has gone before, you get to keep that plan.

But if you want to get eyeglass care or dental care or a rebate in your copayment or a rebate in your premium or a no deduction, you will be able to join a host of plans that will be provided giving you this kind of choice.

Concluding my remarks, I get health care from the Federal Government. I pay 28 percent of the cost. The Government and the taxpayers pay 72 percent of the cost. I get choice in my health care plan. My constituents have said, I want choice like you have it. We are allowing Medicare patients to have choice. They can keep what they have or they can get into whole new different programs that are going to be provided which we call MedicarePlus.

I will conclude my comments. I am delighted to yield to my colleague from Kansas who really can show much of what I have said and elaborate on that, but candidly provide new information just illustrating from charts that he has, how important it is for us to get our financial house in order.

I intend to be here for part of his dialog. I might interrupt him on occasion, but I yield to the gentleman from Kansas [Mr. TIAHRT]. I look forward to hearing what he has to say.

Mr. TIAHRT. Mr. Speaker, I think it is very interesting as you were laying out the Contract With America provisions and talking about the balanced budget provision, the Reconciliation Act, that you have got very good reasons why we should support the President's plan, our plan to balance the budget, and why the President should sign the Seven-Year Balanced Budget Reconciliation Act.

Not only are there important points there to sign but also, as you talked about the Contract With America, I want to make the point that it is really capturing the vision that Americans have. There is a passage in Proverbs that says, without a vision, the people perish. I think the people of America have had a vision for a very long time.

For 2 decades they had a vision of a balanced budget, just like this. They sit down at their kitchen table on a weekly or a monthly basis. They balance their budget through their checkbooks, paying their bills, weighing it with what their income is. So it is their vision that this Government should be balancing its own books.

I think they have had a vision of a retirement plan that is free from worries about health care. So we are in this Reconciliation Act trying to preserve and protect Medicare, as stated so eloquently by the gentleman from Connecticut. I think the people of America have also had a vision of safe streets, of safe schools, of safe America.

I think that provisions that we are putting in, if you look at any yardstick in America today, whether it is drug abuse or illegitimacy or domestic violence or just violence itself, we are failing miserably. I think many of these problems have their roots in our current welfare system that is obviously broke. It is antifamily, it is antiwork, it teaches exactly the wrong thing for a free economy and a system of self-governance.

So I think as we look at this, and the last thing that I want to pick up on what the gentleman from Connecticut [Mr. SHAYS] said was that he talked about some of these tax credits. I think it is very important. I think we are alluding to it, that it is really their money. It is not our money. As was mentioned, the taxpayer is paying for a portion of our health care, it is their money. I think that, if there is a legacy that this Congress can leave behind, it is that it is not the Government's money that we are dealing with. It is the taxpayers' money. It is your money.

In the past, I think the people have felt out of touch with the Congress. Last November 8, almost a year ago to the day, many of us freshman Congressman came in and joined individuals like the gentleman from Connecticut who were in touch with America and saw what their vision was, saw this vision of a balanced budget, preserve Medicare, welfare reform and of tax breaks.

They kind of have sent a message to us. I think we are still hearing it today in our town halls. We are hearing it in the coffee shops, Main Streets. I hear it when I visit manufacturing facilities in the Fourth District of Kansas.

I have brought a chart to kind of illustrate the marching orders that we have been given, this 104th Congress. In this chart it starts out saying, Congress' marching orders. The very first thing is balance the budget in 7 years. I think we cannot emphasize enough how important that is.

I would like to elaborate on it a little more as we go through. Briefly the rest of the marching orders are saving Medicare from bankruptcy, preserving and protecting it, as the gentleman from Connecticut talked about reforming welfare, and again providing tax relief for families and job creation. I think understanding back to this first one, balancing the budget, we really should illustrate it by showing what the real problem is.

I have a chart that illustrates that. It is called The Debt: 1960 to 2000, "Growing Out of Control." On this chart, briefly, it is difficult to see, I know, but it starts out in 1960. It goes to 2000 across the bottom. On the left side it starts at 0 trillion and goes to 7 trillion. As you can see, the red indicates how much Federal debt we have. It stays pretty well below $1 billion until we get to the middle of the 1980's. At that time when our social programs kind of started spinning out of control, it started to climb until today, this year, we are right at approximately $5 trillion in Federal debt. We are approaching $5 trillion.

This is a legacy that we are passing on to our children. I have three children, and my older is 14 years old, Jessica. It has been 25 years since we have balanced this budget. If I look at the next 7 years, that makes her 21 years. If it takes as long to get out of this problem as it did to get into the problem, my daughter will be 53 years old. We have literally passed our problems onto the next generation. I think that we have an obligation, a moral obligation to our children and to this country to see that we have a balanced budget.

Mr. SHAYS. I would just make the point that, even with our 7 years plan, the national debt goes on another trillion dollars. Here we are having people saying we cannot do it in 7 years and that we need to stretch it out. Even then, we are allowing the debt to go up because we are trying to have a glide path where ultimately our expenses, slowing the growth of our expenses runs into revenue. But to me that 7 year balanced budget is the outer limit of what we should be doing.

Mr. TIAHRT. I think the glide path is a good example.

On my next chart, I am showing the difference between the second budget that we received from the administration and what we are looking at with this Reconciliation Act. You can see the glide path. Those who fly, it is very clear. As you approach a runway, you get down to touch down, and that is called the glide path. As you are slowly descending to the runway, this looks to go steeper than I like to land. But it illustrates the point fine. The administration's budget really does not balance over the next 7 years. But the plan that we have before us, in the Reconciliation Act and why it is so important for the President to sign, is that it does get to a balanced budget by the year 2000.

Mr. SHAYS. Just looking at that, the point needs to be made that the Congressional Budget Office has scored the President's budget and said his annual

deficits are over $200 billion during each of the next few years. That blue line just shows how we are going to get those deficits down to zero in the seventh year.

Mr. TIAHRT. As the gentleman pointed out, I want to talk to why we think it is important. Again it goes right back to the children. This chart says why the Republican Congress is balancing the budget. First, for our children. I have three children, Jessica as I mentioned earlier. I also have two boys, John and Luke. I am worried about their future. The reason I got into politics is because I want to secure a future for them.

Just about a year and a half ago, there was a survey where two-thirds of Americans believed that their children would not have the same opportunity that they had. I think that is a sad statement for a system of self-governance. So we are trying to restore hope for our children so that they have more hope for the future, more opportunities for the future than we had growing up.

No. 2, to accelerate long-term economic growth, if we do want to balance long-term economic growth, if we do want to balance the budget, we have to see our economy grow. A balanced budget does do that.

No. 3, it reduces long-term interest rates. We will talk a little bit more about the significant impact it has on the American family and on the college students to reduce interest rates.

And to strengthen the financial markets, and again that is tied to No. 2. If you hope to have long-term growth, you have to have a strong financial market.

No. 5 is to raise productivity. No. 6, reduce inflation, very important. And No. 7, to strengthen our dollar. We have seen a dramatic slide in the dollar over the last 20 years. It is time for us to strengthen the dollar to keep those strong markets that we have.

I think that this was illustrated again by Alan Greenspan, who is the chairman of the Federal Reserve. I have a chart here that shows some of the things that he named as the benefits of balancing the budget. They are significantly common to what the Republicans are trying to do.

No. 1, he says that the children will have a higher standard of living than their parents. We are talking once again about restoring the hope for our children. I want to pass on a legacy to my children so that they will have more opportunities, a better future than I had growing up. I have had some wonderful opportunities.

So I agree with Alan Greenspan, the chairman of the Federal Reserve.

No. 2, improvement in the purchasing power of incomes. We have seen a dramatic slide. I think the working man has been hit the worst. Inflation and loss of purchasing power has really hit them in the pocketbook. It has made it difficult.

□ 1700

And I think that is quite often why we see two-income families now, because if you look at the taxes that we have here at the Federal Government, which is about 25 percent of the income, you add in the State taxes, local taxes, hidden taxes. When I think about the wheat farmers in Kansas and how they start to pay taxes on their land, and some of their equipment, and their parts, sales taxes, how they are tied in there, that the wheat goes to the miller to make flour, and then to the baker to make bread, and then to the grocer to be distributed, and there is taxes that are hidden in there, and by the time you add all those up, Americans pay more than 50 percent of their income to taxes. So it is no wonder we have two incomes. One person works just to pay the taxes while the other one tries to provide something for their family.

So we are trying to improve their purchasing power. Again rising productivity; we have done it with the previous chart; reduction in inflation. We have seen, as you mentioned, double-digit inflation in the past, and we want to keep our inflation rate down. Strengthening of financial markets—and, coming from the chairman of the Federal Reserve, I think that is a significant statement—acceleration of long-term economic growth and a significant drop in long-term interest rates.

Now I think that when you talk about the American families and how this is going to impact them, I have got a chart——

Mr. SHAYS. Before you leave Alan Greenspan, I would just like to mention that he made a point to us in the committee. Some members said, "Well, Mr. Greenspan, isn't there a danger that Congress could cut too much and slow the growth of our economy?"

And he gave a very interesting response. He said to this Congressman—he said, "Congressman, Congressman I don't go to sleep at night fearful that when I wake up the next morning Congress will have cut too much."

His biggest point to us, his biggest point to us was, that, if we balance the Federal budget, interest rates will drop significantly, and I think you have a chart that illustrates the significance of that, if you, for instance, could just explain it.

Mr. TIAHRT. The chart starts out by saying Benefit to an American family of a balanced budget: Annual savings from a 2-percent interest reduction, just a reduction of 2 percent, and again it goes back to Mr. Greenspan saying that, if we would balance the budget, interest rates would drop 2 percent because the Government would not be out there competing for debt, which in turn competes for credit. So this is a 2-percent reduction in interest rates. On the average car loan of $15,000 it would be an annual savings of $180. On a student loan of $11,000, it would be savings annually of $216. But the biggest-ticket item of course is the mortgage, and right now, about the average mortgage, somewhere around $100,000. If it was $100,000, it would be reduced, just by going down 2 interest points, $2,162 per year, a total annual savings of $2,558.

And I think that talks about, you know, it reflects restoration of hope, getting more purchasing power for the dollar. It is a very important issue, that we balance the budget.

Mr. SHAYS. The other point I would just make, that if businesses have less interest to pay on their plant and equipment, they are going to invest more in higher productivity, they are going to build new plants and equipment, create more jobs, and the American worker, the American worker, is going to be more productive. If the American worker is more productive, they are going to get more dollars for what they do.

Mr. TIAHRT. You made a point earlier when you talked about student loans, CHRIS, and I just want to follow up on that because I have a chart that has exactly the same numbers that you referred to. We have heard that we are cutting student loans; we heard it just earlier this afternoon; but we are not cutting student loans. This is the estimated annual student loan spending starting in 1995 and going to the next year's budget. This is in the reconciliation plan, and you can see it is an increase. It starts at $24.5 billion and it goes up to $36.4 billion by the year 2002.

Now I do want to make one point, that we are going to take away some of the subsidies on interest payments for students once they graduate. There used to be a period of 6 months from the time they graduated until they made their first payment that the Government picked up those interest payments, but we do think people should work, and we want to encourage them to get into the work force and be productive, so we are not going to subsidize those, and it is going to mean about $7 or $8 a month, which we do not think is a significant fee.

Mr. SHAYS. That is for the student who has borrowed the maximum of $17,000, and there still will be the grace period. We defer the payment on that interest and allow them to amortize it over the course of their entire loan.

Mr. TIAHRT. When we talked about a student loan—I am glad you pointed out the maximum amount of $17,000—but I am going to go back to an $11,000 student loan just to match my chart here.

A 2-percent interest reduction, which is $2,167 over the life of an $11,000 student loan; you know, there is a big current 8-percent interest rate. It is going to cost for that $11,000 loan $18,574 by a simple reduction of 2 percentage points. This is why it is so important,

even for the student. It goes down to $16,411.

So now we are increasing spending. I do not want to confuse this because we are increasing spending for each student, as we mentioned on this chart, going from $24.5 billion to $36.4 billion.

Mr. SHAYS. If I can just qualify that and make the point that no student is going to be allowed a student loan. They are going to get their student loans. What we do with this increased money is allow for more student loans. So we are going to go from about 6,700,000 in the 5th year, which is that $33 billion. There are going to be 8,400 students getting student loans.

So more students are going to get student loans, and that is why this number goes up. There is going to be a lot more money in this system.

Mr. TIAHRT. More money in the system, student loans are going up, but for the individual student himself, for the one who is going to make the payments after he has received his education, if we can just lower his interest rate 2 percent, we can save that person some money, that American, that person with a vision for the future.

Mr. SHAYS. Significantly less more money.

Mr. TIAHRT. It goes from again $18,578 down to $16,411, a savings of $2,167.

Now we are—I want to talk next about how the balance budget will lower interest rates, and in this chart here I think that we have talked—we have heard a lot about cuts, cuts here and cuts that, but in balancing the budget over the next 7 years we are still going to increase spending, and I brought a chart to illustrate that. And I think there has been kind of a misconception that is nothing but cuts, cuts, cuts, cuts. There really are not any cuts. We are really slowing the growth of Government, is what we are doing. We are slowing the growth of Government, not cutting. There are some true cuts like in defense, on outlays. Our outlays last year for fiscal year 1995, for defense was $276 billion. This year, fiscal year 1996, is going to be $267 billion in outlays. So there are some cuts, in defense for example, but overall Government, if you look between 1989 and 1995, we spent $9.5 trillion, and looking forward over the next 7 years, 1996 to 2002, we are going to increase spending to $12.1 trillion.

Now, if we did not do anything, if we did not try to balance the budget, and progressed, for example, on the President's plan, we would be spending $13.3 trillion, so what we are doing is limiting the size of growth in the Federal Government, and I think that is one of the things that is very important.

Mr. SHAYS. I would just like to elaborate on this. I mean the significant point is that in overall spending of the Government and the taxpayer we are going to spend $12.1 trillion in the next 7 years. We could, if we did nothing, like President Clinton basically advocated in his February budget and his budget of 2 years ago, we would go to $13.3 trillion. What we are trying to do is slow the growth so ultimately spending will intersect with revenue in that 7th year, and I just make the point that I want to elaborate a little bit about we made some cuts, and we are proud of some of the cuts that we have made. We slowed the growth in other programs, and our disagreement with our colleagues on the other side of the aisle is sometimes they call a cut a cut when the spending is going to go up significantly, and that is where we disagree with them. It is true we have a cut in foreign aid. We cut foreign aid. We are going to spend less dollars next year than we spend this year. That is a cut. I am willing to take the heat for that, but we did not cut EITC, we did not cut Medicare, we did not cut Medicaid, we did not cut the School Lunch Program, we did not cut the Student Loan Program and so on. A lot of the entitlements will still be allowed to grow.

Mr. TIAHRT. Those are excellent points, and I want to talk just briefly about one of the areas that we did cut just as an illustration.

We are going to dismantle the Department of Commerce and save, I believe, about $3 billion, and this chart kind of symbolizes how we are going to do it. Basically what we are doing is we are eliminating duplication inside the Government. We are trying to do away with any waste, if we can find it, and then we are getting rid of some of the unnecessary bureaucracy, but you can see some of these areas, like the National Institute of Science and Technology, is going to be consolidated along without others, some of them like technical policy are going to be eliminated, so through a process of consolidation and elimination we are going to get rid of the waste, we are going to get rid of any abuse, we are going to consolidate part of the bureaucracy, and that is part of the cuts that I think are good, commonsense guts that people do in their everyday lives when they have to limit their growth.

Mr. SHAYS. One of the points that I love about what we are doing with the Commerce Department, we are going to take all the trade functions and put them under one category because we do believe that a significant part of our economic growth is going to be the products that we export overseas. So we are going to consolidate our Trade Representative and all the trade functions within the Commerce Department under the Trade Representative. Makes a lot more sense, it seems to me, to do it that way.

Mr. TIAHRT. This is one of the items that was in the Seven-Year Balanced Budget Reconciliation Act that we hope the President will sign. Next year we are going to look at some other agencies like the Department of Energy and see if there is some duplication we can reduce. I think that the balanced budget is, again, restoring the vision of the American people, trying to get government to conform with the way they live their lives, and I think if we are successful in doing this, we will help fulfill the promises that the American people want from Washington, DC, not necessarily from a Republican, or from a Democrat, or from the administration, but from all of us here in Washington, DC.

That brings us to the second point that I think we want to talk about because we have heard so much about the cuts in Medicare. I first want to emphasize the point that we have a problem with Medicare, and it was emphasized on April 3, 1995. The top of this chart says the conclusion of the Medicare trustees. The quote here is, and it is right out of their report——

Mr. SHAYS. Will the gentleman slow down a little bit? This is really important, and we have time to really make sure that we are making this point clear.

Mr. TIAHRT. OK. I guess I am getting just a little bit excited.

Mr. SHAYS. Yes, there is plenty to talk about, but this is very important.

Mr. TIAHRT. The President's board of trustees for Social Security and Medicare issued this report. We have duplicated three of the signatures. There are other signatures there, but these are the Members from the President's Cabinet. This report talked to us about the impending crisis in Medicare. It says the present financial schedule for Medicare programs is sufficient to insure that payments and benefits only over the next 7 years, and I have a second chart that will kind of help illustrate how Medicare is in fact——

Mr. SHAYS. This is the President's own Cabinet that said this in addition to the head of the Social Security trust fund, basically saying that Medicare becomes insolvent next year, and then what happens?

Mr. TIAHRT. This chart illustrates that, as the gentleman from Connecticut is pointing out. The part A trust fund is going to be empty in 2002; in other words, it is going to be bankrupt. This chart is in billions of dollars on the left-hand side, it has zero in the middle, the bottom being minus 150 billion, the top being 150 billion, which is approximately where the fund is today, and over the next 7 years you can see this red line goes down until it crosses zero, and in 2002 we actually would achieve bankruptcy if we do not do anything to preserve and protect Medicare.

Mr. SHAYS. I wonder if I could just point out what those numbers are in the trust fund in 1995 there is $136 billion. It only drops a billion next year

to 135, but in 1997, it goes to 129, then it goes to 117, then it goes to 98. In the year 2000, it goes to 72; in the year 2001 it drops 37, and then in the year 2002 it will have a minus 7 billion. That is the fund that pays for all the hospital care. And then the only way that if we do not save this fund from bankruptcy the only way hospital care will be taken care of is, as the payroll tax brings in money it immediately is grabbed out, but there is not enough to pay for all the costs of the Medicare part A trust fund needs of hospital care.

Mr. TIAHRT. I have a chart here to illustrate how spending is going to increase in Medicare and still save what is going to be a bankrupt fund if we do not do something about it. We have heard, and the reason I bring this chart I think is important to note and we have heard it here on the floor this afternoon, that there are cuts in the Medicare program of $270 billion. This is something that has been spread, I think, nationwide. I have heard it in some of my town meetings, and so I go to great pains to try to explain to people how we are increasing spending in Medicare and still going to make the funds solvent, as the gentleman from Connecticut [Mr. SHAYS] has pointed out.

□ 1715

This chart says "Medicare spending per recipient in the Republican budget." It starts out here in 1995 with $4,816, and then projected over the next 7 years we will be spending $6,734. I think you made a very good point when you were speaking earlier. You said there will be more people in the Medicare system in 2002, more people in the system, and they will be receiving more financial benefits and still make the system solvent.

Mr. SHAYS. It is really amazing when we think about it. We have taken a program that will have $4,800 per beneficiary and in the 7th year they will have $6,700 per beneficiary, so that takes into consideration all the new people in the system, more than we need even to deal with the basic inflation. Yet people, and you have it right at the bottom of your chart, where is the cut? Where is the cut? Where is the cut?

Mr. TIAHRT. To try to make it a little more understandable, if you were a baseball player, maybe you could understand it if we put 48 baseballs in one basket and in another basket we put 67 baseballs, and ask them, "Which basket has more balls?" I think they would say the one with 67 baseballs in it has more. That would be an increase, would it not?

Mr. SHAYS. Yes, it sure would.

Mr. TIAHRT. Like a golfer. If you had 48 golf balls in one cart and 67 golf balls in the other cart, is that an increase or decrease in golf balls? It is very simple.

I want to emphasize this, I would say to the gentleman from Connecticut, because I think what is important here is that we have heard so much about cuts. We are starting to see a widening gap in credibility. There are no cuts. As this chart says: "Where is the cut?"

Mr. SHAYS. Mr. Speaker, does the gentleman have another chart on Medicare? I would love to just make the point by saying we save money in the program by doing a host of things, but one of the things we do, we provide that health care fraud will now be a Federal offense, and not just Medicare frauds, but Medicaid fraud and other not private health care fraud will be a Federal offense, and we are going to go after the extraordinary waste in the system.

Do you know that in Medicare, I would just make the point, when we look at what HCFA, who runs this program, is able to do, believe it or not, HCFA cannot tell you what hospitals were given what money a month after the fact, 2 months after the fact. They cannot tell you why the hospitals were given certain sums of money.

Home Depot, on the other hand, when they open their store at 6 o'clock in the morning, at 9 o'clock in the morning they can tell you what products sold in their store from 6 to 8:59. They have already started to reorder their inventory.

There is extraordinary waste, fraud, and abuse in this system. I have men tell me that they have been sent bills for giving birth. I have women tell me that they have been charged for operating that are not humanly possible on a woman. We have had story after story of how people can abuse this system, and we are, for the first time, going to be in a very focused way getting at the waste, fraud, and abuse in this system.

That is where we get some of the savings. We get some of the savings by the fact that people will opt into private care, which is far more efficient, and will provide a better service for a lower cost. So the actual beneficiary, though, pays no more in copayment, no more in deduction. The premium stays the same, unless you are very affluent. You can stay in your fee-for-service system, and if you want, and only if you want, you can leave. If you leave and you do not like it, for the first 2 years you can go back every month into your old fee-for-service system. Only in the 3d year are you locked into that program for a whole year.

Mr. TIAHRT. I think you make a good point, that if you just do absolutely nothing and you are a senior, your Medicare benefits will continue as they were before, but if you choose to move into a managed care plan, another type of plan, then it is your selection, it is your alternative, it is your choice.

I think that is a very important difference between what we saw with the old Medicare plan, which was a 1960's Blue Cross-Blue Shield plan that has been frozen in time for 30 years, the rest of health care increasing, maturing, developing for 30 years. Now we are just trying to bring Medicare up to date, allow some options. But if a senior, again, chooses not to do a thing, they will stay in the current Medicare program.

Mr. SHAYS. If they stay in the current system they cannot be removed. In other words, they can only be changed into private care if they proactively ask to. It is not like the telephone, where you find yourself switched. You can stay right where you are.

Mr. TIAHRT. I want to talk about one of the visions I think the American public had, and that is reforming our welfare system. We have heard a lot about it in the campaigns for the last dozen years. Now we have a plan that is in our 7-year Balanced Budget Reconciliation Act. This is, again, another reason why we think the President should sign this bill into law.

In welfare reform, I think we have been kind of attacked in saying that we are cutting spending for welfare. If you look at the chart I have brought, it talks about welfare reform the last 7 years compared to the next 7 years. On the left side here we have spending which is in billions, and across the bottom we have three columns. The first is 1989 to 1995, or in other words, the last 7 years. That is $492 billion, which is a lot, half a trillion, a lot of money. The next 7 years we are going to increase that $346 billion over what we did in the first column of 1989 to 1995. So from 1996 to 2002 we are going to increase spending.

If we did nothing and took current projections, we would spend up to $949 billion, but by moving block grants on welfare to the States and trying to get the solution closer to the problem, we are going to save some money over the next 7 years.

I just have to tell you one story about a lady that I talked with in Wichita, KS. She works for the Social Rehabilitation Services, which is how welfare is conducted, the agency that conducts welfare in the State of Kansas.

She said, "I am very concerned about block grants, because how will this Federal guideline be affected and how will that Federal guideline be affected?" I said, "Ma'am, if you could have the autonomy and the authority to take this money that you receive in your budget and apply it to the problem, could you do a better job than what these guidelines say?" And she said, "Oh, absolutely." I said, "That is what we are trying to do. We are trying to move the solution closer to the problem and give that worker in Wichita, Kansas, the autonomy and the authority to meet the problem, the funding to meet the problem."

Mr. SHAYS. I would love to weigh in on this. I represent an urban area, I think I am one of the probably few Republicans that represents an urban district. I represent Stanford, Norwalk, and the city of Bridgeport. The city of Bridgeport—a few years ago—attempted to go bankrupt and, candidly, it is getting itself back in line and getting its financial house back in order as well. As someone who has been involved in government and has voted for a lot of welfare programs, I have had to ask myself, what have I done?

This is what I look at and see. I see 12-year-olds having babies, I see 14-year-olds selling drugs, 14-years-olds. I see 15-year-olds killing each other. I see 18-year-olds who cannot read their diplomas. I see 24-year-olds who have never had a job, or if they had a job, say, at McDonald's', they would say it was a deadend job. If I ever said that to my dad, he would say, "Son, how many hours are you working?" and if I said "Dad, I am working 10 hours," he would have said "It just increased to 15," because he knew the value of waking up in the morning, earning my keep, and being of service, being useful to society in a very proactive way.

Then I think of my 80-year-old grandparents. We have created a legacy that has to change. We have to be willing to confront how we have voted in the past, how we can change it.

I want to be part of a caring society. We have been a caretaking society. In the process of being a caretaking society, I think we have destroyed generations of young people who now cannot be productive. We have given them the food, we have not taught the how to grow the seed. For our Republican revolution to have a positive impact ultimately, we have got to teach people how to grow the seed. That is what we are trying to do with our welfare reform.

Mr. TIAHRT. Exactly right. Mr. Speaker, I want to tell the gentleman about some of the other things we have. We are going to consolidate some of these programs, 22 current programs to eliminate child abuse, consolidate them, again reducing some of the redundancy, making it more efficient. We are going to consolidate child care programs, increasing the spending to $2 billion per year, and nutrition programs. I think this is something that the Republicans took an unfair hit on.

We heard last spring that the Republicans were cutting what was going to be spent for children and that they would be starving. I have heard absolutely no reports in the Fourth District of Kansas or anywhere in the Nation that there are kids starving right now. In fact, I was in the Dodge Edison School in Wichita, KS, and saw the lunch program. They are doing very well. They are thinking about contracting it outside. Overall, we are increasing spending for nutrition programs 4.5 percent per year, and over the next 7 years that is going to be a $1 billion increase. There will be no starving children under this.

Mr. SHAYS. Could I just jump in here under the school lunch program, Mr. Speaker, because we talk in our circles about not ever being school-lunched again. It was the first time we encountered where we were going to increase a program and people called it a cut. Instead of it growing 5.2 percent a year, we allow it to grow 4.5 percent a year.

But we do something very important. We allow the local communities to adjust 20 percent of the cost, because a lot of wealthy communities get 30 cents per child. We are going to allow States to say wealthy communities maybe should not get that, and a poorer city, maybe like Bridgeport, can have a breakfast program. So we are going to allow States the discretion to focus these programs where they think it is most needed, but they are going up.

Mr. TIAHRT. I want to move on to the last thing. This is talking about the reduction in taxes that we have in the 7-year Balanced Budget Reconciliation Act, and why I think it is important to fulfill the vision of the American people, and also to stay on this plan, why the President should stay on it.

The President did say on October 17 in a roomful of people, he said, "The people in the room are still mad about the 1993 budget, and they think I raised their taxes too much." He said, "It might surprise you to know that I think I raised taxes too much, too." I just illustrate a point, because I think what he has captured here is the vision of the American people. We have to go back to the premise that it is not the Government's money, it is the taxpayers' money, it is their money. I think the President has captured that.

When we look at who is going to be benefiting from this family tax credit of $500 per child, and now this is based on the plan that went out of the House, and because of your committee work, I would say to the gentleman from Connecticut [Mr. SHAYS], I know he has some further information and may want to correct the chart a little.

First I want to say one thing, I heard there was a person who was going to get a $20,000 break in their taxes, some alleged rich individual. I got to thinking about that. At $500 per child, he would have had to have had 40 children to get a $20,000 tax break. I hope that he is wealthy if he has 40 children. But if you look at the plan that we have, 75 percent of the people, 74 percent of the people, who will benefit from this make below $75,000, and 10 percent only make over $100,000. So a large majority of the people who will benefit from what is in the current plan are making less, they are not the wealthy people.

Mr. SHAYS. I would love to weigh in on this issue. My parents raised four boys. I was the youngest of four boys born in the mid-1940's. My parents, in today's dollars would have been able to deduct, per child, $8,200 per child. That is $32,800 off the bottom line of their income. But a family today can only deduct $2,500.

What we are trying to do with our family tax credit is give families today the same basic purchasing power, at least get them closer to the kind of purchasing power, that my folks had. I might make this point as well. My parents probably paid less than 12 percent of their total income in Federal, State, and local taxes, maybe 15 percent, Federal, State, and local. A family today pays anywhere from 25 percent to 40 percent, plus, in Federal, State, and local taxes. This eminently makes sense. We may end up where, when we agree with the Senate, that it will apply to any family making less than $100,000. So then what you will have, you will have it focused primarily on those with the most need.

Mr. TIAHRT. I am not here to defend the rich, because that has been kind of the premise of the argument, is that the rich are getting the tax break. I really do not think that is true at all.

Mr. SHAYS. That is not true, to start with.

Mr. TIAHRT. No. 1, it is not true, and No. 2, it is not fair. But I want to say one thing, I received some information, it was published in Human Events, on page 9 of their November 3 issue. It says that the top 29 percent of individuals who pay income taxes, they pay $4 out of every $5 that is paid into the Federal Government in the form of taxes.

The top 25 percent, which a lot of people think that is the wealthiest people, and they should be paying $4 out of $5 in taxes. But let me tell you where the top 25 percent hits. That is everyone who makes $41,000 or above. If you make $41,000, I do not consider you rich. In fact, to get to the top 5 percent, you go up to $87,000. There is some question there, if people are well off at $87,000, but the bottom 50 percent of individuals who pay Federal income taxes only pay 5 percent of the tax burden. That is $1 out of every $20 that comes into the Government. Really, that is what this per-child tax credit is designed to hit, that bottom 50 percent. It will mean the most to them. They need the break.

I think about my brother-in-law who is currently on strike, an employee at the Boeing Co. They are on strike. He has three boys. I want him to know there is $1,500 available for him next year to catch up from the strike. It may go on through the rest of the year.

Mr. SHAYS. What it is is a tax credit. In other words, the taxes he paid, he will get $1,500 back in taxes he paid.

Mr. TIAHRT. That is exactly right. That makes a very good point.

I want to go back to the point the gentleman made earlier about the earned income tax credit, because we heard that we were dramatically cutting and trying to balance the budget on the backs of the poor people. If you look at the last 7 years, how much spending there has been in the earned income tax credit, it was $71 billion. We are going to increase that, under this plan that we hope that the President will sign, we are going to increase it to $173 billion.

□ 1730

Now, that is a very big increase, a 144 percent increase. So we are not balancing the budget on the backs of the poor.

I want to talk a little bit about where the cuts are coming from, because they are not coming from Medicare, they are not coming from Medicaid, they are not coming from nutrition, they are not coming from the earned income tax credit.

Mr. SHAYS. Mr. Speaker, if the gentleman will yield, it is because we are spending more money in all of those areas.

Mr. TIAHRT. Mr. Speaker, that is absolutely right, and a very good point. We are spending more money in all of those areas.

These are where the cuts are going to come from, the tax cuts, and they are already paid for; I want to emphasize that, they are already paid for. We have made $151 billion worth of cuts in the discretionary spending.

Mr. SHAYS. Mr. Speaker, if the gentleman would further yield so that I could just elaborate, that is what we do in our appropriations votes, when we vote out our appropriations bills to fund the Treasury Department or to fund HUD or any of these other programs, we reduce the amount of money that we are allowing these departments to have.

Mr. TIAHRT. Mr. Speaker, we are just trying to run government more effectively.

The next one is by consolidating. We went through some of the programs and we are consolidating and reducing some of the growths through block grants to the States, and we are going to reduce our welfare through welfare reform $89 billion; through reform in the Federal workplace and retirement, we are going to reform that $10 billion.

We are going to save, by extending the spectrum, when we auction off different waive lengths for radio and television, we are going to see a tax cut paid for with $15 billion from extending the spectrum auction. We are going to sell off some of the raw resources we have. The uranium enrichment privatization plan is going to save $1.7 billion.

Our total spending cuts are $268.3 billion, if we add all of that up, and what are our tax cuts? Our tax cuts are $245 billion.

Mr. SHAYS. Mr. Speaker, I don't see anywhere in there, any savings in Medicare or Medicaid that contributed to the tax cuts. The tax cuts were funded, taken care of before we ever voted on Medicaid or Medicare.

Mr. TIAHRT. Mr. Speaker, the gentleman from Connecticut [Mr. SHAYS] makes a very good point. It is totally unrelated, and it addresses the credibility gap that we have seen widening.

Mr. SHAYS. Mr. Speaker, if the gentleman will yield, we have about 3 more minutes, and I want to make sure that the gentleman is able to finish up on those issues that are important to him.

Mr. TIAHRT. Mr. Speaker, I want to quote my Uncle John Armstrong. He said, "If you want something bad enough, any excuse to get it is a good excuse."

I think about how we have had a shift in power and we have seen some of the top switch and we have had kind of a problem or a widening in the credibility gap. They said we are cutting student loans; they are going up. They have said that we are cutting Medicare; we are increasing spending. The income tax credit, we just talked about that. Nutrition programs, we just talked about that.

What we are talking about, though, is restoring the vision of the American people. That is why I believe that the President should sign the Seven-Year Balanced Budget Reconciliation Act. That is why I think the American people want him to do that.

Mr. Speaker, if my colleagues would look at the provisions inside the bill, it encapsulates the visions of America, to having a balanced budget to secure hope for the future for their children, to preserve and protect Medicare, to reform welfare, and to give the tax breaks to the kids so that the parents can spend the money on them rather than the government. I think that restores the vision that the American public holds. So I hope that the President will sign the bill.

Mr. SHAYS. Mr. Speaker, I would like to thank the gentleman from Kansas [Mr. TIAHRT] for joining me in this effort, and I have learned a lot from his charts.

I would like to say that I have never been more proud to be part of a new majority than this Republican majority that candidly is trying to take on getting our financial house in order, balancing our budget, saving our trust funds, particularly Medicare, and transforming the social and corporate welfare state into what has to become an opportunity society. All of the new Members that we have have made an incredible difference in this effort. They have been the driving force with some of the sophomore class as well, and it has just been absolutely a thrill to welcome our new Members and it has been a wonderful opportunity for me to share in this essential order, and I thank the gentleman from Kansas for his extraordinary good work, his dedication, and giving us the opportunity to be in the majority.

VACATION OF SPECIAL ORDER

Mr. FALEOMAVAEGA. Mr. Speaker, I ask unanimous consent to vacate my 5-minute special order.

The SPEAKER pro tempore (Mr. NETHERCUTT). Is there objection to the request of the gentleman from American Samoa?

There was no objection.

U.S. ACCESSION TO SOUTH PACIFIC NUCLEAR FREE ZONE TREATY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa [Mr. FALEOMAVAEGA] is recognized for 60 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to express my deep sense of pride and to share with our colleagues and our great Nation an event of historic importance to the countries of the Pacific region.

On Friday, October 20, at the United Nations, the United States, France, and Great Britain formally announced they have decided to join the South Pacific Nuclear Free Zone Treaty and will complete signing of the protocols to the treaty by mid-1996.

The South Pacific Nuclear Free Zone Treaty, commonly referred to by its acronym "SPNFZ," is known formally as the Treaty of Rarotonga since it was signed by the leaders of the Pacific nations on the island of Rarotonga in the Cook Islands.

The Treaty of Rarotonga came into force in December 1986 after ratification initially by eight countries, thereby establishing the South Pacific nuclear free zone to combat nuclear weapons proliferation and the reckless disposal of nuclear wastes. Today, 11 Pacific Island nations—Australia, the Cook Islands, Fiji, Kiribati, Nauru, New Zealand, Niue, Papua New Guinea, Solomon Islands, Tuvalu, and Western Samoa—are members of the treaty.

By banning the testing, stationing, manufacturing, and use of nuclear weapons in the zone, the Treaty of Rarotonga is a symbol for the peoples of the South Pacific, expressing their high level of concern regarding nuclear weapons and the possibility of a nuclear disaster in the region. The treaty also prohibits parties from dumping radioactive waste at sea in the treaty zone, and provides for verification safeguards by the International Atomic Energy Agency. The treaty protocols, in addition to the foregoing, require the nuclear weapon states not to use or threaten to use nuclear weapons in the zone or against any South Pacific signatory of the treaty.

Mr. Speaker, the South Pacific nuclear free zone covers a vast area extending from the western coast of Australia and the Papua New Guinea-Indonesia border in the west, along the Equator in the north, to the boundaries of the Latin American nuclear free zone in the east, and the Antarctic nuclear free zone in the south.

I want to express my deepest appreciation and thanks to President Clinton for his decision to support the South Pacific nations in their desire to keep the region safe from nuclear destruction. The President's global leadership on nuclear nonproliferation, along with international outrage over France's resumption of nuclear testing in the Pacific, no doubt influenced France and Britain to join America in this historic development.

Mr. Speaker, the Clinton administration has identified nuclear proliferation as one of the greatest threats to United States and global security. I and many of our colleagues have long argued that to enhance U.S. credibility to build international support for successful extension of the nuclear Non-Proliferation Treaty [NPT] and negotiation of the Comprehensive Test Ban Treaty [CTBT], the administration should join the nuclear-free zone in the Pacific.

Mr. Speaker, since the Rarotonga Treaty took effect over 8 years ago, the island nations have eagerly sought United States support for a nuclear-weapon-free South Pacific. By refusing to sign the treaty, however, the United States was increasingly perceived as indifferent to the aspirations and concerns of our South Pacific allies—many of whom fought at our side during World War I, World War II, the Korean war, the Vietnam war, and supported United States operations during the cold war. Ironically, while the democratic nuclear powers failed to act, both Russia and China have long been signatories to the treaty protocols.

There was no good reason for America not to support her Pacific allies by joining the Treaty of Raratonga. The treaty advances United States nonproliferation objectives without undermining United States security policy in the South Pacific, as past administrations have conceded while testifying before Congress. The treaty was carefully drafted, with considerable input from the Reagan administration, to accommodate U.S. interests, including our policy to "neither confirm nor deny" the presence of nuclear weapons or American warships or aircraft; and it specifically protects free transit through the zone by U.S. vessels and planes carrying nuclear weapons.

The United States already supports nuclear-weapon-free zones around the world, and has signed treaties prohibiting nuclear weapons in Latin America, the Antarctic, the ocean floor, and outer space. Not long ago, the White House lauded Argentina, Chile, and Brazil's entry into the Latin America Nuclear Free Zone Treaty, noting the treaty has been a critical building block for peace and stability in the Western Hemisphere, our backyard, while reinforcing the worldwide nonproliferation movement.

With cessation of the cold war, justification for much of our Nation's past reluctance to join the treaty of Rarotonga has evaporated. The Soviet nuclear threat in the Pacific no longer exists. Instead, the United States and Russia are committed to deep reductions in their nuclear arsenals, the United States has removed tactical nuclear weapons from its surface fleet, and the prospects for a comprehensive test ban treaty are good in 1996.

Mr. Speaker, in this new postcold-war era of lessened nuclear tension, I commend the Clinton administration for heeding the calls for assistance by our Pacific allies by signing the protocols of the South Pacific Nuclear Free Zone Treaty as part of a comprehensive nuclear nonproliferation policy. Joining the treaty of Rarotonga is visible proof of America's commitment to continued progress with the indefinite extension of the NPT and negotiation of a genuine, zero-yield comprehensive test ban treaty.

Mr. Speaker, in welcoming this action we have pursued with three successive administrations, I want to thank and recognize the invaluable bipartisan support of my esteemed colleagues—Representatives JIM LEACH, LEE HAMILTON, BEN GILMAN, GARY ACKERMAN, CHRIS SMITH, HOWARD BERMAN, DOUG BEREUTER, TOM LANTOS, CONNIE MORELLA, RON DELLUMS, JIM MCDERMOTT, PETE STARK, MATTHEW MARTINEZ, NEIL ABERCROMBIE, PATSY MINK, and ROBERT UNDERWOOD.

In particular, my former colleagues on the House Asia-Pacific Affairs Subcommittee, Chairman Stephen Solarz and Representative Bob Lagomarsino, must be recognized for their early and instrumental role in laying the foundation for these historic developments. I would also thank Dr. Zachary Davis, international nuclear policy analyst with the congressional research service, for his excellent service to Congress which greatly assisted the decision for U.S. accession to the South Pacific Nuclear Free Zone Treaty. Last, I would recognize and give credit to Ambassador Winston Lord, Assistant Secretary of State for Asia-Pacific Affairs, for his considerable involvement in the President's decision.

Mr. Speaker, while France has also agreed to accede to the protocols of the Rarotonga Treaty by mid-1996, it is apparent the French Government still intends to carry out its latest series of nuclear bomb detonations in French Polynesia. Clearly, France's accession to SPNFZ is meant to supposedly appease the world community's great outrage and condemnation of their nuclear testing program in the Pacific.

France should be commended for joining the SPNFZ treaty protocols, which clearly entails permanent closure of their testing facilities in Moruroa and Fangataufa atolls. However, this should not be construed as acceptance of a cheap "quid pro quo" that excuses and condones France's continued detonation of nuclear bombs that threaten the welfare of some 28 million men, women, and children of Oceania. If French President Chirac wants to be taken seriously on his commitment to the treaty of Rarotonga, he should terminate immediately all testing.

Mr. Speaker, I would call upon our colleagues and the international community to further increase pressure on France to cease this insane and deplorable and reckless nuclear testing in the Pacific which is inconsistent with the spirit of the South Pacific Nuclear Free Zone Treaty.

Mr. Speaker, there is a little newspaper article that says, the photos show cracks in the nuclear test site. Well, these photos were taken by the famous oceanographer Jacques Cousteau in the testing program or the study that he conducted in 1987.

Mr. Speaker, I submit to my colleagues and to the American people, there are cracks on the Moruroa Atoll and nothing could convince me otherwise. Mr. Speaker, if you have exploded 165 nuclear bombs and there is one atoll in this volcano, something has got to give. The great President Chirac is going to explode six more nuclear bombs on this same atoll and the French are saying, it is OK, everything is all right. Not so, Mr. Speaker. Since 1986 the Jacques Cousteau report indicates cracks of about 9 to 10½ feet wide and several miles long.

□ 1745

Yet, the French military officials continue to deny that this atoll is full of contamination, nuclear contamination, I submit. It has been estimated that this atoll probably has the equivalence of 10 Chernobyls all packed in this volcano.

Mr. Speaker, I can just imagine if the leaks and the cracks start coming out of this volcano, it is going to go right into the Pacific Ocean. Not only is it going to affect the health and the lives and the safety of some 200,000 people who live in these islands, the 28 million people that live in the Pacific region are going to be affected.

Mr. Speaker, I ask the good people of Japan, in their conscience on a voluntary basis, since we cannot get the governments to agree on this, that on behalf of some 290,000 Japanese men, women, and children who died as a result of nuclear explosions, that maybe they should send a message to France by not purchasing French wine, French

products, or goods. That way, President Chirac will get the message that he does not need to explode 6 more nuclear bombs to improve his nuclear mechanism, or whatever trigger he needs to do to provide for his arsenal of nuclear weapons.

Mr. Speaker, what hypocrisy, the height of hypocrisy, that here the most industrialized countries, democratic, that we outlaw germ warfare and chemical and biological warfare and yet it is all right to explode nuclear bombs. I am absolutely at a loss on how we are so very much wanting to get rid of this, and yet we have nuclear bombs ready made and available if that crisis ever comes.

Thank God, we never had to explode one bomb during the cold war. These weapons are ready made and available to kill not one or two people. No, we want to kill them by the hundreds and thousands at a time. That is what nuclear holocaust means.

Mr. Speaker, the concern these people have living on these islands, all they want to do is live as a people. They would like to fish from the ocean, knowing that the ocean is free of any contamination, especially nuclear at that. That is all they are asking for.

I want to express my sincere appreciation to the chairman of our Asia Pacific Subcommittee on the Committee on International Relations, the gentleman from Nebraska [Mr. BEREUTER] and also the gentleman from California [Mr. BERMAN] the ranking member. We are going to hold a hearing on this issue next week, and we are going to find out exactly what the situation is, because the United States is also a Pacific State.

This is what bears the slight difference that we have here, Mr. Speaker. France is 14,000 miles away from the Pacific. France is not a Pacific State. We have got these States like California, Oregon, and Washington State right along the Pacific coast. Also the State of Hawaii. I sure hope to God that this will never happen, but there have been estimates made to the effect that if there is to be leakages and contamination coming out of this volcano that the French have been exploding nuclear bombs in for the past 20 years, and if these leakages should come out it would affect the lives of American citizens living in the territories of American Samoa, Guam, and how about the State of Hawaii or California, or maybe even Oregon and Washington?

Mr. Speaker, the Humboldt Current does not stand still. It tends to move. We do not live in a stagnant pool of water. The Pacific Ocean is constantly moving. There are earthquakes and tidal waves. Any time there is something going on underneath there, we have these disasters.

I would venture to say, Mr. Speaker, that these atomic bomb explosions that the French Government continues to do in the Pacific will definitely have a tremendous impact on the lives of the people that live in the Pacific.

So, while President Chirac, as I have said this before and I will say it again, while President Chirac is sitting in his palace in Paris drinking his sweet French wine, we the people in the Pacific are going to be catching hell from this volcano that is the equivalent of several Chernobyls in there. That is not a comforting thought for people of the Pacific who have been given this kind of present from President Chirac who lives 14,000 miles away from the Pacific.

Mr. Speaker, I would sincerely hope that our President and the Congress would seriously look at this situation and not take for granted the disaster that we could be facing with this atoll, this volcanic atoll that is already as full of contamination, of nuclear contamination.

I know that passively we say it is all right. It is thousands of miles away. Mr. Speaker, I submit that it is not too far away if that volcano does start to crack and there are leakages, contamination coming out of there, and it gets into the life cycle, gets into the plankton, the fish, and all forms of marine life.

We are the ones who are going to be the recipients of something that I do not even want to describe. I sincerely hope that President Chirac will seriously look at the seriousness of the problem of exploding six more nuclear bombs.

I understand quite imminently President Chirac is going to explode another nuclear bomb in the South Pacific, despite the outrage of 160 countries in the world; despite the fact that 60 percent of the people in France do not want him to conduct nuclear testing.

Perhaps he should pay a little more attention to the unemployment problem that he is facing in France. Perhaps he should be paying a little more attention to the problems in Algeria, rather than looking at doing more harm by conducting this insane practice of exploding more nuclear bombs, putting at risk the safety and the lives and the health of the people in the Pacific. I think it is absolute arrogance on the part of President Chirac to do this and I think he should stop.

Mr. Speaker, I submit the following for the RECORD:

[From the Honolulu Advertiser, Oct. 12, 1995]

PHOTOS SHOW CRACKS UNDER N-TEST SITE

FRANCE DENIES FISSURES EXIST BENEATH ATOLL

PARIS.—Raising new questions about the safety of French nuclear tests, a newspaper published photos yesterday that it says show cracks in one of the South Pacific atolls where the underground explosions took place.

Ouest-France said the photos contradict government claims that the tests caused no damage to Mururoa Atoll in French Polynesia.

Critics say the nuclear tests could cause the atoll to break apart, spewing radioactivity into the water and air in what many consider to be one of the world's last paradises.

The government denied a similar report last week in the respected daily Le Monde.

Ouest-France said the photos were taken in 1987 and 1988 by a diver several dozen yards under the Mururoa Lagoon. The cracks are about 9 to 10½ feet wide and several miles long, the newspaper said.

It did not reveal the photographer's identity or say who he was working for.

Normally only military personnel and scientists working on the French nuclear program have access to the isolated atoll, 750 miles southeast of Tahiti.

After the Le Monde report, French Foreign Minister Herve de Charette told the National Assembly that "no crack of any sort has ever been discovered" on the atoll.

French Atomic Energy Commission experts said some fractures were created by the first tests carried out directly under Mururoa's reef. But they said there had been no further cracks since tests were moved to the middle of the lagoon.

France has exploded two nuclear devices in the South Pacific since President Jacques Chirac announced the resumption of the nuclear testing last June after a three-year moratorium.

[From the Honolulu Advertiser, Oct. 14, 1995]

NOBEL PEACE WINNER ATTACKS N-TESTS

LONDON.—In the New Mexico desert during World War II, young Polish physicist Joseph Rotblat worked on the Manhattan Project that built the first atomic bomb. Ever since, he has campaigned tirelessly and often controversially to keep the genie of mass destruction from escaping again.

Yesterday, Rotblat and the loose association of maverick scientists he heads divided the $1 million 1995 Nobel Peace Prize.

At a news conference in London, the 86-year-old Rotblat lost no time in launching a new attack on the French and Chinese, calling their recent nuclear tests outrageous.

He said French President Jacques Chirac had begun a series of tests in the South Pacific "because he is a true Gaullist, and he learned from Gen. (Charles) de Gaulle that a sign of greatness is to have nuclear weapons."

Asked what message he would give to Chirac, he said: "Stop being a Gaullist, and try being a human being. I hope he will perhaps have one more test and then stop."

Meanwhile, he said, protests against the tests should continue. He said he hoped the award would be "a message not only to the French but to the Chinese as well."

The Norwegian Nobel Committee saluted Rotblat, a British subject since 1946, and the Pugwash Conferences on Science and World Affairs for their efforts "to diminish the part played by nuclear arms in international politics and in the longer run to eliminate such arms."

"I hope the recognition will help other scientists to recognize their social responsibility," said Rotblat.

Rotblat, professor emeritus of physics at the University of London, fled to England as a refugee after losing his wife in the Holocaust. He worked on developing the atomic bomb with American scientists at Los Alamos, N.M., but quit the project late in the war, believing that defeat-bound Germany had scrapped its own atomic plans. "The only reason I started in 1939 was to stop Hitler using it against us," Rotblat said.

He said he was devastated when the United States dropped bombs on Hiroshima and Nagasaki. "The whole idea of making the bomb by us was that it should not be used."

[From the New York Times, Oct. 11, 1995]

A DAY OF DISCONTENT IN FRANCE AS PUBLIC EMPLOYEES STRIKE

(By Craig R. Whitney)

PARIS, Oct. 10.—Trains ran sporadically or not at all, buses and subways limped, garbage rotted uncollected and 20-mile traffic jams clogged highways across France today as more than half of the five million public-sector employees went on a one-day strike.

The strike was against a Government budget to freeze state payrolls next year as part of a plan to cut a swollen deficit.

Prime Minister Alain Juppé has pledged to cut the Government deficit in half by 1997 as he will have to do under the terms of a European Union treaty if France is to qualify to join a common European currency by the end of the century. So far only Germany appears likely to meet all the terms, and currency speculators who doubted France could meet its targets drove the value of the franc down against the German mark in recent trading until the French national bank took action to support it on Monday.

"We want to make the Government rescind the freeze," said Jean-René Masson, one of tens of thousands of union-led demonstrators who marched through Paris today in protest, part of the biggest national manifestation of discontent since the mid-1980's.

Mr. Masson seemed to think it would have the desired effect. "After 1996, we'll be in a pre-election period again, and I would be very much surprised if the Government didn't give us all a raise then anyway," he said.

The Government's main problem is one all continental Western European countries have: How to keep the comfortable post-World War II welfare state routines of annual raises above the rate of inflation, unlimited health insurance and unemployment benefits, and state-supported pension systems from throttling the economic competitiveness they need to create jobs and stay prosperous in the 21st century.

Despite the inconvenience of today's strike, more French taxpayers seemed to want the Government off the strikers' backs than off their own. One national public opinion poll published in Le Parisien showing 57 percent of the sample supporting the public employees in their battle with the Government. Another poll showed 47 percent supporting the strikers.

For Mr. Juppé, the lesson of all this may have been to make sure you've tightened your own belt before you tell other people to tighten theirs.

Prosecutors are now considering whether to charge him with malfeasance for obtaining below-market leases on city-ownedapartments in choice Paris neighborhoods for himself and his son when he was Deputy Mayor of Paris in charge of supervising city public housing for Mayor Jacques Chirac in the early 1990's. Mr. Chirac became President and named Mr. Juppé Prime Minister in May.

Mr. Juppé denied any wrongdoing and dismissed rumors that he planned to resign, but he announced last Friday night that he and his children would soon vacate their bargain apartments.

Mr. Juppé announced his plan for a general wage freeze for Government employees on Sept. 1, after rejecting a call by his first Finance Minister, Alain Madelin, to take a look at the pension benefits for public servants, which can amount to up to 96 percent of their basic salaries.

The system was breaking even in 1993 and will require $14.2 billion from Government coffers this year. But laying a hand on it has long been taboo and so Mr. Madelin handed in his resignation on Aug. 25 and was replaced by Jean Arthuis. "It's not by deploring social gains that we will bring about conditions for greater solidarity," Mr. Juppé said then.

He later proposed a budget that raised general sales taxes on most goods and services to 20.6 percent, and promised to hold the deficit to 5 percent of Gross Domestic Product this year, with a target of less than 3 percent in 1997.

The 25-nation Organization for Economic Cooperation and Development commented in a study of the French economy last month: "Additional measures, especially in terms of continuing health care reform, are likely to be needed in order to achieve the assumed expenditure restraint. There is a clear need to pursue reforms of the social security system vigorously."

Now, doubts persist whether either Mr. Chirac or Mr. Juppé has the nerve to continue telling the French that they have to wean themselves from what the Government and business leaders call excesses of the comprehensive European welfare state.

For a President and a Government who came to office pledging to reduce France's chronically high unemployment rate—now 11.5 percent—by cutting back Government spending and reducing the burdens that state-run social security and health insurance systems impose on employers, the power of today's strike and the public reaction to it were not good omens. Advisers to Mr. Chirac say that he is worried about the possibility of an outburst of social unrest like the 1968 riots that doomed his mentor, Charles de Gaulle. Mr. Chirac was Prime Minister during the last big wave of student demonstrations, in 1986.

Students and school administrators made up a good deal of a four-hour parade of strikers that wound its way across Paris today from the Place de la Bastille, site of the prison destroyed in the French Revolution, to the Church of St. Augustin.

Mr. Masson, the labor protester, said that French unions were willing to talk with the Government about reducing working hours. "We're even ready to discuss salaries with them," he said. But he expressed horror at the idea that five to six weeks; annual vacation for beginning employees might not be sacrosanct, in a country where the first week of August is normally referred to as "the departure" and the last week of that month as "the return."

"Vacations are untouchable," he said.

[From the Honolulu Advertiser, Oct. 12, 1995]

A HOSTAGE TO NUCLEAR TESTING

(By Carl T.C. Gutierrez)

AGANA, GUAM.—Why is France testing its nuclear devices under an obscure atoll halfway around the world from Paris? Because it can.

France can put the lives of its Polynesian people in jeopardy because it is a colonial power with absolute control over the approximately 200,000 French citizens living in the South Pacific paradise. If the heat gets too bad in French Polynesia, France need only look to another of its colonies, New Caledonia, for another area to explode nuclear devices that the people of Paris would never allow to be detonated anywhere close to their city.

The nuclear testing actually highlights two real problems that need real solutions: (1) As President Clinton has proposed, there should be an immediate and absolute ban on all nuclear testing, and (2) there should be another cry, just as loud, for an end to absolute colonial control by superpowers over the islands they possess.

Nuclear testing is not a horror being practices only by France. China has also exploded devices, but these tests did not receive the worldwide outcry the French Polynesian explosion prompted.

The issue of the superpowers using their colonies for their own interests deserves equal billing with the nuclear issue. No matter how much "paradise" you put into the equation, use and misuse of island possessions by colonial powers is still a violation of basic human rights.

I am the governor of an American colony: Guam. We, like the people of French Polynesia, have a great deal of our lives controlled by our governing "benefactors." Unlike the Tahitians, we do not have to deal with the billion-year "half-life" of nuclear testing. But we could. The people of Guam live every day with the realization that important decisions affecting their lives are made in Washington. Laws on shipping, endangered species, "land grabs," immigration inundation and the exploitation of our waters are all decisions in which we cannot participate. In fact, these decisions are made for us without any semblance of a democratic process.

Our people have asked Congress to hold hearings on our political status. We have had a Commonwealth Draft Act begging for attention for nearly a decade but have yet to have our day in Congress. President Clinton has shown his support for Guam by appointing a series of commonwealth negotiators to review the draft act and submit a position to the president. We hope Congress will show the same kind of commitment to the American citizens living in Guam by listening to our pleas for a voice in how our islands will be governed.

Two hundred and nineteen years ago, the people living in the British colony of America threw off the yoke of imperial rule. After nearly 100 years of colonial rule by the United States, Guam is asking for the same rights the Founding Fathers of the United States demanded. It is the basic right of all people to have a say in how their lives, and the lives of their children, are lived.

[From the Samoa News, Oct. 30, 1995]

WORLD CONDEMNS FRANCE'S LATEST NUCLEAR BOMB TEST

PARIS.—Denouncing France's latest nuclear test, Greenpeace activists swamped the main post office Saturday with tons of petitions addressed to President Jacques Chirac.

Worldwide, nations harshly condemned the underground blast Friday on Mururoa Atoll in French Polynesia—France's third nuclear test in a series that began in September. The day before the blast, Chirac said there probably would be six tests in all—scaled down from eight originally planned.

In Paris, a group of about 50 Greenpeace activists took the city's main post office near the Louvre by surprise Saturday—depositing what the group said was two and a half tons of protest petitions with 7 million signatures. The packages of letters, sent by registered mail, were all addressed to Chirac at the Elysee Palace.

The hundreds of packages amounted to a huge headache for postal workers, who must process the mail free of charge. In France, no postage fees are required for letters to the president.

"We expected Chirac to finally listen to the world protest. Apparently he is deaf to that, so we condemned it and here behind me

are 7 million witnesses who are, together with us, very angry," said Greenpeace spokeswoman Fransce Verdeuzeldonk, from the group's Dutch office.

Police had prevented Greenpeace activists from delivering some of the petitions to Chirac's office in September, so the group decided to dump it all at the post office—thus guaranteeing they would reach the Elysee Palace.

As police looked on Saturday, the activists unloaded the packages from six cars and a van and brought them into the post office, where officials scrambled to accommodate the mountains of mail by opening a special booth.

The signatures were collected in about 30 countries "from Japan to Colombia," said Greenpeace spokesman Jean-Luc Thierry.

In Japan, protesters gathered Saturday at Nagasaki's Peace Park, where the world's second atomic attack after Hiroshima was centered in World War II.

Japanese Prime Minister Tomiichi Murayama called the test "extremely regrettable." Foreign Minister Yohei Kono summoned the French ambassador to ask for an official explanation.

Australian Prime Minister Paul Keating said the testing had seriously damaged France's international reputation. His government delivered a formal protest to the French ambassador Saturday.

In Sydney, a Paris-bound Air France jetliner from New Caledonia was grounded after Australian airport workers refused to refuel it until Sunday to protest the blasts.

Paris "seems impermeable to world opinion," New Zealand Prime Minister Jim Bolger said.

Iermia Tabai, who heads the 16-nation South Pacific Forum, denounced how France uses "our backyard to test nuclear weapons, putting at risk the Pacific environment and the health of Pacific peoples, not their own."

The United States, Russia, Norway, Sweden, South Korea and Belgium all said they regretted France's decision to set off another blast.

A French Foreign Ministry official, speaking on customary condition of anonymity, said the government wouldn't comment on the latest worldwide barrage of criticism.

But Paris appears unphased by the outcry. "The program provides for one test per month," Jacques Baumel, vice-president of the French parliament's defense committee, was quoted as saying in Saturday's editions of Le Parisien newspaper.

Chirac has pledged to halt all tests by next spring, then sign a global test ban treaty. France says the testing is needed to develop computer simulations, thus making more tests unnecessary.

There was little reaction in France to the latest blast. The Green party and former environmental minister Segolene Royal denounced it. The conservative Rally for the Republic party, the senior partner in the government coalition, announced its support.

Britain so far is the only country to show sympathy for France's nuclear testing. In an interview published Saturday by the Paris daily Le Monde, British Prime Minister John Major said the decision by Chirac was "difficult to take" and that he was sure Chirac "did it because he was persuaded he had to."

Friday's blast was about 60 kilotons, the equivalent of 60,000 tons of TNT, or three times the force of the bomb that destroyed Hiroshima.

The Australian Geological Survey said it packed the punch of a magnitude-5.6 earthquake.

Governments and environmental groups across the globe have condemned France for breaking a 1992 moratorium on nuclear tests. All nuclear powers except China had adhered to the moratorium.

The first test was conducted Sept. 5 beneath the same atoll, 750 miles southeast of Tahiti. A second blast was set off Oct. 2 beneath neighboring Fangataufa Atoll. Rioting broke out in Papeete, capital of French Polynesia, when the first bomb was detonated. The city was quiet Saturday.

ISSUES OF IMPORTANCE TO AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes as the designee of the majority leader.

Mr. DORNAN. Mr. Speaker, I want to tell you that while listening to the excellent peroration of my colleague, the gentleman from American Samoa [Mr. FALEOMAVAEGA] about the danger to one of the most beautiful parts of the world from nuclear testing, a heartfelt report, I had prior to that listened to the special order of the distinguished gentleman from Kansas [Mr. TIAHRT]. I really appreciated the education that the gentleman gave us on the budget and why the Republican party is trying to keep its promises.

Mr. Speaker, I have missed the opportunity to engage in several different special orders over the last 2 weeks because of the rush of events. I am on two different conferences; one on national security, one on intelligence. There is so much work coming at us. But there are so many things happening in the history of our country that are worthy of discussing on this House floor, that I am going to have a compartmentalized special order and touch on several things.

First of all, I want to comment on one aspect of the debate yesterday. A statement of statistics that I made on the House floor that is so utterly tragic, I want to give the precise statistics right now.

Mr. FALEOMAVAEGA. Mr. Speaker, if the gentleman from California [Mr. DORNAN] would yield.

Mr. DORNAN. Mr. Speaker, I would be happy to yield to my good friend.

Mr. FALEOMAVAEGA. Mr. Speaker, I just want to thank the gentleman for his kind comments. I certainly would like to submit to my colleagues that I could not have found a more perfect gentleman to travel with in the Pacific.

The gentleman is so knowledgeable also, not only of our presence there at the time that we were at an international crisis there during World War II, but I would like to say to my good friend from California that I would enjoy the next instance and the opportunity of being with him to see how some of our soldiers and sailors fought bravely, especially during World War II. We visited Guadalcanal and other areas. I want to compliment the gentleman for his kind remarks on the floor.

Mr. DORNAN. Mr. Speaker, reclaiming my time, I would say thank you, ENI, and I could not think of a better person to traverse the Owen Stanley Mountain Range, on the spine of the dual countries of Irian and Papua, New Guinea. And if I had been lost, I know the gentleman would have brought me out. It was excellent also walking the battlefields of the Solomon Islands, particularly Guadalcanal with the gentleman.

AIDS DEATHS COMPARED TO DEATHS IN WORLD WAR II

Mr. Speaker, I am going to briefly refer to World War II death statistics and give the exact figures that I rounded off yesterday on the most life-threatening venereal disease in modern times. And it is a sexually transmitted venereal disease, although it is never called that because it is not politically correct, speaking of the AIDS immunodestroying virus. It is also, coincidentally because it is blood-borne virus, spread by dirty narcotics needles, which ties it into another crisis on every continent in the world now.

What I said in debate yesterday about the deaths of people in the prime of their lives, generally, to the AIDS virus finally reaching World War II statistics, and I pointed out that I had said way back in 1985 on this House Floor, I think at this other desk, when the beloved movie star, Rock Hudson, died of AIDS, I believe that was toward the end of 1985, 10 years ago this month, I think, that some day this disease, if we did not change our culture, and use preventive behavioral conduct, it was easy to project out within a decade that we would reach more deaths than died in World War II. Here are the statistics.

In World War II, we had killed in combat 291,557. I would hope for serious discussions across our country and out in ENI FALEOMAVAEGA's Guam, and Hawaii, and up to Alaska, and down to Puerto Rico and the Virgin Islands. That people, Mr. Speaker, would get a pencil and take these statistics down. It will cause some serious discussion down to high school and grade school levels about what drug use and sexual promiscuity will bring in the toll of not only lost man hours, but lives destroyed in their early years.

World War II, in the jungles, on the seas, under the seas, desert heat of North Africa, the freezing cold of the Aleutians, and all around this world; as I said in the waters surrounding every continent, the Indian Ocean, Atlantic, Pacific, North, South, Mediterranean, American men and many nurses died to bring freedom back to the most sophisticated and educated part of the world: Europe, and the bigger cities of Asia.

Mr. Speaker, 291,557 Gold Star mothers, widows, children never to know their heroic parent.

We have now passed that with death by AIDS by a large margin. It not only passed it during the last quarter; it went way past it. Dead by AIDS: 308,417. That is 17,000 more than died in World War II in combat. Broken down, tragically by children, it is stunning. Children: 3,812 children dead, most of them because their mother used narcotics or slept around before or during the pregnancy.

Children still alive with AIDS, I am not discussing anybody who is infected with HIV and has not manifested, medically, AIDS. Children with AIDS dying right now: 2,966. Mr. Speaker, 57 percent of the children infected are already dead.

□ 1800

That is under 12, not 12, 11 and under, excuse me, 12 and under—6,777, 12 and under dying or dead, unbelievable. The adult figure, those that have AIDS and are suffering now, 184,880. When I first came back to this Congress, after a 2-year break in service, came back, instead of Los Angeles County, West Los Angeles, Orange County, the third largest county in California from the first largest county, when I came back in 1985, this was just still taking off. And I pointed out then that without massive behavioral changes, without a concerted effort by those people who understand what is meant by faith and family, an effort to discourage sex outside of marriage, hetero or homosexual sex, that we would be facing statistics that would make Legionnaire's disease look like a tiny little medical blip or tragedy. In those days the death toll was in the hundreds. Of course, Legionnaire's disease was in the thirties. Since then tuberculosis has come back with a punch because it has been augmented by the virus problem with AIDS, because it is an opportunistic disease that will hit people who are HIV positive with their immune system always going into a weaker and weaker and weaker situation.

Let me give you the adult statistics, reported 489,485. Already dead adults, 304,605. That is a 62 percent death rate for adults. I repeat, 56 percent death rate for children. So there it is. Total number of AIDS cases dead or dying, 496,263.

If you take our World War II killed in action figure, 291,557, and add all the noncombat deaths, the billions killed in the Philippines when they were attacked by the Japanese warlords, innocent people killed, caught up by combat all around, American citizens, not the 55 million killed by Hitler, Tojo, and Mussolini by starting this worst war in all of history, our noncombat American deaths, 113,842.

I have not added those together. It is 405,399 Americans dead, killed in action, noncombat, and we are already now in AIDS cases pressing 500,000. Two years from now, in many cases in only 6 months, in all cases within 5 years, we will have added 100,000 more to the death toll, and it will have passed all deaths from World War II, just within the next few months, already passed the combat deaths. What a tragedy that more candidates other than myself and Alan Keyes are not discussing the moral crisis and meltdown we have.

When we come back into session next Tuesday night, Mr. Speaker, for votes at 6:00, it will be Tuesday November 7. The date of the Presidential election next year is November 5. I have a countdown watch quite seriously to remind me of that date every day, several times during the day. It is only 445 days to the inauguration of hopefully a new President. But it is 76 days in the interregnum from the election on November 5 to January 20, 1997.

So let us just talk about the election. We will be inside the Presidential election year by 2 days after I am through speaking when this House next convenes. It is a leap year, so there will be 364 days left to the election.

Now, have we gotten into a serious discussion, a debate between the 10 Republican candidates, that is with the two millionaire CEO's involve, Mr. Morey Taylor and Steve Forbes, good men both, with the eight millionaires and the two of us who are nonmillionaries, Alan Keyes and myself, have we had a chance to exchange one question between one another? No, we have not. Every Presidential forum has been a job interview, put your best foot forward, try to be gentle to the other candidates. Most of us are except one. When you are running No. 2, it is tempting I guess to try and tear down No. 1. But we have not had an exchange.

I hope that will come up on the 17th and 18th in mid-Florida in Orlando with what Jeb Bush, the organizer of it, has proudly called Presidential 3. Maybe we will get to exchange questions. And maybe I can get some of my worthy competitors, the other nine, to answer some of the questions that they are all asking Colin Powell to answer. And foremost among those questions, and I have the 22 that I proposed in the well last evening, and I finally have here the 22 questions that George Will proposed, I am going to put all 44 in the RECORD, but let me first ask five questions of our leader in the Senate, which will take me into a heartbreaking situation that I have just learned about this week and discussed in depth in the Rayburn Room just off the Democratic cloakroom. It involves our missing in action.

There are five items in the Republican conference bills for Chairman BEN GILMAN's Committee on International Relations, authorization and/or appropriations bills, and for the Committee on National Security, formerly known as the Armed Services Committee, in our authorization and appropriations bills that are now in the hands of the Republican majority in the Senate. And its leader is the leading Presidential candidates. In most general polling in our 50 States, ROBERT DOLE has more percentage points, now that we are almost within a few days of being inside the election year itself, he has got more points than all the rest of the other nine put together. So I propose, Mr. Speaker, through you to my good friend, and he knows I admire him, Mr. DOLE, the five following questions:

One, when are you going to crack the whip, use your whip—my pal, who I served with for a decade in the House here, Mr. TRENT LOTT, Senator LOTT of Mississippi—when are you going to crack the whip, use your leadership powers to resolve the Ben Gilman-Bob Dornan-Floyd Spence language on the missing in action, missing persons office under the secretary of defense, the POW missing in action, secretary of defense office for missing persons, military persons? When will that be resolved so that we do not have a repeat of the agonizing situation I am about to discuss that is before me, involving a funeral, a forced funeral next Wednesday of an air crewman from an AC–130 Hercules Spectra gunship. So, Mr. Leader, in the Senate, through you, Mr. Speaker, I ask for action on this.

Item No. 2 in BEN GILMAN's bills are words from our Contract With America that I wrote together with Congressman JOHN DOOLITTLE of northern California, no U.S. soldiers, Marines or pilots under foreign officers, under U.N. command or any other command unless there is a ratified treaty such as NATO where we have trained together, in the case of NATO it is almost half a century, a few years shy of half a century of training together, no U.S. troops under U.N. command, and we will not have the nightmare of E–5 specialist Michael Nu who has no recollection of ever raising his right hand and swearing to uphold any Constitution other than the one written by James Madison and worked over and perfected in this very Congress 200 years ago and the other body. He has no recollection. Senator, has anybody in the United States military ever been asked under oath to defend the U.N. charter, let alone to wear regalia or insignia of any other military force in Bosnia or anywhere else?

I want to know what is the status of that, Mr. Speaker, what is our leader doing to nail that down in the next few days? We were supposed to have adjourned a month ago. A year from now we will have been adjourned for an election, on or about October 1st. So there is only 11 months left, no matter what, before we all go home for at least

a month to campaign for the 1996 election.

No. 3, in Mr. GILMAN's legislation, authorization/appropriations, again I was one of the authors of this, together with a freshman, BOB BARR of Georgia, we only had one speaker on the Floor, probably the preeminent hero, military hero in this Chamber, SAM JOHNSON of Texas spoke about no money for the normalization of any relations with Hanoi until we have resolved lots of remaining agonizing missing in action cases.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. NETHERCUTT). The Chair reminds Members that it is not in order in debate to specifically urge the Senate to take a certain action or to characterize Senate inaction.

Mr. DORNAN. I knew that, Mr. Speaker, and it had slipped my mind.

Then it is up to this Congress, both Chambers, to resolve in conference that no money for normalization with Hanoi, passed unanimously by voice vote in this Chamber with only Mr. SAM JOHNSON of Dallas, TX retired Air Force Colonel, 7-year prisoner in Hanoi, speaking for 2½ minutes. One objection from the other side by a fellow POW who had not undergone the severe torture and solitary confinement that a senior officer like Mr. SAM JOHNSON of Texas had undergone, and he only spoke for less than half a minute and said, I object, but did not call for a vote. That sits over on the Senate, that sits now in conference. The House is standing on its position.

No. 4, we have passed my language on no abortion in military hospitals, not once, Mr. Speaker, not twice or 3 or 4 or 5, 6 times in this House, on authorization bills and appropriation bills, we have voted to protect the Dornan language on no abortions in military hospitals without a single military doctor, male or female, Navy, they covered the Marine Corps also, Army or Air Force, Pacific or Europe, Mediterranean, nowhere in the world has a doctor written to me as the chairman of military personnel and said, I want to perform abortions in the military. As a matter of hard fact, I fought this through subcommittee and full committee and sustained in debate my own language through six House recorded votes. I did this at the behest of men and women who wear the uniform of our services, who are medically trained doctors, and who are ob/gyn doctors that told me that in the military they defend life, they do not take life.

That vote yesterday, again, I keep track of my own particular religious denomination, 41 people, Mr. Speaker, who put Roman Catholic after their name in their official congressional biographies, mercifully only 4 Republican Catholics and 37 on the other side of the aisle who put Catholic in their biography voted against stopping the killing by sucking out the brain tissue of a fully formed late stage fetus child after it is fully brought down the birth canal except for the head, and they voted to allow that procedure to continue, that brutal procedure that, as Mr. HYDE said on the floor, would be damned if it was done to animals, animals without a soul, not made in the image and likeness of God. What an amazing vote that was on the House floor yesterday.

I am going to remember it always with a little rhyme. The votes, including 15 Republicans, to maintain this barbaric procedure were 1, 2, 3; 1, 2, 3, I only care about me. On the Republican side, it was 2, 8, 5, I know when a baby is alive, 285 to 123. As I said in the well, probably the most important prolife vote, and Members will lose their seats who voted wrong on that one, maybe only a handful, but it will pull down some people. And nobody who voted to end that barbaric savage inhuman process will lose their seat because of an "aye" vote sustaining CHARLES CANADY of Florida's language.

So the no abortions in military hospitals, why is that still being argued in conference?

And No. 5, it relates to the statistics that I just gave on AIDS deaths, absolute plague based on human conduct, it is not some Ebola virus that we are trying to contain. It is spread by human God-given free will. The no HIV positive tested persons with the AIDS virus remaining on active duty.

We have nobody left on military active duty, not a single person that any one of the services can tell me about who got it through a contaminated blood transfusion. It is all from one of three causes, all of them in violation of the Uniform Code of Military Justice. Rolling up your white, khaki or blue uniform sleeve and sticking a contaminated filthy needle in your arm. They die the most quickly because it is direct blood to blood contamination.

□ 1815

Heterosexual sex with prostitutes in an off-limits prostitution house where all of the prostitutes are infected with the AIDS virus, that is violation of orders of your commander and general understood orders under the UCMJ, and the third category that seems to drive this whole thing politically, having unprotected sex with strangers in some hideaway or men's room somewhere, high-risk sex with strangers that is homosexual, that it involves again transferring the AIDS virus. Why is that being demanded as a separate vote in the other Chamber when it has won overwhelmingly about four times in subcommittee, and committee and on the floor? So there are five things that I would like to see done on the other side.

I will close, with whatever remarks I have, with the 22 questions of George Will, which I did not put in last night, to my friend and man of great character, Colin Powell, great character, but a little short on answers lately, and then I will resubmit again my 22 questions, and I added one, and to keep it to 22 I made it a two-part question on one aspect of foreign policy sanctions, and that was to heed the eloquent plea last night of my colleague from south Florida, Mr. DIAZ-BALART, about the war criminal, human-rights criminal, first-degree murderer, savage, evil human being, Fidel Castro, who has left friends of his, let alone adversaries, rot in prison for a quarter of a century, some of them stark naked in solitary confinement for up to a decade, only inquiring about them every 5 or 10 years, and here he is the toast of the town in New York at a posh apartment on Fifth Avenue owned by Mort Zuckerman.

I know Mort. I went to the gulf war, March 15, 1991, with him on the first Kuwaiti 747 to go back into newly liberated Kuwait. We saw the devastation together. He seems to be an intelligent person. Why would he host at his apartment a first-degree murderer?

If some of us think O.J. Simpson is a first-degree murderer who savagely, brutally killed two human beings and got away with it, that is two, two. Castro has done that thousands of times over, and there he is with Canadian Peter Jennings, Diane Sawyer, the chronicler of Richard Nixon, an elegant lady and probably her husband, a talented stage director, with her. There is Dan Rather giving him a baseball bat, putting a baseball bat into the hands of a man who has ordered people to be beaten to death with baseball bats. What kind of insane Kafkaesque world do we live in?

Two other little items, and then I will get into this missing-in-action tragedy.

A week ago, the first legislative day following the 800,000-plus-1 march; I say "plus 1" because I was there as an observer, so I guess the helicopters counted me on their grids; my son, Mark Dornan, sent me a fax. Mark recently got a degree in history from UCLA. He did not know I was going to the march, and this was waiting for me in my fax machine when I got back here in—just outside the beltway. He says, "Dad, why does Al Sharpton, the racist Farrakhan had not spoken of, why does Al Sharpton blast the political right when this march is all about Republican conservative ideals?" Big question mark. "I.e.," Mark writes, "self-reliance, the family unit." He has Dan Quayle in quotes, in parentheses, afterward. "No government cheese," It is a line he got from the comedy of the highly talented Wynans family of television fame. "It is about stomping out crime. It is about striking sexist, violent rap lyrics, gangster rap. It is

about strengthening the black economy," and most of all, my son tells me, "Evoking the name of Jesus Christ and God's name, something a white politician is criticized for doing. Also, Dad, talk of sin and redemption. Are these black American men conservatives who don't know it yet?"

I told Mark that I liked that fax so much I was going to put it in the CONGRESSIONAL RECORD. Done.

One other item.

One of my staff called the Council on Foreign Relations up in New York City, the island of my birth, 68th Street off Fifth Avenue. They are sending a delegation to Vietnam, to Hanoi, next week to lay the groundwork for a war criminal who has become a multimillionaire in the Federal payroll and the World Bank payroll which is tax-free where he drew over a quarter of a million dollars a year and all sorts of unbelievable perks for 13 years, right up until 1981, until Ronald Reagan forced him out, and I am speaking of Robert Strange McNamara. He is going back to Vietnam to tear open the wounds of all the missing-in-action families and all the families of the 58,500-some young men, 8 women, whose names are on the Vietnam Memorial wall, who I believe, quoting again President Reagan, were involved in a noble cause, that although it was a significant part of the melting down of the evil empire, they—well, they know the answers, they are all in heaven, but their families have never been able to find full mental peace because this country has not formally, at least since Ronald Reagan, ever acknowledged that every life lost in Vietnam was part of the twilight struggle that Kennedy talked about, the President who first sent our young heroes to Vietnam. The twilight struggle that would go on for the rest of this century ended much sooner than we thought it would when the wall came down on November 9, 1989. Kennedy said, paraphrasing Lincoln, the world cannot remain forever half slave and half free, and these young men died in Vietnam, some not so young. Those who gave their lives, 33,629 in combat, 53,000 overall in Korea, they also were the two major, very bloody, very hard-fought battlegrounds of what people still incorrectly say was a cold war won without firing a shot. How about all the four-engine and two-engine aircraft that—and U-2's that flew ferret missions on reconnaissance and intelligence-gathering missions all around the periphery, including the Arctic, the periphery of the evil empire? What about all of those people that disappeared into the mist of history?

We just had a funeral. I do not know if the families wanted this funeral, a mass funeral up at Fort Meade which was National Security Agency headquarters, major listening post of the free world for an RB-29, a World War II B-29 that was shot down over the Sea of Japan a few days after the cessation of fighting in Korea, and for years, decades, the family members were lied to, lied to. It was considered a necessary intelligence-world lie that the plane was lost in weather when all that time buried in the bowels of NSA and the archives of the Pentagon were the transcripts of the pilots' voices telling how MiG's were firing at them, closing in on them, and killing them.

And that brings me, thinking about the war criminal, Robert, middle name truly Strange—that is his real middle name, Robert Strange war criminal McNamara is off to Vietnam to bring pain to the families I am about to discuss.

Mr. Speaker, I just left the Rayburn Room, as I mentioned, discussing with two primary family members and their friends a funeral that is going to take place next Wednesday. That will be November 8, the 1-year anniversary of this earth-shaking election last year. There will be a funeral at Arlington against the will of most of the family members where our Government is going to—my Government is going to bury—I wish that we had the camera capability—we could have it, if we wanted—to zoom in for a closeup that is available on any television show, program, in the 100 or so channels around this country, around the world, but this is too small a picture for any camera to pick up. But that is the sum total of human remains, a small group that you could hold in your two hands cupped together, of bone fragments, none of them any bigger than a few inches, and it could be all one person. The Pentagon is claiming that it is the remains of 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 people, and it is going to be a funeral with a single gravesite for this tiny amount of bone fragments. They will not do DNA on them. They claim it is too expensive. I thought there was no expense that we would not go to for our heroes from the Vietnam war, and all of these 10 men, they are all males, there are no females in combat positions on April 22, 1970, when this AC-130 Spectre; that is the name for gunships, Hercules gunships; crashed in Laos, and one man was returned from captivity, Eugene Fields. He has not been made available to the other 10 families.

Not only that, in trying to avoid the unending pleas of the family members to discuss his recollections of his bailout and who was left on the—this big four-engine Lockheed C-130 and who was not left on it, he finally told one of the family members that he had been threatened that he would lose his retirement benefits as an Air Force retiree if he divulged to any family member any of his debriefing.

I am adding legislation to the aforementioned POW-MIA Secretary of Defense Office for Missing Persons, legislation that no reprisals must ever be taken against anybody who wants to talk to family members and also that no source will ever be burned who gives information in a debriefing to ferret out every little fact surrounding the disappearance of one of our American fighting heroes.

Now let me at this point, Mr. Speaker, give the 10 names of 8 regular Air Force folks and 2 reservists: Charlie B. Davis, Jr. He was a navigator or two navigators. His wife, Ginger, watching this special order closely; I will meet with her after this special order.

□ 1830

She only received a statement, a final statement of death, on her Charlie just this last week. It was prepared 12 September, and I do not know what took it so long to get to Ginger Davis. I will come back to that.

I just met the daughter of Charles S. Rowley, the senior navigator. The daughter, Patty, says she has had a terrible time trying to get to Eugene Fields, the one survivor who bailed out.

At this point before I give the other names, I want people to be thinking about this who follow the special orders of this House, Mr. Speaker. Eugene Fields had a position back of the aircraft, and I was just on one of these AC-130 gunships in Brindisi, Italy; they have been flying hot combat missions, or they did on the night of August 30.

I was there when they briefed to go into combat over Bosnia. Then they went in August 31 and alternately during the next 10 days into September. AC-130's flew hot combat missions for the first time since the gulf war, where we lost one, hit when the sun came up at daylight over Kuwait, crashed into the Mediterranean, and we recovered about 10 of the 14 bodies. The rest disappeared out to the Gulf of Oman and the Arabian Sea.

The back of the aircraft, a big airplane loaded with guns and firepower and hot ammo and flares and 105-recoilless millimeter shells, and Bofors Gun 40-millimeter shells, and lots of Gatling gun information, it is a flying munitions arsenal, and the parachutes are strategically placed around. They wear their harnesses with a quick snap-on. You do not care whether the chute is on your chest or back, you just want out of that burning airplane before it explodes in a massive fireball.

He worked his way to the front of the aircraft, Eugene Fields, and could feel a tremendous draft. Then he saw what it was. There are no ejection seats. The bailout trap door behind the forward crew compartment where the pilot, copilot, and navigator sit, it was open. He looked into the flight deck and there was no pilot, no copilot, and hence, no navigators. They were all gone. He found his chute and he bailed out.

He made it back, and yet all these family members are told that all the

people on the flight, including all the other gunners and support people throughout this aircraft that had 11 crewmen on it, they all died in the crash. They gave Ginger her husband's dog tag. I am sorry, I forgot how Ginger told me she got this. I think it came from the Central Investigative Laboratory at Hickham Air Force Base in Hawaii. It is darkened beyond the polished silver, but it might take up that color just sitting on a shelf for 25 years. It is not bent. None of the letters are destroyed. Clearly, you can see blood type, positive; the religion; the full Air Force serial number; Davis, Charles B., no "junior." There is his dog tag. At one point that was hanging around Charlie's neck on a combat mission in the fight for freedom over Laos.

They gave Ginger a story that seems incredible, that his sidearm was found by a very talented and skilled gentleman who ran the missing-in-action POW office in Hanoi for 2 years, Bill Bell, that he found the sidearm of this Air Force officer in the War Museum in Hanoi. How did that 45 Colt automatic sidearm get from Laos up to the War Museum in Hanoi? What a painful fact for a family member to have to absorb in seeking to know the fate of Ginger's Charlie.

Here is the report of casualty. It reads, at the bottom, in Remarks: "Under the provisions of section 555, title 37, U.S.C., and upon direction and delegation by the Secretary of the Air Force, the assistant Deputy Chief of Staff Personnel for military personnel finds this individual to be dead." He was officially reported as missing in action on 22 April 1970. He was continued in that status until 24 May 1974, 4 years, 1 month later. "The date of death is presumed to have occurred for the purpose of termination of pay and allowances, settlement of accounts, and payment of death gratuities, as stated in section 555, title 37, U.S.C. The remains of Colonel Davis were repatriated by the Laos Government, the Communist government, on 12 November 1993, 2 years ago next week. "Positive identification was confirmed by the Armed Forces Identification Review Board September 1, 1995. Lump sum payment, $20,000," all these years later.

Here are the other eight names. By the way, for a time line, Mr. Speaker, 22 April 1970, Lenin's birthday, by coincidence, was the first Earth Day. The lady who is now a billionaire, a billionaire, that is a thousand millionaires, several times over, because she is married to Ted Turner, she was out here on the West front, Jane Fonda, with her then husband, Tom Hayden, and I do not even think they were married then, and the Governor of California. No, it could not have been, because Ronald Reagan was still Governor. That was a few years later on this day, that was the first Earth Day, and a few Earth Days later when she had married Hayden, been to Hanoi, sat in the gun pits, she and Hayden, and then Gov. Jerry Brown, he served from 1974 to 1982 so it must have been Earth Day of 1975, they stood out there on that April 22, never thinking at all about how many men had died on this particular April 22 day, and looked out across America and thought about how wonderful it was that the left would soon be in ascendancy in this country some day.

Here are the other crewmen, all involved in this mass burial of this tiny little bit of bone fragments, all 10 who will supposedly be honored at Arlington Cemetery next Wednesday:

William L. Brooks, colonel; Donald G. Fisher, colonel.

This is not their rank at time of shootdown, but rank that built up while they were missing in action.

John C. Towle, captain; Robert N. Ireland, chief master sergeant; Thomas Y. Adachi, senior master sergeant; Stephen W. Harris, tech sergeant; Ronnie L. Hensley, chief master sergeant; and Donald M. Lindt, senior master sergeant.

Now listen to this letter, Mr. Speaker, dated 7 November, a year ago, 1994. "For the Commander, U.S. Army, CIL," Central Identification Laboratory, not investigation, Hickman Air Force Base, HI. I have visited it a dozen times. "Proposed identification of," and they give the code name for this group, "Group remains. Background and acquisition. On 22 April, 1970 Major William L. Brooks and First Lietenant John C. Towle were pilot and co-pilot, respectively, of an AC–130 A in a flight of three aircraft on a night-armed reconnaisance over Xekong Province, Laos." Also manifested on board the aircraft were Lt. Col. Charles Davis. Here are their ranks at time of shootdown: Lt. Col. Charles Rowley, Maj. Donald Fisher, they were all navigators. That is how important these night missions were, and to navigate this big aircraft so close to the ground to try and destroy trucks along the Ho Chi Minh Trail.

"Master Sergeant Bob Ireland was the flight engineer, Staff Sergeant Eugene Fields," he is the one who is one survivor that came out of captivity, Sgt. Thomas Adachi, Stephen Harris, and A1c. Donald Lindt were all gunners, Gatling gunners, Bofors gunners—I do not know if they had the Bofors—and the recoilless cannon, and Sgt. Ronnie O. Hensley was the illumination operator, which also made the operation severely dangerous, loaded with big flares. If the flares were ever hit by ground fire, the plane turned into a flying torch.

The aircraft was attacking antiaircraft positions approximately 2.5 kilometers southeast of "ban", which means village in Laos, "Ban Tanglou, when the pilot radioed that his aircraft had been struck near the tail by 37 millimeter antiaircraft fire." That is the kind of antiaircraft that Fonda was sitting in the gunpit with, radar-directed antiaircraft fire, effective day or night. It is made in Russia, by the way.

"Shortly thereafter the aircraft crashed and burned. Sergeant Fields was able to successfully exit the aircraft prior to its impact, and subsequently was rescued." I stand corrected. He was not returned as a POW, but he was rescued, so there was a very active rescue operation. "In his debrief, Sergeant Fields indicated that he had seen the aircraft impact, but had not observed any other parachutes." That is only half of the statement. "Sergeant Fields did indicate, however, that he had not seen Sergeant Adachi at his crew station as he was bailing out of the aircraft, and speculated that Sergeant Adachi might have been able to also exit the airplane."

What about the prior story I told? It is not here. That is why I, as the chairman of the Subcommittee on Military Personnel of the Committee on National Security, will have to, and if he is listening, or a relative or friend is listening, Mr. Speaker, I hope Sergeant Fields, Eugene Fields, retired, will please call me so I can help these families get to the truth. That is what this office I am trying to get set up out of the authorization bill this year with the Senate, this is what that will prevent, this type of suffering for these families for years.

"Search and rescue attempts detected no electronic beeper signals, and no other parachutes or signs of survivors were observed." Where? How extensive a search? This is a combat area, with 37-millimeter antiaircraft guns firing. "The incident was designated REFNO 1600. Colonels Davis, Rowley, Brooks, Fisher; Captain Towle, Sergeants Ireland, Adachi, Harris, Hensley, and Lindt, all, all subsequently promoted, are carried in the status of dead, body not recovered."

Paragraph C: "On 18 January a United States-Lao Peoples Democratic Republic joint investigation team surveyed the crash site, interviewed purported witnesses to the incident. One of the informants reported seeing dead or badly burned bodies at the crash site. Personal records were recovered from the surface. Some of the records subsequently could be correlated with the REFNO–16 aircraft and the site was recommended for recovery.

"In March of 1993 a joint task force full accounting," that is the JTFFA, "archival research team reported finding material relating to the incident in the Central Armed Forces Museum in Hanoi, Vietnam."

Again, this proves again, for the millionth time, Mr. Speaker, that North Vietnam, Hanoi, the Communist government, still in power, had access to all of the crash sites along the Ho Chi Minh trail, including all of those inside

Laos. President Nixon was absolutely wrong when, after the last freedom flight left Hanoi on March 27, 1973, and he said, "All the prisoners from Laos are home," that was not a fact. My best friend, David Hrdlicka, was there; CIA civilian Eugene D. Brown was there; Charlie Shelton, who has been shot down, a father of five, his wife was a friend of mine until she tragically died, Marian Shelton, he was shot down on his 33d birthday, 29 April, 1965. My pal, Dave Hrdlicka, was shot down 18 May of 1965.

They were known to be prisoners in Laos right up through this period when Nixon tragically said they were all accounted for, and we have all the memos now that they were not accounted for. All those people in the Nixon administration, including some who went to jail for other lying, they knew they had a hot potato here and they were trying to just sweep it all away; get rid of the war, so that he could continue on in his second term without a hostage crisis on his hands.

So this material turns up in the Central Armed Forces Museum in Hanoi, which I visited, and with the gentleman from California, Mr. DAVID DREIER, reached through one of the cases and rolled tightly an American flag so we would not have to look at the Stars and Stripes upside down, in a museum case, in a Communist museum, where they think they won a war, where they never won a battle and never had air or naval supremacy, and just bled off their teenaged kids down to 12 and 13 years of age against McNamara's designed firepower, without any plan for victory. I have been in that museum, and we took pictures of some material that had yet to be turned over to us, proving that there were last known alive cases not resolved.

"Among the items was a receipt for two .38-caliber revolvers." I stand corrected again. I told the family members I would make some mistakes, because I have not had a chance to go over these in detail an hour ago. They were not .45's, they were Smith and Wesson revolvers, .38 caliber, purportedly from a C–130 aircraft shot down by troops, "Station 35, group 559."

That is North Vietnamese people inside a nation that was then a member of the U.N. Laos and Cambodia were members of the U.N. from the early 1960's, late 1950's, and here was a Communist country that was not a member of the U.N. violating their sovereignty.

"Group 559," Hanoi, Communist union, "in Truongson Province."

□ 1845

A geographic reference to the Ho Chi Minh Trail region in southern Laos. One of the serial numbers listed on the receipt correlates to a revolver issued to Colonel Fisher. Again, I stand corrected, another one of the four navigators, not Charlie Davis, as I had said.

Paragraph E: On September 1, 1993, the Vietnamese Government provided JTFFA with the record of enemy aircraft shot down from 1965 to 1975, which indicates that nine pilots died in the shootdown of an AC–130 that closely matches the date, it was just off 1 day.

In October 1993, this is paragraph F, the recovery team begins the excavation. Identification tags for Colonel Brooks, Davis, Rowley, Sergeants Ireland, Hensley, and Adachi, the individual staff Sergeant Fields thought may have exited the aircraft, and Sergeant Lindt, were recovered from among thousands of pieces of AC–130 aircraft wreckage.

In addition, approximately 1,400 bone fragments and human teeth were recovered; 1,400 sounds like a lot, but when you put them all together, they are so tiny, I repeat, you could hold them in two hands in a small sack. That is what will be buried next Wednesday at Arlington.

Paragraph G: The skeletal and dental remains were escorted by a representative of the recovery team to the SIL at Hickam on November 15, 1993, where they were assigned a processing number, it gives the number.

Section 2, summary of findings. JTFFA analysts concluded the recovery site was the location of a nonsurvivable crash of an AC–130. Proper assembly serial number and identification media found the recovery links. They go through the anthropological analysis, indicates that the skeletal remains consist of human cranial, post cranial bones of at least one male adult who suffered parimortem trauma consistent with an air crash and subsequent fire. It talks about the fragmentation and charring of other remains, and then it gives some dental remains consisting of four intact, unrestored human teeth, and it describes them and their location in the jaw, but they could not link them up with any one person.

While consistent with one or maybe more of the individuals associated, none of the teeth could be individually associated. The size and condition of the remains precludes identification through the use of metroclondrial DNA. Given the current state of that technology, the families want more reassurance in that area, and then here is the recommendation, section 3.

It is not currently possible to positively associate the skeletal or dental remains with this crash with any specific individual. However, based on wreckage analysis that indicates the crash site was that of the AC–130 involved.

It goes on to say that including the identification tag for the one individual that the Staff Sergeant Fields speculated may have successfully exited the aircraft, and here is our problem, Mr. Speaker. Did Sergeant Fields, who feels under threat, tell family members that he could see none of the people on the flight deck in the aircraft as he was exiting?

A demonstrable chain of custody, key words in any missing person, chain of custody for both the remains and the personal effects and the laboratory analysis, which indicate that the recovered remains are for more than one individual who suffered trauma, it is reasonable to assume that the skeletal and dental fragments designated are the only remains recoverable, and on that they list all of the people, and this has led us to this funeral ceremony coming up.

Now, look at these pieces of evidence that the families have given to me. Here is finally an unclassified former secret document that I was given tonight, and here is a narrative. This, I believe, is of one of the F–4 pilots, we will find out. The two accompanying aircraft were Air Force fighters, two men each. PAC Air Force Major Webber advises the following: AC–130, let me get a date on this. No, it is blocked out. Maybe it is somewhere else on here.

AC–130, cross sign Ablib, 1954 that is the year it was manufactured, 1625, 16 special operations squadron out of Udorn, one of our five major air bases in Thailand. It says that Ablib reported he had been hit and was going to RTB, recovery, probably in the Confenon. A report came from an escort aircraft, cross sign Killer II that the crew was bailing out. Shortly after that beepers and voice contact, beepers and voice contact, totally contradicting the final official reports.

I cannot see because of blacked out ink what this says. With at least 1 of the 13 crew members on board. Was that Sergeant Fields? Killer II advised the crew members to dig in for the night. Voice contact was made with number 12 man who reported he has burns. Did Sgt. Eugene Fields have burns? This is not a Surprise Package aircraft. Code unknown to this former Air Force officer.

This AC–130 was put in as a substitute for Surprise Package because of maintenance on Surprise Package, probably another backup aircraft of that type. The date on this, when somebody looked at it, is December 27, 1973, a year-and-a-half after the incident. This is out of Saravane, Laos, and I cannot find a date on here. It says date, time, location. Date, 21. This is April 21, and the time is 1359 eastern. So this is the date of the report. I am sorry, the report is the 23d of the next day.

Now, there is another piece of evidence, and I will go over all of this with the families as soon a my special order is finished.

This is a forensic anthropology report. With all of the aging criteria taken into consideration, a rough age range of 25 to 40 years is suggested for all of the remains.

Let me just close with the one line out of this. They give a race assessment, Mr. Speaker, a stature assessment, a trauma assessment, and conclusions, and it is still so vague that the families are asking before there is a funeral next Wednesday, could they not put it off to all of the family members, and they work together as a group now, to get their questions answered through the full cooperation of the Pentagon and the Missing In Action Office over there, and all have a chance to talk to Sergeant Fields so that they could go to a funeral ceremony like this, so that I could go to it with them, and enjoy, memorialize the sacrifice of this great Air Force crew.

Mr. Speaker, I will return to this issue when we come back next week.

Mr. Speaker, I include for the RECORD the aforementioned articles.

[From the Wall Street Journal, Aug. 3, 1995]

HOW NORTH VIETNAM WON THE WAR

What did the North Vietnamese leadership think of the American antiwar movement? What was the purpose of the Tet Offensive? How could the U.S. have been more successful in fighting the Vietnam War? Bui Tin, a former colonel in the North Vietnamese army, answers these questions in the following excerpts from an interview conducted by Stephen Young, a Minnesota attorney and human-rights activist. Bui Tin, who served on the general staff of North Vietnam's army, received the unconditional surrender of South Vietnam on April 30, 1975. He later became editor of the People's Daily, the official newspaper of Vietnam. He now lives in Paris, where he immigrated after becoming disillusioned with the fruits of Vietnamese communism!!

Question: How did Hanoi intend to defeat the Americans?

Answer: By fighting a long war which would break their will to help South Vietnam. Ho Chi Minh said, "We don't need to win military victories, we only need to hit them until they give up and get out."

Q: Was the American antiwar movement important to Hanoi's victory?

A: It was essential to our strategy. Support for the war from our rear was completely secure while the American rear was vulnerable. Every day our leadership would listen to world news over the radio at 9 a.m. to follow the growth of the American antiwar movement. Visits to Hanoi by people like Jane Fonda and former Attorney General Ramsey Clark and ministers gave us confidence that we should hold on in the face of battlefield reverses. We were elated when Jane Fonda, wearing a red Vietnamese dress, said at a press conference that she was ashamed of American actions in the war and that she would struggle along with us.

Q: Did the Politburo pay attention to these visits?

A: Keenly.

Q: Why?

A: Those people represented the conscience of America. The conscience of America was part of its war-making capability, and we were turning that power in our favor. America lost because of its democracy; through dissent and protest it lost the ability to mobilize a will to win.

Q: How could the Americans have won the war?

A: Cut the Ho Chi Minh trail inside Laos. If Johnson had granted [Gen. William] Westmoreland's requests to enter Laos and block the Ho Chi Minh trail, Hanoi could not have won the war.!!

Q: Anything else?

A: Train South Vietnam's generals. The junior South Vietnamese officers were good, competent and courageous, but the commanding general officers were inept.

Q: Did Hanoi expect that the National Liberation Front would win power in South Vietnam?

A: No. Gen. [Vo Nguyen] Giap [commander of the North Vietnamese army] believed that guerrilla warfare was important but not sufficient for victory. Regular military divisions with artillery and armor would be needed. The Chinese believed in fighting only with guerrillas, but we had a different approach. The Chinese were reluctant to help us. Soviet aid made the war possible. Le Duan [secretary general of the Vietnamese Communist Party] once told Mao Tse-tung that if you help us, we are sure to win; if you don't we will still win, but we will have to sacrifice one or two million more soldiers to do so.

Q. Was the National Liberation Front an independent political movement of South Vietnamese?

A. No. It was set up by our Communist Party to implement a decision of the Third Party Congress of September 1960. We always said there was only one army in the war to liberate the South and unify the nation. At all times there was only one party commissar in command of the South.

Q. Why was the Ho Chi Minh trail so important?

A. It was the only way to bring sufficient military power to bear on the fighting in the South. Building and maintaining the trail was a huge effort, involving tens of thousands of soldiers, drivers, repair teams, medical stations, communication units.

Q. What of American bombing of the Ho Chi Minh trail?

A. Not very effective. Our operations were never compromised by attacks on the trail. At times, accurate B-52 strikes would cause real damage, but we put so much in at the top of the trail that enough men and weapons to prolong the war always came out the bottom. Bombing by smaller planes rarely hit significant targets.

Q. What of American bombing of North Vietnam?

A. If all the bombing had been concentrated at one time, it would have hurt our efforts. But the bombing was expanded in slow stages under Johnson and it didn't worry us. We had plenty of time to prepare alternative routes and facilities. We always had stockpiles of rice ready to feed the people for months if a harvest were damaged. The Soviets bought rice from Thailand for us.

Q. What was the purpose of the 1968 Tet Offensive?

A. To relieve the pressure Gen. Westmoreland was putting on us in late 1966 and 1967 and to weaken American resolve during a presidential election year.

Q. What about Gen. Westmoreland's strategy and tactics caused you concern?

A. Our senior commander in the South, Gen. Nguyen Chi Thanh, knew that we were losing base areas, control of the rural population and that his main forces were being pushed out to the borders of South Vietnam. He also worried that Westmoreland might receive permission to enter Laos and cut the Ho Chi Minh Trail.

In January 1967, after discussions with Le Duan, Gen. Thanh proposed the Tet Offensive. Thanh was the senior member of the Politburo in South Vietnam. He supervised the entire war effort. Thanh's struggle philosophy was that "America is wealthy but not resolute," and "squeeze tight to the American chest and attack." He was invited up to Hanoi for further discussions. He went on commercial fights with a false passport from Cambodia to Hong Kong and then to Hanoi. Only in July was his plan adopted by the leadership. Then Johnson had rejected Westmoreland's request for 200,000 more troops. We realized that America had made its maximum military commitment to the war. Vietnam was not sufficiently important for the United States to call up its reserves. We had stretched American power to a breaking point. When more frustration set in, all the Americans could do would be to withdraw; they had no more troops to send over. Wow!

Tet was designed to influence American public opinion. We would attack poorly defended parts of South Vietnam cities during a holiday and a truce when few South Vietnamese troops would be on duty. Before the main attack we would entice American units to advance close to the borders, away from the cities. By attacking all South Vietnam's major cities, we would spread out our forces and neutralize the impact of American firepower. Attacking on a broad front, we would lose some battles but win others. We used local forces nearby each target to frustrate discovery of our plans. Small teams, like the one which attacked the U.S. Embassy in Saigon would be sufficient. It was a guerrilla strategy of hit-and-run raids.

Q: What about the results?

A: Our losses were staggering and a complete surprise. Giap later told me that Tet had been a military defeat, though we had gained the planned political advantages when Johnson agreed to negotiate and did not run for re-election. The second and third waves in May and September were, in retrospect, mistakes. Our forces in the South were nearly wiped out by all the fighting in 1968. It took us until 1971 to re-establish our presence, but we had to use North Vietnamese troops as local guerrillas. If the American forces had not begun to withdraw under Nixon in 1969, they could have punished us severely. We suffered badly in 1969 and 1970 as it was.

Q: What of Nixon?

A: Well, when Nixon stepped down because of Watergate we knew we would win Pham Van Dong [prime minister of North Vietnam] said of Gerald Ford, the new president, "he's the weakest president in U.S. history; the people didn't elect him; even if you gave him candy, he doesn't dare to intervene in Vietnam again." We tested Ford's resolve by attacking Phuoc Long in January 1975. When Ford kept American B-52's in their hangers, our leadership decided on a big offensive against South Vietnam.

Q: What else?

A: We had the impression that American commanders had their hands tied by political factors. Your generals could never deploy a maximum force for greatest military effect.

[From the Washington Post, Oct. 29, 1995]

22 QUESTIONS FOR COLIN POWELL

(By George F. Will)

Colin Powell, his literary life completed, has gone to earth with advisers to ponder a political life. These advisers, for whom he is a ticket to the circus and who therefore will urge him to run, should quickly help to equip him with answers to questions like:

During Nelson Rockefeller's 14 years as New York's governor, the top income tax rate more than doubled and state and local taxes more than tripled. Not surprisingly, the growth of private-sector jobs was four times faster in the nation as a whole than in New York, which experienced a 1,000 percent increase in welfare spending. The state had fewer than 400,000 welfare recipients when Rockefeller became governor but had 1.4 million when he left. You call yourself a "Rockefeller Republican." Why?

You say you are in the "sensible center." Does that mean people to the right of center are not sensible?

Your friend Bob Woodward, the reporter writes that after you watched the Conservative Political Action Conference convention on C-SPAN you said to a friend, "Can you imagine me standing up and talking to these people. What is it about "these people" that makes talking to them hard for you to imagine?

Reviewing your book in the New Republic, Nicholas Lemann notes that in 600 pages you do not "display the tiniest hint of wanting fundamentally to shake up the political system, or any system." Are you fundamentally content with the status quo?

Which parts of the Contract With America do you consider "a little too hard, a little too harsh, a little too unkind"?

You call yourself "a fiscal conservative with a social conscience." Who else would you describe that way? How would your social conscience express itself in fiscally conservative politics?

Talking with students before a San Antonio speech you said, in the context of a question about the balanced-budget amendment, "I hate fooling with the Constitution." Does that mean you oppose the amendment?

In a Jan. 31 story about one of your public appearances, the New York Times reported that your "ideas sometimes seem so inclusive as to be contradictory," giving as an example the fact that "while discussing 'the need to recreate the American family,' he said, gesturing to a person in the audience who had criticized the military's policy on admitting homosexuals, 'It doesn't even have to be a two-gender family.'" Could you elaborate?

You opposed lifting the ban on gays in the military, citing the military's unique nature and mission. However, in 41 states it is legal to fire a person because of his or her sexual orientation. Should it be? If not, should there be a federal law making discrimination regarding sexual orientation akin to racial discrimination in hiring and housing?

Who lied, Anita Hill or Clarence Thomas? Who more closely resembles your idea of the ideal Supreme Court justice, Thomas or Earl Warren? Should Robert Bork have been confirmed?

You favor some forms of affirmative action. What about the federal program of racial set-asides for minority ownership of television and radio stations, under which you and some partners acquired a Buffalo television station? To Henry Louis Gates Jr., who was writing about you for the New Yorker, you said, "But it's black owned. If you got a bunch of white guys with a brother fronting for them, get rid of it. That doesn't serve any purpose for us." What public purpose is served by government granting to affluent investors racial entitlements to communications media?

As president, would your budget include money for public television and the arts and humanities endowments?

You object to the use the Bush campaign made of Willie Horton in the 1988 campaign. Do you know who first raised the issue of Horton and the Massachusetts furlough program? (Hint: He raised it during the Democrats' New York primary and is now vice president.) What exactly was objectionable about citing Horton and his rape victim as a consequence of that prisoner-release program?

After the O.J. Simpson verdict you said, it is a racist society. All you have to do is listen to Mark Fuhrman." Does that mean most, or a great many, Americans resemble Fuhrman. Or that racism is the principal impediment to African American advances? Prof. Glenn Loury of Boston University, a leading African American intellectual, has said that if with a magic wand you changed the color of the skin, of the people on Chicago's south side or in south-central Los Angeles you would not appreciably change their life prospects. Do you disagree?

There, Twenty-two questions. Twenty-two more, on request.

TWENTY-TWO QUESTIONS FOR COLIN POWELL

1. General, do you oppose the use of U.S. ground troops in Bosnia?

2. Should the debt ceiling be raised without a specific plan to balance the federal budget?

3. Should the $500 child-tax credit be a part of this year's budgetary plans to help ease the financial pressures on the American family?

4. Should the Consumer Price Index be lowered in order to reduce payments to federal beneficiaries?

5. Should agricultural policy be fundamentally changed in order to adhere more to free market principles?

6. Should capital gains tax cuts be made?

7. Should U.S. troops ever be placed under foreign/U.N. command officers and NCOs and if yes, should Congress place strict limits on such command and control arrangements?

8. Should women be allowed into combat? Can they opt out on eve of deployment where raping and torture of POWs is common practice?

9. Why didn't you resign as Chairman of the JCS in protest over President Clinton's policy of lifting the ban against homosexuals in the military or the equally offensive cancellation of the regularly scheduled pay raise for active duty soldiers?

10. After supporting the Bush Base Force Plan, why did you then support the Clinton Bottom-Up Review defense plan which, by some accounts, is under funded by as much as $150 billion?

11. What would you do with regards to the growing threat of ballistic missiles including specific programs such as Navy upper-tier and the 24 year old ABM Treaty with the melted down Evil Empire?

12. Should foreign aid to the former Soviet Union (including our DoD funding) be conditioned to ensure Russia actually dismantles offensive nuclear, biological, and chemical weapons programs?

13. Should dual-purpose technology be transferred to communist China while China proceeds with dramatic military buildup?

14. Should human rights and democratic principles be heavily considered in granting Most-Favored-Nation trading status to totalitarian nations like China or Vietnam? Should we keep sanctions against Fidel Castro's oppressive regime?

15. Should the United States have diplomatically recognized Vietnam while questions remain unanswered by the communists in Vietnam about what they know concerning Americans still listed as POW/MIA, such as extensive Politburo and Central Committee records?

16. Should Clinton have been allowed to financially bail-out Mexico without congressional approval or oversight?

17. Should the nations of Poland, Hungary, the Czech and Solvak Republics be allowed into NATO? If so when? Why not Poland in 1996?

18. Should Chile be allowed to join as a member of NAFTA?

19. Should partial-birth abortions be outlawed? And, except for life-of-the-mother, what about banning all abortions in military facilities?

20. Should groups that receive federal money be allowed to lobby Congress for further funding, i.e. the AARP?

21. How should the U.S. better protect its sovereign borders to illegal immigration and enforce U.S. laws?

22. Should Hillary Clinton be subpoenaed to testify in regard to her phone conversations with Maggie Williams and Susan Thomases the morning of July 22, 1993, the day that Bernard Nussbaum blocked investigators from properly searching Vince Foster's office?

P.S. Can you tap your friends in the National Security Community for believable cost figures on Haiti and Bosnia through September 30, 1995?

TRIBUTE TO JUDGE RAYBURN WAYNE LAWRENCE

The SPEAKER pro tempore (Mr. NETHERCUTT). Under a previous order of the House, the gentleman from Texas [Mr. BRYANT] is recognized for 5 minutes.

Mr. BRYANT of Texas. Mr. Speaker, today in Palestine, TX, Third Judicial District Judge Rayburn Wayne Lawrence retires, and the judiciary loses one of its most outstanding jurists.

For 30 years, Judge Lawrence has dispensed justice from the bench of the Third Judicial District, but, for a lifetime, he has served his community, his State, his Nation, and his fellow citizens.

Judge Lawrence, the son of Robert Crittenton and Arizona Adams Lawrence, was born in Logan, TX, on November 3, 1920. He completed Groveton High School in 1936, the College of Marshall in 1939, and the University of Texas in 1941.

When his country called, Judge Lawrence responded. In the U.S. Navy during World War II, this patriot saw nine Pacific campaigns during 33 months at sea from Munda to Okinawa.

After his wartime service, he earned his law degree at Baylor University and hung out his shingle to practice law in Palestine, TX, a city that grew to love him and surely regrets, as I do, his retirement from public service.

He was appointed municipal judge for the city of Palestine, and was subsequently elected Anderson County judge, the chief executive officer of the county.

Then, in 1965, he won election as district judge of the Third Judicial District. And he won every election since, until he chose this day—1 day short of his 75th birthday—to retire.

The 30 years Judge Lawrence has spent on the Third Judicial District bench is longer than the tenure of any of his outstanding predecessors in the 159-year history of the court.

His judicial tenure has been as remarkable for its service to justice and community as it has for its duration.

Recognizing his nearly three decades on the bench in 1992, the Texas Bar Foundation recognized Judge Lawrence as the Outstanding Texas Jurist, the most prestigious honor that the State Bar of Texas can award to a Texas judge and one he richly deserves.

His record rightfully places Judge Lawrence alongside his great predecessors on this historical court, of which he has proudly been the historian.

As James N. Parsons III, a mutual friend and lawyer before Judge Lawrence's court, recently observed, "During his years on the bench, Judge Lawrence has always keep the history of the Third Judicial District before the participants in his courtroom. All of us who have been there have been educated as to the heritage of the great court and certainly, Judge Lawrence stands as one of the men of significance who have occupied that bench."

So it is important in knowing who Judge Lawrence is to share with you a bit of the history of the court on which he has served so long as so well. It is Judge Lawrence who has written the history of the court.

I quote here from the history of the court written by him:

The Third Judicial District is one of the oldest such districts in Texas, dating back to December, 1836, when the First Congress of the Republic of Texas created four judicial districts to cover the entire Republic.

The Third District has operated without interruption since that date and, during its long history, its bench has been occupied by men of prominence, not only in the law, but in the affairs of Texas. Two Texas counties—Williamson and Mills—bear the names of Third Judicial District judges. Baylor University was founded by another. Several of the court's judges have been members of higher courts, and all have been men of distinction.

In many ways, the history of the Third Judicial District is a study of the legal, political, and geographical evolution of Texas. The court has served in thirty-one Texas counties, and each of those counties points with pride to the accomplishment of the court and its judges. The minutes of the court reveal the daily life of the communities in which it was a participant. The names in the minute books are a roll call of the famous as well as the infamous, and are a reminder to us of the importance of the district courts in our society.

The district courts are the chief trial courts and the very cornerstone of the Texas judicial system. These courts have been involved, not only in settling disputes between persons, but also in interpreting the state constitution and, at times, even interpreting federal laws and the federal constitution. Their history is one of steady growth from meager beginnings.

The early District Courts are remarkable, not only for the quality of their jurisprudence, but simply for the fact that they were able to operate at all. Richard Walker, Judge of the Third District Court from 1877–1879, spoke of the incredibly difficult problem of finding common ground upon which to work: "Questions of interstate law . . . were necessarily the result of peopling a country from every state in the union. Indeed, ingenuity, itself, can hardly invent any additional elements for complicating the perplexing and difficult varieties of legal responsibilities with which the bench and bar had to contend. I know of the settlement of no country in the world where the conditions have been so exacting and so difficult to administer the law as those which prevailed in the early history of Texas . . . a people transplanted to a new country found themselves surrounded with conditions novel, unprecedented, and were bound neither to a previous policy nor influenced by precedent or tradition."

Complicating this situation was the fact that, "in most of the counties but few books were accessible to the bench and bar, forcing both alike to habits of self-reliance . . . and which involved the habit of resolving every question upon the most thorough analysis of those legal principles which a solution of it required. The conditions of successful advocacy often depended upon the amount of light which the lawyer could supply from the laboratory of his own mind, and his ability to manifest the correctness of the theory of his case by his power for its logical demonstration."

The district courts of Texas not only survived these dilemmas, they prevailed. Judge Walker notes their special place in the lives of early Texans: "The sessions of the district courts in those early days were bi-annual epochs in most of the counties of the state; the entire population looked to these events as an intellectual, political, and social, as well as a legal festival at which, irrespective of personal interest in attending court, they were to meet old acquaintances, hear political discussions, and to be instructed and entertained in hearing the trials of causes in the courthouse . . . It is handed down among the traditions of the past, that in those days, in the humblest log courthouses, and oft times under the shade of a spreading oak, were heard legal efforts which have not been equaled in these later days."

One common factor in the early history of the District Courts was the attitude of fierce independence of the participants—so typical of the early Texas settlers. These early litigants wanted to be able to express that independence through the courts—and they frequently did. And yet, it is the fact that the district courts throughout their history have tried the case and not the individual that has given these courts their strengths and their longevity.

The influence of the district courts on the development of the state can hardly be overstated, even though the vast majority of Texans are seldom aware of their decisions or of how those decisions will ultimately affect their lives. Those persons who find themselves a part of this judicial process—as parties, witnesses, jurors, attorneys, or judges—participate in an increasingly rare event. In no other governmental context does an individual have the opportunity to take a problem to a decision maker who represents the full force and power of that particular branch of government. This direct interchange between the individual and the state is the very heart of the American democratic process.[8] The district courts enable the individual, regardless of background or circumstance, to invoke the rule of law, i.e. to call upon all the forces of government if need be to consider the matter that he brings.

Throughout their history, the district courts, have been a reflection of the times. The courts have codified the beliefs of the people as, under the courts' jurisdiction, the law has been subjected to the constant scrutiny of parties, witnesses, juries, judges, and attorneys. Thus the district courts are, and have been, a marvelous vehicle for change or conservation, depending on the forces of society. These evolutionary forces have been channeled by the judges who direct these courts and who have, over the years, insured that the district courts meet the high standards required and expected by all the citizens of Texas. The process continues today.

Throughout Judge Lawrence's life in Palestine he has been a stalwart activist in the community he helped shape and nurture. In the Palestine Rotary Club, the American Heart Association, the Salvation Army, the Howard Gardner Post No. 85 of the American Legion, the Veterans of Foreign Wars, and the Disabled American Veterans, Judge Lawrence has contributed his time, his talent, his wisdom, and his resources to better the world in which he lives.

Judge Lawrence shared his life with Evelina Martin of Apple Springs, TX, from their marriage in 1949 until her death and, since 1993 with his wife, Layneigha Chapman.

Today, Judge Lawrence returns to private life. It is a much deserved retirement for him, but an inestimable loss to those of us who so admire and value his long and honorable service of justice in his beloved Third Judicial District.

No matter how distinguished his successors, Judge Rayburn Wayne Lawrence will always be a guiding presence in that courtroom and in the dispensing of justice everywhere.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CONYERS (at the request of Mr. GEPHARDT), for today and the balance of the week, on account of personal 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 Mrs. SCHROEDER) to revise and extend their remarks and include extraneous material:)

Mr. WISE, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

Ms. MCKINNEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. JACKSON-LEE, for 5 minutes, today.

Mrs. SCHROEDER, for 5 minutes, today.

(The following Members (at the request of Mr. HAYWORTH) to revise and extend their remarks and include extraneous material:)

Mr. ISTOOK, for 5 minutes, today.

Mr. RIGGS, for 5 minutes each day, today and on November 8.

Ms. ROS-LEHTINEN, for 5 minutes, on November 7.

Mr. SMITH of Michigan, for 5 minutes each day, today and on November 8.

Mr. DIAZ-BALART, for 5 minutes each day, on November 7 and 8.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. SCHROEDER) and to include extraneous matter:)

Mr. TOWNS.

Mr. LANTOS.

Mr. BONIOR.

Mr. PASTOR.

Mrs. SCHROEDER.

Mr. CLEMENT.

Mr. HOYER.

(The following Members (at the request of Mr. HAYWORTH) and to include extraneous matter:)

Mr. SHAW.

Mr. RADANOVICH.

(The following Members (at the request of Mr. FALEOMAVAEGA) and to include extraneous matter:)

Mr. BECERRA.

Mr. MARKEY.

Mr. HILLIARD.

Mr. SCHAEFER in two instances.

Mr. ROTH.

Mr. PAYNE of New Jersey.

Mr. RAHALL.

Mr. MOAKLEY.

Mr. SHAW.

Ms. HARMAN.

Mr. CLAY.

Mr. HAMILTON.

Mr. ROHRABACHER.

Mr. PACKARD.

Mr. MORAN.

Mr. HINCHEY.

Mr. CONYERS.

Mr. KIM.

(The following Member (at the request of Mr. BRYANT of Texas) and to include extraneous matter:)

Mr. BURTON of Indiana.

ADJOURNMENT

Mr. BRYANT of Texas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 59 minutes p.m.), under its previous order, the House adjourned until Monday, November 6, 1995, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1587. A letter from the Chief of Legislative Affairs, Department of the Navy, transmitting notification that the Department intends to renew lease of one naval vessel to the Government of Brazil, pursuant to 10 U.S.C. 7307(b)(2); to the Committee on National Security.

1588. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to the People's Republic of China, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

1589. A letter from the Executive Director, Committee for Purchase from People Who are Blind or Severely Disabled, transmitting the Committee's annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); to the Committee on Government Reform and Oversight.

1590. A letter from the Railroad Retirement Board, transmitting the Board's annual report on the Program Fraud Civil Remedies Act for fiscal year 1995, pursuant to 31 U.S.C. 3810; to the Committee on Government Reform and Oversight.

1591. A letter from the Director, U.S. Trade and Development Agency, transmitting the Agency's annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); to the Committee on Government Reform and Oversight.

1592. A letter from the Administrator, Federal Aviation Administration, transmitting the Administration's final environment impact statement [FEIS] on the effects of implementation of the expanded east coast plan [EECP] over the State of New Jersey, pursuant to Public Law 101-508, section 9119(c) (104 Stat. 1388-369); to the Committee on Transportation and Infrastructure.

1593. A letter from the Secretary of Transportation, transmitting the Department's annual report entitled "Transportation Security" for calendar year 1994, pursuant to Public Law 101-604, section 102(a) (104 Stat. 3068); to the Committee on Transportation and Infrastructure.

1594. A letter from the Chairperson, U.S. Commission on Civil Rights, transmitting the Commission's report entitled "The Chicago Report," pursuant to 42 U.S.C. 1975; jointly, to the Committees on the Judiciary and Economic and Educational Opportunities.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X the following action was taken by the Speaker:

H.R. 1816. Referral to the Committee on Commerce extended for a period ending not later than November 17, 1995.

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. DEUTSCH (for himself and Mr. GIBBONS):

H.R. 2575. A bill to amend the Sugar Price Support Program to establish a special assessment for raw cane sugar marketed from production in the Everglades production area in the State of Florida to be used for restoration of the Everglades ecosystem; to the Committee on Agriculture.

By Mr. GILMAN:

H.R. 2576. A bill to extend authorities under the Middle East Peace Facilitation Act of 1994 until December 1, 1995, and for other purposes; to the Committee on International Relations.

By Mr. EWING (for himself and Mr. LAHOOD):

H.R. 2577. A bill to amend the Soybean Promotion, Research, and Consumer Information Act to reinstate the right of soybean producers to demand and receive refunds of assessments imposed on producers under the act, to require a referendum on termination of the soybean research and promotion order issued under the act, and to require additional referendums at the request of a simple majority of soybean producers; to the Committee on Agriculture.

By Mr. MOAKLEY:

H.R. 2578. A bill to clarify the provision of section 3626(b) of title 39, United States Code, defining an institution of higher education; to the Committee on Government Reform and Oversight.

By Mr. ROTH (for himself, Mr. SKELTON, Mr. CLEMENT, Mr. PETRI, Mrs. MORELLA, Mr. FRAZER, Mr. GEJDENSON, Mrs. LINCOLN, Mr. ABERCROMBIE, Mr. OXLEY, Mrs. VUCANOVICH, Mr. ZELIFF, Mr. BOEHLERT, Mr. BURTON of Indiana, Mr. DOOLITTLE, Mr. DIXON, Mr. ROEMER, Mrs. SEASTRAND, Mr. MCCOLLUM, Mr. PICKETT, Mr. OBERSTAR, and Mr. FARR):

H.R. 2579. A bill to establish the National Tourism Board and the National Tourism Organization to promote international travel and tourism to the United States; to the Committee on Commerce, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHUMER (for himself and Mr. CONYERS)

H.R. 2580. A bill to guarantee a republican form of government to the States by preventing paramilitary violence; to the Committee on the Judiciary.

By Mr. GILCHREST:

H.R. 2581. A bill to amend the Federal Election Campaign Act of 1971 to prohibit nonparty multicandidate political committee contributions in elections for Federal office; to the Committee on House Oversight.

By Mr. KIM:

H.R. 2582. A bill to designate the Republic of Korea as a pilot program country for 1 year under the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. MARTINEZ:

H.R. 2583. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to prevent the construction of a thermal destruction facility at the OII site east of downtown Los Angeles unless the local community agrees to the location; to the Committee on Commerce.

By Mr. PORTMAN (for himself and Mr. CARDIN):

H.R. 2584. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of simple retirement accounts, and for other purposes; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Mr. OBERSTAR.
H.R. 357: Mr. DOYLE.
H.R. 359: Mr. WELLER.
H.R. 387: Mr. SENSENBRENNER.
H.R. 528: Ms. RIVERS, Mr. SANFORD, Mr. HINCHEY, and Mr. BONIOR.
H.R. 732: Mr. MILLER of Florida.
H.R. 861: Mr. WELDON of Florida.
H.R. 864: Mr. SPRATT.
H.R. 891: Ms. LOFGREN and Mr. OWENS.
H.R. 1090: Mr. WELDON of Florida.
H.R. 1404: Mr. DEFAZIO, Mr. SKAGGS, Mr. SCHIFF, Mr. NEAL of Massachusetts, and Mr. PAYNE of New Jersey.
H.R. 1546: Mr. RUSH.
H.R. 1612: Mr. SHAYS.
H.R. 1640: Mr. FRISA and Mr. HERGER.
H.R. 1787: Mr. ROYCE, Mr. COBURN, Mr. MARTINEZ, and Mr. DELAY.
H.R. 1884: Mrs. CLAYTON, Mr. GENE GREEN of Texas, and Mr. EVANS.
H.R. 1893: Mr. GEJDENSON, Ms. MOLINARI, and Mr. CRANE.
H.R. 1946: Mr. ISTOOK, Mr. WELDON of Florida, Mr. LIVINGSTON, Mr. BAKER of California, and Mr. BARRETT of Nebraska.
H.R. 1972: Mr. BARCIA of Michigan, Mr. MCKEON, Mr. ANDREWS, Mr. COBURN, Mr. BARTON of Texas, Mr. BONILLA, and Ms. HARMAN.
H.R. 2071: Mr. JEFFERSON.
H.R. 2090: Mr. FRANKS of New Jersey.
H.R. 2098: Mr. GOSS.
H.R. 2132: Mr. BISHOP.
H.R. 2185: Mr. UNDERWOOD, Mrs. CLAYTON, Mr. DELLUMS, Mr. FOGLIETTA, Ms. LOFGREN, Mrs. MINK of Hawaii, Mr. MILLER of California, Miss COLLINS of Michigan, Mr. EVANS, Ms. BROWN of Florida, Ms. JACKSON-LEE, Mr. JEFFERSON, Mr. FRAZER, Ms. DANNER, Mr. FAZIO of California, and Mr. KENNEDY of Massachusetts.
H.R. 2214: Ms. PELOSI.
H.R. 2216: Mr. SENSENBRENNER.
H.R. 2338: Mr. JEFFERSON.
H.R. 2429: Mr. HINCHEY and Mr. BROWN of Ohio.
H.R. 2447: Mr. WAMP and Mr. SMITH of Michigan.
H.R. 2507: Mr. CALVERT and Mr. DORNAN.
H.R. 2524: Mr. MCDERMOTT.
H.R. 2540: Mr. STEARNS, Mr. ISTOOK, Mr. BLUTE, Mr. SAM JOHNSON, Mr. YOUNG of Florida, Mr. CALLAHAN, Mr. WELDON of Florida, Mr. SHADEGG, Mr. GUTKNECHT, Mr. CALVERT, Mr. SMITH of Texas, and Mr. CHRISTENSEN.
H.R. 2550: Mr. CONDIT, Mr. PARKER, Mr. SMITH of Texas, and Mr. WELDON of Florida.
H.R. 2565: Mr. HOUGHTON.
H.R. 2572: Mr. WISE and Ms. PELOSI.
H. Con. Res. 79: Mr. BARRETT of Wisconsin.
H. Res. 220: Mr. GEJDENSON and Mr. LAFALCE.

EXTENSIONS OF REMARKS

THE TRAVEL AND TOURISM PARTNERSHIP ACT

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1995

Mr. ROTH. Mr. Speaker, as chairman of the Congressional Caucus on Travel and Tourism, I have introduced legislation today to strengthen our tourism promotion efforts in the international travel market.

Earlier this week, the White House conference endorsed a new plan to bring together the resources of the private sector and the resources of the Government in a public-private partnership to improve the promotion of international travel and tourism to the United States. This partnership would be a successor to the U.S. Travel and Tourism Administration.

The partnership concept has been developed jointly by a group of industry leaders and officials of the Commerce Department.

A group of us has been working for weeks to prepare this legislation. We took the first step on September 28 when I held a hearing in my Trade Subcommittee. We used that hearing to focus congressional attention on the problems we are having in the international travel market.

Let me review the findings from our hearing. International tourism is now a $300 billion market. The world market has tripled in the last 10 years and it will double again in the next decade. But our market share is dropping. Two years ago, the United States had 19 percent of the international tourism market.

In 1993, nearly 48 million visitors came to the United States and spent $74 billion while in our country. In the past 2 years, the total world market has grown 10 percent, but our share dropped to less than 17 percent.

This year, we will have 2 million fewer visitors from abroad than 2 years ago. This drop has cost us 177,000 jobs which should have gone to American workers. But those jobs went to our competitors in other countries.

What's worse, this is not a temporary trend. If we stand still in our promotion efforts, our share of the world market will keep dropping. In 5 years, we will have less than 14 percent of the world travel market.

The question is: How can we turn this around? The White House conference has urged a stronger promotion effort in the overseas market. This is where we are falling down. The United States ranks 33d in tourism promotion, lower than Tunisia and Malaysia. We are being outclassed and outgunned. But, how do we get a stronger promotion program in a time of decreasing Federal spending?

The answer is the public-private partnership, which my legislation would set up. The idea is to combine together the resources and creative talents of the American tourism industry with the overseas presence and data-bases of the U.S. Government.

First, we would set up a national tourism board. This board would be comprised of industry leaders, State and regional tourism directors, and Federal officials. The board would devise a comprehensive strategy to increase our share of the world market. The board would advise the President, Congress, and the industry itself on specific steps to take.

To coordinate a new promotion campaign, we would set up a nonprofit corporation—the national tourism organization. This organization would be directed by the private sector. We would combine the advertising talents of the private sector with market data and staff help from the Federal Government. The new organization would design tourism promotion advertisements aimed at the international market and it would carry out a new and more vigorous advertising campaign. The campaign would be coordinated with the advertising that the industry already does on its own.

Initially, this new organization will get operational help from both the industry and the U.S. Government. But one of the first jobs for the tourism board will be to devise a long-term plan for financing this operation.

When this plan is up and running, we would have a two-fold campaign: First, to attract more international visitors to the United States, and second to steer them toward American companies for every part of their trip.

Finally, my legislation would direct all of our overseas missions to make tourism promotion a priority. It would require our overseas posts to cooperate with the national tourism organization in attracting more international visitors.

This is a new concept. We are breaking new ground. The U.S. Government is not used to working with private industry in a coordinated way on a promotional campaign. The leadership of the travel and tourism industry has convinced me that this can be done.

My goal is to enact this bill into law by this time next year. This year, we will have 44 million international visitors to the United States with this partnership in place, our goal should be to increase that total to 100 million over the next 10 years.

THE TRAVEL AND TOURISM PARTNERSHIP ACT OF 1995

(By Congressman Toby Roth, Chairman, Subcommittee on International Economic Policy and Trade Chairman, Travel and Tourism Congressional Caucus)

FACT SHEET

Implements a central recommendation of the White House Conference on Travel and Tourism.

Forms a "public-private partnership" between the travel/tourism industry and the federal government to strengthen the promotion of international travel to the U.S.

Establishes a 36-member National Tourism Board (75% private sector) to advise the President and Congress on policies to improve the competitiveness of the U.S. travel and tourism industry in global markets, appointed by the President with the advice of the travel and tourism industry.

Establishes a National Tourism Organization as a not-for-profit corporation under federal charter to implement the tourism promotion strategy developed by the National Tourism Board; to develop and operate a marketing plan in partnership with U.S. travel and tourism firms to increase the U.S. market share of the world travel market; governed by a 45-member board of directors, reflecting the breadth of the travel and tourism industry; board of directors develops a plan for long-term financing; interim funding from industry; and data and staff resources provided by federal government.

Requires federal agencies and U.S. overseas missions to cooperate in implementing promotion strategy developed by National Tourism Board.

TRIBUTE TO JOHN BILBRA TALMAGE, JR.

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1995

Mr. TOWNS. Mr. Speaker, I want to recognize John Bilbra Talmage for his life's work and achievements. John was born in Anniston, AL, and moved to New York City in 1961. He was formerly the administrator in the school of engineering, at Columbia University. Additionally, he has been an aide to Abe Gerges, and Councilman Ken Fisher.

Mr. Talmage is the founder and first chairman of the Columbia University Federal Credit Union. He has also served on the Metrotech Business Improvement District Board of Directors. Mr. Talmage has served on other prestigious community boards dealing with issues of health, religious affairs, and waste storage.

John is a tireless and eager servant. His work and enthusiasm are infectious. It is my honor and pleasure to highlight this gentleman's contributions.

HONORING RAOUL WALLENBERG

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1995

Mr. SCHAEFER. Mr. Speaker, in April of last year, the House voted unanimously for a resolution providing for the placement of a bust of Raoul Wallenberg in the U.S. Capitol. Raoul Wallenberg was a young Swedish diplomat who risked his own life in rescuing many tens of thousands of Hungarian Jews during World War II. Through great acts of personal bravery, Wallenberg saved many would-be victims of the Nazi exterminators by providing Swedish protective passports to thousands of

Jews he had never met. He pulled some out of death trains and others from the ranks of death marches.

In one notable incident, Wallenberg, a slightly built 32-year-old, boldly threatened a Nazi general preparing to bomb to the ground a Jewish ghetto. Through this intervention alone, some 70,000 Jews were saved from death. He demonstrated how a strong character and unwavering determination could force even the brutal Nazi occupiers to spare some of the Hungarian Jews who had been marked for death.

Wallenberg's implacable hostility toward oppression made him a target of Soviet military officials, who arrested him early in 1945. After his arrest, he disappeared into a Soviet gulag prison camp, never to emerge again. Though the Soviets claimed in 1957 that he had died in 1947 of a heart attack, reliable eyewitnesses report sightings of Wallenberg long after that year. To this day, no one outside of Russia knows what truly happened to Wallenberg, whether he is still alive, or when he may have died.

Today, Mr. Speaker, in the rotunda of the U.S. Capitol, a stirring ceremony was held to unveil the bust of Raoul Wallenberg and to honor his enormous contribution to humanity. You were among those who paid tribute to his great works, along with many other distinguished persons such as House International Relations Committee Chairman GILMAN, Mr. PORTER, the cochair of the Congressional Human Rights Caucus, and Senator DASCHLE. Others who spoke included Supreme Court Justice Ruth Bader Ginsburg, Miles Lerman, chairman of the U.S. Holocaust Memorial Council, and the Speakers of the Parliaments of Hungary, Israel, and Sweden.

I would now like to recognize three individuals who played especially important roles in making today's ceremony in honor of Raoul Wallenberg possible. My colleague from California, TOM LANTOS and his wife, Annette, survivors of the Holocaust themselves, have worked tirelessly for years to bring the Wallenberg case to public attention. Their hard work and determination to human rights, and especially to the Wallenberg case, serves as an example to me and my colleagues in the House.

Finally, I want to recognize Lillian Hoffman of Denver, CO, who purchased and donated the bronze bust of Raoul Wallenberg. Lillian has spent more than two decades herself on the Wallenberg case and has demonstrated tireless devotion to the cause of human rights wherever they are violated. As the chair of the Colorado Committee of Concern for Soviet Jewry, she has helped numerous people herself who were persecuted in Russia and the Soviet Union because of their religious beliefs. She helped them to obtain exit visas so they could start new lives in Israel and the United States. It has been a pleasure knowing and working with Lillian for so many years.

I salute Lillian Hoffman for her generosity in donating the bust of Raoul Wallenberg to the people of the United States. Lillian's generosity will help ensure that Raoul Wallenberg's great deeds of humanity will be remembered by many generations of people to come. Thank you, Lillian Hoffman, for helping us to remember Raoul Wallenberg.

HONORING EDWARD A. PALLADINO

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1995

Mr. HINCHEY. Mr. Speaker, I want to ask my colleagues to join me in honoring Edward A. Palladino. Ed's life recalls a life that was more common in the past, in the "olden days". He spent most of his entire career in one place, at one of my local newspapers, the Kingston Freeman, working his way up from right out of high school to becoming managing editor.

Ed is a pillar of our community in ways that still mean something to people. More than a local legend for his coverage of sporting events of all levels in our area, Ed is a genuine sportsman himself, embodying the principles of hard work, fairness, and real passion on and off the playing field. I ask my colleagues to join me in celebrating 40-plus years of excellence and the life of my great friend, Ed Palladino.

A TRIBUTE TO ART JOHNSON

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1995

Mr. CONYERS. Mr. Speaker, I want to take a few minutes to tell you about a man who has spent his life working as a healer but he is not a medical doctor. He has not repaired any broken bones or mended any human hearts. But he has devoted his life to healing the bitter and gaping rifts that separate the races in our county.

The man I am describing is Dr. Arthur Johnson, my longtime friend in the struggle for justice, who retired September 30, 1995, as vice president for university relations and professor of education sociology at Detroit's Wayne State University, which just happens to be my alma mater.

His title and his long list of degrees and commendations might lead some to believe he concentrated his civil rights work in the academic arena. That was not the case. His activism, which has spanned six decades, has taken him repeatedly into hostile and dangerous territory. In the 1950's, as executive director of the Detroit branch of the National Association for the Advancement of Colored People, he helped organize sit-ins at Detroit lunch counters that refused to serve African-Americans.

In the early 1960's, he was at the front of civil rights marches to protest unfair housing practices in Detroit suburbs. Almost 40 years later, these suburbs still hold the dubious distinction of being the most segregated in the Nation.

In the 1970's, he struggled to bring order out of the social chaos in the Detroit public schools where militant young students disrupted classes and shut down schools to demand a curriculum that reflected their African heritage.

In the last two decades, Dr. Johnson has kept up his hectic pace and worked on numerous projects to increase understanding among the races. He has written passionately about the question of race which still divides this country.

As he recently said, "My experience kept me close to the issue of race and race oppression. The struggle is a part of me." But no matter how harsh the struggle, he never became embittered. He remained outwardly calm, refusing to let the enemy destroy him in anger. The enemy began testing him at an early age.

Born in Americus, GA, in 1925, he grew up in an atmosphere poisoned by hatred and supremacy. But instead of creating hatred in him, that environment made him a determined fighter against the evils of racism.

One incident in his youth helped shape his views. He was 13 years old and his family had moved to Birmingham. The memory of what happened is still vivid in his mind. One time he was walking in downtown Birmingham early in the evening with his uncle, who was about 20 years old. Suddenly they found themselves walking behind a white family—a father, a wife, and a little girl who was about 6 or 7. The girl was not paying attention to what she was doing, and she walked across young Arthur's path. He put his hand on her shoulder in a caring fashion to prevent her from stumbling. When her father saw that, he began to beat on Johnson as if he had lost his mind.

During the entire beating, Johnson's uncle stood frozen in fear. For years, his uncle's failure to respond troubled him. Only later, when he himself was a grown man, did he fully understand why his uncle just stood there. In the racist climate, the uncle would have been killed for challenging a white man on a public street.

Once he understood what had happened, he did not focus his anger on the specific individuals involved in that incident. Instead, he focused on a perverted system that filled whites with blind rage and blacks with terror. He knew that the ravenous monster called racism had to be attacked. His lifelong struggle began on that Birmingham street.

Johnson's parents were hard-working people who valued education. His mother was a domestic servant and his father worked in the coal mines and the steel mills. After graduating from Birmingham's Parker High School, he attended college through the help of his grandmother, also a domestic servant. She used the little money she earned to help put him through Morehouse College in Atlanta.

During those Morehouse years, he was part of a class that included students who would alter the course of this Nation: the young Martin Luther King, Jr., Ebony magazine publisher Robert Johnson, and noted historian Lerone Bennett whose work on African-American history has successfully linked generations of black Americans with their past.

Those young men studied in an atmosphere that was carefully crafted by the late Dr. Benjamin Mays, Morehouse president and one of the Nation's premier and dignified voices for social change. Dr. Mays' message wasn't lost on them. "Dr. Mays challenged us not to accept any measure of racial discrimination we did not have to," he once reflected. "Above all else, he told us to keep our minds free. He told us that nobody can enslave your mind unless you let them."

While on campus, Johnson organized the school's first chapter of the NAACP. Armed with an undergraduate degree in sociology from Atlanta University, Art Johnson moved to Detroit in the early 1950's to take a job as executive secretary for the Detroit branch of the NAACP. He planned to stay in Detroit 3 years so he could get the urge to change the world out of his system before returning to academia. Those 3 years turned into 40.

He remained at the helm of the NAACP for 14 years, guiding the organization through some of the most turbulent years in Detroit. In the 1950's, blacks were blatantly discriminated against in the job market, the housing market, and in hotels and restaurants. The NAACP led protest marches and sit-in demonstrations that battered the door of institutional racism and forced some change.

The group's activism attracted a record number of new members. The Detroit chapter grew from 5,000 members to 29,000 during his tenure. Detroit proudly claimed the title of the largest NAACP chapter in the United States.

Under this guidance, the Detroit chapter initiated the NAACP Freedom Fund Dinner which has become the most successful NAACP fund raiser in the country. Held each year, the event draws thousands of people and has been labeled the largest indoor dinner in the world.

Art Johnson took a struggling local organization and helped it develop into a major force in the local and national struggle for civil rights.

One reason for his success was his uncanny insight into society's problems. During a speech he gave some 35 years ago, he pinpointed six crucial issues facing African-Americans: voting rights, civil rights, segregated housing, inadequate medical care, job discrimination, and segregated schools. Despite some progress, those issues still remain at the top of our agenda.

In 1964, he left the NAACP to become deputy director of the newly crated Michigan Civil Right Commission, the first such body in the Nation. The commission needed someone with proven skills. No one doubted that Art Johnson had them.

In one of his first official statements, he made it clear that he hadn't forgotten that 13-year-old boy who was beaten without cause years earlier. In his low-key, no-nonsense fashion, he said that the struggle for equity and fairness in jobs, housing, education, and police community relations would keep the commission busy.

He spent 2 years getting the commission on a solid footing, then he waded into one of the biggest challenges of his career. The Detroit public schools hired him as deputy superintendent for school community relations at the most turbulent time in the history of the schools. The wrenching social upheavals in the streets during the 1960's registered in the classrooms as well. And Arthur Johnson was right in the middle of it all.

In July 1967, Detroit exploded in a civil disturbance that claimed 43 lives and destroyed hundreds of millions of dollars' worth of property. Rather than watching the flames from the safety of his office, Johnson joined those who told the rioters to calm themselves and told the police to immediately cease their wanton and often deadly attacks on the citizens.

Conditions were tense in the classroom, too. Students were riding a wave of militancy, and Detroit was at the crest of that wave. Young protesters shut down schools and disrupted board meetings to air their grievances about a curriculum that largely ignored African-American culture.

During one such protest, a group of determined young students seized Johnson and held him captive for 2 hours in a school library to call attention to their demands.

When he wasn't caught up in the thick of debates with parents, students, and administrators, he was arguing with publishers whose textbooks failed to accurately and fairly reflect the experiences and contributions of African-Americans. More than once, he infuriated publishers by refusing to accept books that directly or indirectly fostered notions of black inferiority.

After that demanding stint in the public schools, most people would take it easy, but he didn't.

In the early 1970's, he traded one group of protesting students for another when he left the public school system and joined Wayne State University, a hotbed of student activism.

As the vice president for university relations and as professor of educational psychology, he was right in the middle of the fray. Students demanded increased and immediate access to the decisionmaking process. They tried, as many good students do, to reshape the school in their image. Art was there, mediating, challenging, explaining, and listening. Sometimes the volume of the debate was so high that it was nearly impossible to hear the words, but he persevered.

To me, the most amazing thing about Art Johnson is that he never lets problems trigger an emotional outburst in him. His studied calm has become his trademark.

He has used his intellect to reason with friends and foes. He has walked into hostile and dangerous territory to push for freedom. He has maintained his composure and his dedication despite numerous threats and insults.

When he suffered painful setbacks in the struggle for human rights, he never gave up hope or bowed to temporary defeat.

Throughout his life, he carried the words of his teacher with him. He never allowed anyone to shackle his mind. He has fought consistently and tirelessly against such efforts.

In 1988, he was working at the university, active in a number of community groups and deeply involved in the local NAACP chapter as president, a position he held from 1987 to 1993. During this period he also served as cochair of the race relations task force for the Detroit strategic plan. As cochair, he wrote an insightful commentary on race relations that was published in the Detroit News.

He wrote:

> When we freely examine racism for what it is—through our individual experiences and as exposed in the Race Relations Task Force report and other studies—it becomes clear that the problem of race and racism in its structural and institutional aspects . . . is in reality the form and practice of our own apartheid.

Because of his insight and his singular dedication to civil rights, Art has been awarded so many honors that it would take far too long to list them all. He wears his well-deserved praise with the humility of a man who realizes he is only doing what is just and right.

In 1979, Morehouse College awarded him the honorary degree of doctor of humane letters in recognition of his scholarship in the field of sociology and his leadership in the battlefield of civil rights.

His other honors include the Distinguished Warrior Award from the Detroit Urban League, the Greater Detroit Interfaith Round Table National Human Relations Award, the Afro-Asian Institute of Histadrut Humanitarian Award, the Greater Detroit Chamber of Commerce Summit Award, and the Crystal Rose Award from the Hospice Foundation of southeastern Michigan. The NAACP conferred five Thalheimer Awards upon Art for outstanding achievement.

Art is a member of a variety of community groups. He sits on the board of directors of the Detroit Science Center, the Detroit Symphony Orchestra, and the American Symphony Orchestra League. Like me, he has a love of music. He is also a trustee for the Founders Society of the Detroit Institutes of Arts and president emeritus of the University Cultural Center Association.

Art is the father of five children. He and his wife, Chacona Winters Johnson, a development executive for the University of Michigan, still live in Detroit.

Even though Art Johnson has retired, he is busier than ever. When it comes to the struggle for justice, he just can't pull himself from the front lines.

The Detroit community, and indeed the Nation, have benefited from his efforts to promote understanding and healing. It is with joy and sincerity that I thank Arthur Johnson. Because he never allowed anyone to shackle his mind, he made it possible for others to know the beauty of freedom.

POOR CHOICE FOR DAILY INVOCATION

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1995

Mr. MORAN. Mr. Speaker, I rise to express my disappointment that the Rev. Lou Sheldon provided the invocatory prayer before the House of Representatives today. Reverend Sheldon was a poor choice to give the daily invocation. I think Members may want to know what he has advocated in his public remarks which arguably reflect on his worthiness to deliver such an invocation. He is malicious in his attacks upon lesbian and gay Americans. He is against AIDS education, information on birth control and disease prevention in the public schools, and uses scare tactics to further his hateful agenda. I, for one, believe that these aggressive provocations, which represent a radical extreme position and which have nothing to do with religious belief in God's will and forgiveness, should not be rewarded.

Mr. Speaker, following are some specific quotes that I believe prove my point that Reverend Sheldon does not represent the spiritual or intellectual views of this body.

On the issue of homosexuality, we are in the same place we were in the 1930s with alcoholism. Back then, we said "once a drunk, always a drunk." But now we know many alcoholics can recover. (Washington Times, 2/5/90)

I don't have to tell you what these homosexuals are going to be doing when they're not running a race. That's right . . . they're going to be spreading their deadly disease right here in the U.S. (Traditional Values Coalition newsletter, 4/94)

"Joined together in holding back satan," was how Mr. Sheldon signed an April 1994 letter to pastors in Los Angeles, urging them to enlist their congregations against pride month. "We must protect our children and youth from this homosexual recruiting," he declared. (New York Times, 12/19/94)

TRIBUTE TO VIOLA D. GREENE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1995

Mr. TOWNS. Mr. Speaker, Hilton Head, SC, is quite a distance from Brooklyn, NY. But one former resident of Hilton Head, Viola Greene, departed to become a resident of East Flatbush, Brooklyn. The borough truly gained an asset with the arrival of Viola 23 years ago.

Viola graduated from Brooklyn College where she received a degree in economics. Subsequently, she was employed by the city of New York, where she worked in a variety of capacities, including, neighborhood school worker, legislative aide, administrative assistant, and district manager of Community Board No. 16. As district manager she is responsible for the daily monitoring and coordination of municipal services to the residents of Ocean Hill-Brownsville.

Ms. Greene is a member of Berean Missionary Baptist Church where she serves as a member of the board of trustees, and the Women's auxiliary. She is also a member of the Brownsville Family Preservation Program Advisory Board. Additionally, Ms. Greene is the recipient of several awards, most notably the Community Service Award from the Brooklyn Branch of the Key Women of America, the Carter G. Woodson Cultural Literacy Project, and the Rachel J. Mitchell Scholarship Foundation.

WIND AND BIOMASS: IMPORTANT ENERGY SOURCES FOR OUR FUTURE

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1995

Mr. SCHAEFER. Mr. Speaker, on October 31, 1995, I and 83 other Members of Congress representing 31 States and both parties signed a letter urging budget reconciliation conferees to preserve the 1.5-cent tax credit for wind and closed-loop biomass energy systems.

With American imports of foreign oil at an all-time high, I believe it is important that we encourage the development of alternative energy sources. This tax credit helps do just that.

Mr. Speaker, I would now like to enter into the RECORD the text of the letter my colleagues and I sent to conferees on October 31:

DEAR CONFEREE: As you consider the FY 1996 budget reconciliation package in conference, we urge you to accede to the Senate Finance Committee's provisions omitting the repeal of the 1.5 cent production tax credit for wind and closed-loop biomass energy systems. The House reconciliation package contains a repeal of this important tax credit, mandated by Congress as part of the Energy Policy Act of 1992 ("EPAct '92").

This production tax credit is designed to encourage the development and export of wind and biomass energy technologies and to recognize the many tax benefits offered to competing energy choices.

This credit met all the necessary criteria when endorsed by the House and Senate by large bi-partisan margins just three years ago: It provides returns to the taxpayer based on increased production as opposed to increased investment; it includes a phase-out provision in the event energy prices reach certain levels; it reduces the credit in proportion to any state or federal grant monies received; and it includes a sunset provision of June 30, 1999.

Despite overwhelming public support and impressive cost reductions, the market for large-scale commercial renewable energy development in the United States is just beginning to emerge. Repealing the production tax credit for wind and closed-loop biomass places these industries in an inequitable and unjustifiable position to compete in the U.S. and global energy marketplace.

We urge you to oppose repeal or revision of the wind and biomass tax credit.

Sincerely,

Dan Schaefer, David Minge, Robert T. Matsui, Martin Olav Sabo, Bernard Sanders, Vic Fazio, Scott L. Klug, Lynn N. Rivers, Tim Johnson, Peter A. DeFazio, Bruce F. Vento, Gerry E. Studds, Dale E. Kildee, Jim McDermott, Edward J. Markey, Steve Gunderson, Thomas J. Manton, Ron Wyden, Sue Kelly, Earl Pomeroy, John Lewis, Bill Richardson, Carlos Moorhead, Lucille Roybal-Allard, Collin C. Peterson, José E. Serrano, Toby Roth, Sherwood L. Boehlert, Michael G. Oxley, Elizabeth Furse, William P. Luther, Bill Baker, Chet Edwards, Neil Abercrombie, Henry Bonilla, Major Owens, Sam Gejdenson, Cynthia McKinney, Nancy Pelosi, James B. Longley, Jr., Frank Riggs, Joe Skeen, Roscoe G. Bartlett, Donald M. Payne, Chaka Fattah, Patricia Schroeder, Jerrold Nadler, Barbara Cubin, David E. Skaggs, Sheila Jackson-Lee, Matt Salmon, Jennifer Dunn, Bennie G. Thompson, Barbara B. Kennelly, John Conyers, Jr., Charles E. Schumer, Sonny Bono, Constance A. Morella, James L. Oberstar, John M. Spratt, Jr., Alcee L. Hastings, Michael Bilirakis, Peter G. Torkildsen, Blanche Lambert Lincoln, Bob Filner, Rick Lazio, Wayne T. Gilchrest, Gene Green, Victor O. Frazer, Jim Ramstad, Karen L. Thurman, Joseph P. Kennedy II, Gil Gutknecht, Doug Bereuter, Wayne Allard, Bill K. Brewster, Gerald Kleczka, Jim Bunn, Eliot Engel, Anna Eshoo, Jon D. Fox, Harold L. Volkmer, Ken Calvert, Jerry Lewis.[1]

LEGISLATION TO SUPPORT THE UNITED STATES' VALUABLE ALLY—SOUTH KOREA

HON. JAY KIM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1995

Mr. KIM. Mr. Speaker, I rise today to ask all of my colleagues to support my efforts to further enhance and solidify our commitment to one of the United States' most valuable allies—South Korea. Today I have introduced legislation which will have a positive economic impact in the United States—especially in the tourism industry. My legislation calls upon the inclusion of South Korea in the Visa Waiver Pilot Program [VWPP]. Specifically, it waives the requirements of section 217 of the Immigration and Nationality Act, allowing South Korea to be included in the VWPP for a 1-year trial basis after which the Secretary of State and Attorney General will have the authority to determine the continued participation of South Korea in this program.

My reasons for introducing this legislation are twofold: First, the current situation at the U.S. Embassy's Consular Affairs office in Seoul is embarrassing and unacceptable. This problem stems from two counter-acting forces—the lack of sufficient space and personnel in the Consular's Office and the ever increasing number of South Korean's request of nonimmigrant, visitor visas.

Currently, the Consular's Affairs office in Seoul is under-staffed, over-worked and unable to meet the demands of reviewing over 2,000 visa applications per day. This unfortunate situation has resulted in extremely long lines of potential tourists and businessmen to the United States who are growing more and more impatient, annoyed and disheartened with the way they are being treated. While these long lines may not be something new for consular affairs offices throughout the world, the inhumane treatment of the people in those lines is.

During a recent trip to South Korea, I personally witnessed the most shameful treatment of human beings. One potential tourist, in search of a visa as part of his honeymoon plans, told me that he had been waiting in line for 3 days. Three days. He had come all the way from the southern end of South Korea, since the United States does not have any other consular affairs offices in Korea. Another woman, who appeared to be in her thirties, explained her frustration at having to stand outside during a thunderstorm because there is no shelter from the elements available. I was personally ashamed, as I suspect many of colleagues would have been by these tales of inhumane treatment.

These are but two examples of the growing frustration and disappointment many South Koreans are vocalizing, which has resulted in a growing sentiment of discontent with the United States. They rightly point out that this

[1] Signed letter after delivery to confereee.

is no way for friends to treat friends. If we are to retain our place in the hearts of the Korean people we must do something to reverse this trend. In that regard, I feel it is important that we begin to treat the South Korean people with more respect by extending to them our trust and support through their inclusion in the VWPP.

My second reason for introducing this legislation is pure economics. Currently, South Korea is the sixth largest trading partner with the United States. This has resulted in total U.S. exports equaling over $14 billion with a cumulative direct investment of over $1 billion by United States companies in South Korea. This ever growing market has allowed for a continued growth in personal incomes for the South Korean people. The net result has been an increased demand by Korean tourists to visit the United States.

According the Travel and Tourism Administration, South Korean arrivals are expected to reach over 600,000 in 1995, up an astonishing 900 percent from the 1987 levels. Of the over 400,000 South Korean travelers who came to the United States in 1993, 35 percent came for vacations or holidays with another 35 percent coming to visit friends or relatives. Most of such travel has been to California, New York, Hawaii, Arizona, and Florida. With an estimated $1 billion in potential tourism dollars to spend, it is easy to see the importance of promoting easier access to the U.S. tourist market which has experienced considerable losses over the past few years. Simply put, more Korean tourists equals more business and jobs in the United States.

My home State of California is a perfect example of how important tourism is to the United States. According to the California Division of Tourism, California's travel and tourism industry generates $55.7 billion annually, which is 6.5 percent of the gross State product. Overall, California would rank eighth in terms of international tourism as a separate nation, ahead of Switzerland, Singapore, Mexico, Canada, and Japan.

On a more national front, travel and tourism is the third largest employer in the Nation after business and health services. In fact, travel exceeds the combined payrolls of the U.S. steel and motor vehicles manufacturing industries. Between 1983 and 1993, travel-related employment and payroll has steadily increased—with payrolls nearly doubling and the number of jobs rising 38 percent. These kinds of numbers only further the argument that travel and tourism will double in size over the next decade, resulting in more job opportunities for people throughout the world. The United States must work to ensure its place in the travel and tourism industry by opening our doors to an economy which has been growing continuously over the past decade—South Korea. America has always been the first choice of destination for almost all Koreans.

However, under the current situation of long lines and endless delays, many Koreans are fed up with waiting and are going instead to Canada—which has a waiver policy toward Korea—Europe or Australia. We stand to loose millions of dollars and thousands of American jobs because of our broken visa system.

As the Tourism Promotion Conference convenes this week in Washington, I understand that the issue of reforming the United States visa issuance process for South Korea will be raised and discussed. I welcome the input of the United States tourism industry and look forward to examining their recommendations as to how we can best achieve a larger place in the tourism market, especially with respect to South Korea.

In the interim, however, I believe that in an effort to ward off a serious decline in South Korean support for United States policy while increasing the ability of South Koreans to visit the United States, this legislation should be seriously considered as a solution to this embarrassing situation. In fact, I believe that if we reduce the bureaucratic barriers to the South Korean people, we will achieve greater compliance with our own immigration laws and promote good relations with a valuable ally. Therefore, I call upon all of my colleagues to support this 1 year, trial basis legislation which is so important to the South Korean people and to our foreign policy in Asia. After all, 25 countries are already in the visa waiver program.

ISRAEL COULD GAIN GROUND BY EXITING SOUTH LEBANON

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1995

Mr. RAHALL. Mr. Speaker, I bring to the attention of my colleagues in the House an op-ed piece which appeared in the October 23 edition of the Christian Science Monitor written by Frederic C. Hof, a former U.S. Army officer and State Department official and currently a partner in Armitage Associates. Mr. Hof illustrated, in my opinion, a solution for Israeli withdrawal from southern Lebanon, thereby preventing further attacks on Israeli soldiers by Hizbullah which so poison the Israeli-Syrian peace negotiations.

Mr. Speaker, I traveled to Lebanon in August, including southern Lebanon, the home of my grandfathers. After discussions with people, political, religious, educational, and military leaders most importantly Gen. Emile Lahoud the very capable commander-in-chief of the Lebanon Army, there is no doubt whatsoever that given the political go-ahead the Lebanon Army can control every inch of Lebanese territory and prevent cross-border attacks upon Israel. This is confirmed by our U.S. Embassy.

Mr. Hof's op-ed follows:

[From the Christian Science Monitor, Oct. 23, 1995]

ISRAEL COULD GAIN GROUND BY EXITING SOUTH LEBANON

(By Frederic C. Hof)

The recent deaths of Israeli soldiers patrolling the "security zone" in southern Lebanon grimly illustrate an inescapable fact: that Israel's continued occupation of Lebanese territory is a liability both for Israel and for the Middle Eastern peace process. The time is right for Israel's leaders to take a fresh look at how best to secure their northern border.

Israeli forces have been on Lebanese territory since March 1978, when they consolidated a security zone nominally administered by a Christian Lebanese officer. The purpose of the zone was twofold: to place Israeli territory beyond the reach of Palestinian gunners, and to place on the table a strong Israeli card in the high-stakes game of determining Lebanon's political future.

In June 1982 Israel moved decisively to destroy the Palestinian military presence in southern Lebanon and rearrange the Lebanese political scene to its advantage. The fist objective was achieved as Palestinian forces were driven back to Beirut and eventually evacuated from Lebanon. The second was frustrated by Lebanese political disunity and skillful Syrian subversion. By 1984 Israeli forces were essentially back within the security zone, with a new and more potent opponent—one enjoying the support of Iran and Syria.

In a 1984 study of security and water disputes in the Galilean region, I noted that "In the long run, unless Israel is willing to assume complete responsibility for the economic and political aspirations of the volatile Lebanese Shi'a community in the south, there will be no peace for Galilee without a real government for Lebanon." Lebanon is still—in the south—without a real government, and over the past decade Israel's occupation of southern Lebanon has acted as a magnet for Syrian-supported Hizbullah attacks on Israeli forces, Israel's surrogates, and Israel itself.

It may well be that 25 years of cross-border violence has rendered a "solution" to the current impasse impossible. There may be no one in Israel still interested in embracing the Lebanese "tar baby," but how to let it go is the issue. Is there a way Israel might extricate itself from Lebanon and, at the same time, enhance the security of its citizens? Must such an extrication await a formal peace treaty with Lebanon, or might its unilateral implementation help break the logjam blocking the Israel-Syria-Lebanon track?

One hypothesis worth testing is that neither Hizbullah nor Syria will have any compelling reason to attack Israeli territory from Lebanon if the occupation ends and Israeli forces withdraw to Israel's side of the international boundary. The fighters of Hizbulla claim to be motivated by a desire to end Israel's occupation. A unilateral Israeli withdrawal might suit them fine. Having "Liberated" southern Lebanon, would it make sense for them to press the attack into Israel proper?

It can be argued, no doubt convincingly, that no Israeli government could permit Hizbullah to claim "victory" in this manner and that nothing could "guarantee" in this manner and that nothing could "guarantee" the security of Israel's northern towns. A corollary to this argument is that neither Hizbullah nor Syria is to be "trusted," and a unilateral withdrawal would convey to Israel's enemies a sense of "weakness" sure to be exploited.

If, however, it is just possible that Israel's security would be enhanced as a result of evacuation, it is worth asking anew whether the cost of trying it would be prohibitive. In view of the fact that Israel makes no claim on Lebanese territory, is there any issue except the security of Israeli citizens worth considering in a withdrawal scenario? How might the government of Israel proceed in a manner defensible both in terms of internal Israeli politics and the safety of Israeli citizens?

The government of Israel could consider declaring unilaterally its intention to withdraw all of its forces from Lebanese territory

within 90 days. It could request that the UN Interim Force in Lebanon (UNIFIL) convene, as soon as possible, a meeting of Israeli and Lebanese military officers to work out the details of a professional handover. Israel could make it clear at the outset that its forces will be gone in 90 days and that no amount of stalling, hand wringing, or haggling would alter the timetable.

Coupled with this declaration should be another statement designed to fix, once and for all, the responsibility of Israel's neighbors to respect the inviolability of Israel's borders. Israel could declare that it will hold the governments of Lebanon and Syria fully responsible for ensuring that no party in Lebanon, to include all of Syria's Palestinian and Lebanese surrogates, violates Israeli sovereignty in any way. Israel could make it especially clear that it will make no return of territory to Syria unless the border with Lebanon becomes as quiet as the cease-fire line on the Golan Heights. Indeed, the willingness of Syria and its Lebanese proxies to act responsibly in Southern Lebanon before, during, and after the evacuation of Israeli forces will instruct the Israeli people as to the advisability of a territorial settlement with Syria.

In the manner the liability presented by southern Lebanon can be converted to an asset in the hands of those sincerely interested in a comprehensive Arab-Israeli peace settlement. Should new attacks on Israeli territory be mounted from Lebanon, direct retaliation by Israeli forces on those responsible for maintaining law and order in Lebanon would be warranted. Instead of creating massive flows or embittered refugees, Israel would be striking at the actual malefactors. Who, under such circumstances, could blame Israel?

Israel's occupation of southern Lebanon helps perpetuate an ambiguity that does not exist on the Golan Heights, arguably the most peaceful spot on earth for over 20 years. Syria has exploited this ambiguity to strike indirectly at Israel by encouraging fighters who claim to be waging a war of national liberation. Israel alone can remove this ambiguity by withdrawing and forcing its neighbors to accept full responsibility for their actions. Such an action could hardly be characterized as a defeat.

LILLIAN HOFFMAN'S LETTER TO RAOUL WALLENBERG—A HERO TO FOUR GENERATIONS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1995

Mr. LANTOS. Mr. Speaker, today, on the occasion of the dedication of the bust of Raoul Wallenberg in the Rotunda of the U.S. Capitol, two tributes stood out as singularly accurate reflections upon the extraordinary acts of this Swedish-American hero.

The first, a letter to Raoul Wallenberg by my granddaughter, Chelsea Lantos-Swett, read at the dedication of the Holocaust Memorial Museum and again at today's ceremony has already appeared in the CONGRESSIONAL RECORD. The second, which I ask be placed in today's RECORD, is a letter to Wallenberg from Ms. Lillian Hoffman, who donated the bust which we unveiled today in the Capitol Rotunda.

These two letters, which span four generations, are testimony to the endurance of Raoul Wallenberg's legacy and lessons. He was an inspiration to Lillian Hoffman, of the World War II generation, and, four generations later, he is an inspiration to Chelsea. I am confident that, four generations from now, our great-grandchildren will look upon Raoul Wallenberg's image in the U.S. Capitol, and reflect upon the strength of the individual human spirit and the ability of each and every one of us to make the world a better place.

Mr. Speaker, I invite my colleagues to take a moment to read Lillian Hoffman's letter and to pause by the bust of Raoul Wallenberg:

AN OPEN LETTER TO OUR DEAR FRIEND, RAOUL WALLENBERG

(By Lillian Hoffman)

Dear Raoul:

No, you are not "the forgotten hero." Wherever you are, we are gathered here to celebrate your unique historic valor. We know that somewhere you are out there and very much aware of the great love and indebtedness we Americans feel for you.

It is with considerable humility and emotion that we write to you to express our gratitude and admiration for your remarkable feat. The brilliant imagination, daring and compassion that you exerted to rescue over 100,000 Jewish souls was breathtaking and monumental. In the heart of every Jew there is a special memory of this accomplishment.

You have long deserved this special commemoration for your contribution to all freedom-loving people everywhere.

Here we stand under the historic roof of the Congress of these United States amidst our nation's leaders and friends. The echoes of the heartbeats of American heroes, whose busts are encircling us, remind us of what an exceptional privilege it is to place your bust among these heroes.

My children and I are filed with immense pride to donate Mirri Margolin's bust of you to the U.S. Congress. Finally, you are being recognized and lauded for your great spirit and exceptional courage. Only in the United States could decendents of immigrants join with our nation's leaders to herald the life of a leader like you.

Thank you, Raoul; thank you for showing the world what one determined individual can achieve in a daring battle against the forces of evil; thank you for restoring to so many of us our faith in mankind—the faith which is the first prerequisite, the strongest stimulant, and the greatest asset for all who seek to build a better world.

With great admiration,

LILLIAN HOFFMAN,
Denver, CO.

TRIBUTE TO NATALIE HELENE JACOBS CAVE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1995

Mr. TOWNS. Mr. Speaker, Mrs. Natalie Helen Jacobs retired after 50 years of exemplary Federal service to America's veterans on September 30, 1995. This daughter of a Baptist minister—Rev. Frank Walter Jacobs—and a school teacher—Mrs. Natalie Taylor Jacobs—was born in Norfolk, VA. She received her early education at the Alabama State Teachers College Laboratory in the public schools of Bridgeport, CT. In 1943 Natalie received her degree, with honors from Bennett College in Greensboro, NC. And in 1944 Mrs. Cave received her graduate degree in social work from Atlanta University.

For 50 years Natalie practiced social work in a variety of capacities, including a stint as a case worker at the Veterans Administration Hospital in Tuskegee, AL. She met her husband, Dr. Vernal Cave while working in Alabama. They subsequently transferred to Brooklyn, NY where they still reside.

Mrs. Cave holds numerous memberships in various professional organizations, including the Auxiliary of the National Medical Association, of which she is a former national president. Her other memberships include the Advisory Board of the Public Affairs Committee, the Brooklyn Chapter of Links, Inc., the YWCA, the NAACP, and the Kings County Medical Society Auxiliary. Additionally, she is an active archousa of the Sigma Phi Pi Fraternity, and a trustee of the Brooklyn Botanic Garden.

Mrs. Cave has traveled extensively, including six countries in Africa, and a trip around the world.

In adminstering to the needs of our Nation's veterans and those of the society at large, this gracious and empathetic lady has contributed greatly to making this a better world. I am immensely proud of one of Brooklyn's best and dedicated citizens.

MESSENGER AND MESSAGE DO NOT MEET STANDARDS

HON. MIKE WARD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1995

Mr. WARD. Mr. Speaker, every day when the House meets for morning hour, we begin with an invocation that is designed to acknowledge this country's belief in God and our dedication to our moral beliefs and to our duties that we are about to execute. I am afraid, however, that this morning's invocation did not adhere to this tradition. Instead of inspiration, we were greeted with a message and a messenger who does not meet the standards of this respected institution. The Reverend Lou Sheldon of the Traditional Values Coalition has consistently expressed a message that is exclusive rather than inclusive. With the challenges that face this body every day, I believe that the invocation should be a positive and uplifting message which cannot come from someone who has dedicated his life to a message of hate and divisiveness. I call on you, Mr. Speaker, to review the policies regarding guest chaplains and ensure that they adhere to the high standard that the U.S. House of Representatives deserves.

SEAL BEACH SAYS NO THANKS TO 1993 CRIME BILL

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1995

Mr. ROHRABACHER. Mr. Speaker, during 1993 and 1994 Congress debated H.R. 3355 of the 103d Congress. Many of us believed that the amount of assistance that this bill was to provide to fight crime was being greatly oversold. None of the provisions were more oversold than the number of additional local police that would be paid for by the so-called "free" Federal money provided in the bill.

This was because there was a catch to the "free" money for additional police. The catch is that after 4 years the local community has to continue to pay the full cost of these "free" policemen or the citizens and towns would have to return the grant funds.

The Seal Beach, CA City Council in my district has taken a close look at what the real cost of this program will be to them in the outyears. After consideration they voted unanimously not to apply for this "free" assistance.

I am inserting at this point in the RECORD a copy of the minutes of the Seal Beach City Council meeting where they unanimously said, "No thanks.".

GRANT APPLICATION—COPS AHEAD GRANT

The Interim City Manager reported that the City has been informed of a second round of the COPS Program, the City having previously received authorization for one Police Officer under the COPS FAST Program, this item simply authorization to submit the grant application for the second program.

The Manager expressed concern with the future ability to fund the officer if the application were approved, noting that the first three years would be of benefit to the City, the costs would be minimal in terms of cost benefit, however the City would assume all costs upon the fourth year, and if the grant is accepted the City must agree to pay its share of the total cost for the grant period as well as make a good faith effort to keep that position in the budget thereafter with an assurance to the Department of Justice that keeping that position will not eliminate another.

He pointed out that the officer obtained through the COPS FAST Program will cover the downtown/pier/beach area and it is understood that the City committed to retaining that officer at the end of the grant period. The Manager asked for direction from the Council as to the desire to file the application, if granted a determination can then be made as to whether or not to accept, or the application could be filed with a notation that the City may not accept for a period of time however that would likely jeopardize any approval.

Councilman Brown inquired if the officer acquired through the grant program could be retained as a replacement should another officer resign for one reason or another, or does the personnel contingent need to be maintained. The Manager responded that the requirement is not to keep the individual rather to keep the position, as an example, if there are twenty patrol officers and a twenty-first is obtained through the grant, at the end of the three years the agency must make a good faith effort to keep the twenty-first position. Councilman Laszlo posed questions with regard to the City's costs relative to the grant officer(s).

The Manager advised that costs borne by the City under the first grant will be $180,000 for the period of three years which includes salary, benefits, hard costs, there are other costs that are not included in the grant however they are relatively minor, in turn the grant pays $75,000 of that, thus the cost over three years will be $105,000, pointing out that $35,000 was included in this years budget for that officer with the assumption that the officer would be employed by the first of July, however, in actuality will not be employed until about September 22nd or 23rd.

As to a second officer should this application be approved the Manager once again expressed concern as to the source of funding after the three year grant period, and with regard to the first officer, the position will be part of the budget process next spring and should there be inadequate revenues the Council will need to make some priority choices. Councilman Laszlo expressed concern as a result of the County losses as well.

He offered that the City has good police officers however said they are the second lowest paid in the County, and expressed his opinion that this action could take money away from raises that they are deserving of. The Mayor said it is likely that if the City could not fund the position in the future the officer would probably be cut and the City would need to refund the grant.

Hastings moved, second by Forsythe, to not authorize the grant application for a second police officer under the COPS AHEAD Program.

PARTIAL-BIRTH ABORTION BAN ACT OF 1995

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1995

Mr. PACKARD. Mr. Speaker, I applaud all my colleagues who voted yesterday to protect the lives of the most vulnerable of Americans—the unborn. The House stood up and said no to the radical left and their militant agenda in promoting this brutal and inhumane procedure.

Even though the American Medical Association took no official position on the bill, it was backed by the AMA's council on legislation who voted unanimously to recommend that the AMA board of trustees endorse the bill outlawing this grotesque procedure. Sadly, the bill was not supported by the radical pro-abortion movement who showed their true colors by calling the attempt to outlaw the procedure "extreme." Opposition to the bill is extremism. Physicians are trained to save lives, not take them in this abhorrent procedure.

Mr. Speaker, in passing the Partial-Birth Abortion Ban Act by a vote of 288 to 139, this House has declared to the whole world that this form of elective infanticide has no place in our society and it will not be tolerated.

TRIBUTE TO MICHAEL OLMEDA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1995

Mr. TOWNS. Mr. Speaker, I would like to introduce my colleagues to Michael Olmeda. Michael's story is a testament to overcoming personal adversity. At one point in his life he succumbed to substance abuse, but through personal resolve, he continues to escape the lure of chemical reliance and self-indulgence.

Mike presently works for Assemblyman Darryl Towns, and cut his political teeth working for Senator Ada Smith. In his current capacity, he works with senior citizens and a substance abuse rehabilitation program.

Mr. Olmeda is married to his wife of 14 years, Cecilia, and they have three children, Steven, Raquel, and Travis. He lives by a philosophy that is his source of renewal, "Each One, Teach One." Truly, the experience of Michael Olmeda is a profile in courage and success.

VETERANS DAY 1995

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1995

Mr. HOYER. Mr. Speaker, I rise today to pay tribute to our veterans who have served their country with honor and valor. This November 11, as we celebrate Veterans Day, we must recognize the commitment made by these men and women and reaffirm our Nation's commitment to honor their great sacrifices.

Whether on the beaches of Normandy, the jungle of Vietnam, the desert of Iraq, or in Korea, American men and women were there, protecting America and her allies from foreign aggressors. We, as a nation, owe a debt of gratitude to our veterans, whose accomplishments shaped America and the world.

Several events have made 1995 quite a testimony to the successes of our veterans. This year marks the 50th anniversary of the United Nations, which rose above the disaster of World War II to provide assistance, hope, and peace to millions of people around the world. A new prospect for peace has arisen in the Middle East due to the historic signing of a peace accord between the P.L.O. and Israel. A Korean War Memorial was dedicated this year in our Nation's Capital finally giving due recognition to the veterans of a war that was largely forgotten. And finally, and most importantly, this year marks the 50th anniversary of the end of World War II. Fifty years ago, our troops courageously halted the Nazi and Japanese advance. Today, as a testimony to their efforts, these two nations are among our closest allies.

It is imperative that we remember the patriotism of these great men and women. If our forces had not succeeded, the course of history would have been altered. The peace and prosperity that we have come to expect in America is directly attributable to the sacrifices

made by the millions of American soldiers who risked their lives for the ideals of freedom and democracy. Let us continue to recognize their commitment to us, and let us reaffirm our commitment to our veterans on this Veterans Day, 1995.

TRIBUTE TO M. STELLA POLANCO ROSARIO

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1995

Mr. TOWNS. Mr. Speaker, the contributions of Ms. Stella Polanco Rosario are vital and valuable. She has been directly responsible for dramatically improving the achievement results of Harlem's performance on the testing assessment placement [TAP] exam for adults. Ms. Rosario began her work in this area in 1982 when she became employed with the New York City Department of Employment. At the time, the Harlem center was ranked No. 9, but through Stella's diligent efforts, the center achieved No. 1 performance status in meeting the city's benchmark for client service and program initiatives.

Among her other contributions, Ms. Rosario has been instrumental in developing interdisciplinary planning programs for economically and socially disadvantaged youth. For the past 7 years, Ms. Polanco Rosario has been an education representative in Con Edison's Brooklyn public affairs department.

Always willing to assist in meeting community needs, Stella has served on boards of directors for a number of not-for-profit community organizations in Brooklyn. She has raised money, planned events, and done whatever was necessary to make a positive difference. I am pleased to acknowledge the contributions that she has made to enrich the lives of many in the Brooklyn community.

STUDENT BORROWERS TO PAY HIGHER LOAN COSTS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1995

Mr. CLAY. Mr. Speaker, House Republican estimates of the cost savings from eliminating the grace period interest subsidy for student loan borrowers grossly understate the actual out-of-pocket costs to students. The $3.75 billion figure that CBO arrived at shows the savings to the Federal Government, and not the cost to students. The impact on students is much, much worse.

Student borrowers will pay, out-of-pocket and over life of their loans, $8.31 billion more in loan payments than they would under current law. If you add to that amount the impact of the 30 percent increase in the interest rate on parents' loans, middle-class families will pay an extra $9.2 billion in college costs.

These cuts are terribly unfair. Not only do Republicans make it more difficult for children from middle-class families to attend college, Republicans use the savings to finance their tax cut for the rich.

House Republican conferees should pledge today to protect students and parents from higher college costs. House Republicans should drop their proposal to eliminate the grace period interest subsidy and to raise the interest rate on parents' loans. Ninety-nine Members of the Senate last week voted to drop virtually identical provisions from their proposal. Republicans should come to their senses and stand with, and not against, students and parents.

Conferees should also retain the direct lending program to keep choice and competition in the student loan system. Members need only read their mail to know that the students and parents who use it like it.

EXPANDING SECOND CLASS POSTAL RATES

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1995

Mr. MOAKLEY. Mr. Speaker, today, I am introducing legislation that would narrowly expand the definition of second class postal rates to include Elderhostel.

Elderhostel is an independent, nonprofit organization that combines the traditions of a college education and youth hostels for people over the age of 60. Inspired by the world wide success of youth hostels, Elderhostel, offers retirees a host of educational programs at university campuses, community centers, museums, and even in State and national parks. More than 1,900 colleges and universities throughout the United States, Canada, and 47 other countries participate in the international program.

Elderhostel offers retirees the ability to return to school. Participants can study history, astronomy, geology, jazz, or just about any subject they are interested in. The programs are relaxed, no-pressure, learning experiences. Seniors have the opportunity to expand their mind, meet new friends, and improve the quality of their lifestyle.

Seniors are not the only ones who benefit. State and local economies benefit as well. Many seniors who participate in the program travel to other States and cities for classes. Thus, increasing the rate of travel and tourism to many States throughout our country. Elderhostel generates huge resources for many States, including Massachusetts, New York, Maryland, California, Alaska, Florida, Ohio, Hawaii, and Indiana.

Elderhostel enrolls its students through the mail. It sends course catalogues free of charge to thousands of older Americans who request them. The problem is postal rates are increasing and Elderhostel is unable to continue to offer these courses at modest costs.

Elderhostel currently mails its course catalogues at a third class, nonprofit bulk rate. The catalogue is not eligible for second-class rates because it is not a publication of a regularly incorporated nonprofit institution of learning—even though colleges and universities that participate in the program are eligible.

My legislation would expand the definition of second class postal rate to include Elderhostel. Specifically, the definition of "an institution of higher learning" would be amended to include Elderhostel because it operates a central course catalogue for all levels of classes offered by regular institutions of learning.

I urge my colleagues to support this legislation.

TRIBUTE TO J. RICHARD (DICK) SEWELL

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1995

Mr. SHAW. Mr. Speaker, I rise today to pay tribute to a great Floridian and dear friend who recently passed away. J. Richard "Dick" Sewell, a former congressional aide and retired Washington representative for Florida Power & Light Co., died October 26 in a Washington hospital. He had lung cancer.

A native of Orlando, Dick was well known and loved in Washington and Florida. He moved to Washington in 1963 to become administrative assistant to Congressman Charles Bennett, a senior member of the House Armed Services Committee and chairman of the first House Ethics Committee. In 1966, he served as staff coordinator for the ad hoc ethics committee and helped Bennett draft legislation which resulted in a permanent House Ethics Committee. He was a former president of the Burro Club, an organization of Democratic congressional aides. In that capacity, he hosted a 1967 visit to Capitol Hill by President Lyndon Johnson and members of his Cabinet. President Johnson, himself a former Burro Club president, reminisced to the membership at length about his own experiences as a congressional assistant in the early 1930's.

Dick left Bennett's staff in 1971 to become director of public affairs for the National Association of Food Chains. In 1972, he assisted Senator Henry M. Jackson (D–WA) in his campaign for the Democratic Presidential nomination, serving as the campaign's executive director in Florida. He became director of Federal Government affairs for Florida Power & Light Co. in 1973 and was the utility's chief Washington representative until his retirement, due to illness, in 1994. He was highly effective in energy, environment, and tax issues pending before Congress and Federal agencies, and was the author of numerous published articles on those subjects.

In 1986–87, he directed FPL's campaign to establish a national award to recognize quality performance by American corporations. Partly through those efforts, Congress in 1987 enacted the Malcolm Baldridge National Quality Improvement Act, under which companies compete for the Malcolm Baldridge Award. Named for the former Commerce Secretary, the awards are given annually by the Department of Commerce to corporations of all sizes in various categories.

Dick was a past president of the Washington Business-Government Relations Council and the Washington Representatives Research Group. He served on the board of directors of the Public Affairs Council and as a

charter member of the board of governors and treasurer of the Bryce Harlow Foundation. His club memberships included the Congressional Country Club, Metropolitan Club, National Press Club, Burning Tree Club, National Democratic Club, Capitol Hill Club, and the Jefferson Islands Club.

After graduating from public high school in Orlando, he studied journalism at the University of Florida and received his degree in 1959. From 1957 to 1959, he was sports editor of the Orlando Evening Star. After college, the joined the sports staff of the Atlanta Constitution. He later moved to Jacksonville, FL, where he opened his own public relations and advertising agency.

A lifelong loyal Floridian, he was a former president of the Florida State Society in Washington and the Washington Chapter of the University of Florida Alumni Club. He received the University's Distinguished Alumnus Award in 1979.

Dick was an avid golfer and sports fan.

His survivors include his wife, Margaret "Peggy" Sewell, and their two children, Jane and Michael Sewell, all of Washington; his mother Bertie Sewell of Orlando; and a brother, Walter Sewell, also of Orlando.

All of us from Florida will miss Dick, a great American, a great friend.

TRIBUTE TO M. STELLA POLANCO ROSARIO

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1995

Mr. TOWNS. Mr. Speaker, the contributions of Ms. Stella Polanco Rosario are vital and valuable. She has been directly responsible for dramatically improving the achievement results of Harlem's performance on the testing assessment placement [TAP] exam for adults. Ms. Rosario began her work in this area in 1982 when she became employed with the New York City Department of Employment. At the time, the Harlem center was ranked No. 9, but through Stella's diligent efforts, the center achieved No. 1 performance status in meeting the city's benchmark for client service and program initiatives.

Among her other contributions, Ms. Rosario has been instrumental in developing interdisciplinary planning programs for economically and socially disadvantaged youth. For the past 7 years, Ms. Polanco Rosario has been an education representative in Con Edison's Brooklyn Public Affairs Department.

Always willing to assist in meeting community needs, Stella has served on boards of directors for a number of not-for-profit community organizations in Brooklyn. She has raised money, planned events, and done whatever was necessary to make a positive difference. I am pleased to acknowledge the contributions she has made to enrich the lives of many in the Brooklyn community.

TRIBUTE TO GIRL SCOUT COUNCIL OF GREATER ESSEX COUNTY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1995

Mr. PAYNE of New Jersey. Mr. Speaker, I would like my colleagues here in the U.S. House of Representatives to join me in extending much deserved recognition of Sunday, November 5, 1995 as Girl Scout Unification Day.

In a time when much of America's youth is often left without hope or direction, it is indeed inspirational to consider the wonderful work that is being done by the Girl Scouts, both nationally, and locally, in my home State of New Jersey.

The unification of Essex County and Hudson Counties' Girl Scouts is designed to produce a stronger base of resource for all of the girls and adult volunteers that so proudly serve their area.

On Sunday, November 5, 1995, there will be a celebration involving approximately 800 girls and adults representing more than 11,000 members from Hudson and Essex Counties. The Girl Scouts will march from both sides of the Jackson Street Bridge, meeting in the center to symbolically unite themselves into one acting body.

The Girl Scouts continue to be an incredibly positive influence in America's communities, teaching responsibility and leadership to our Nation's youth. The Girl Scouts have been able to bridge the gap between young women of all racial, ethnic, religious, and socio-economic groups.

With the unification of the Girl Scout Councils of Essex and Hudson Counties, we can look forward to continued success and great accomplishment. It is with great pride that I urge my colleagues to join me in recognizing Sunday, November 5, 1995 as Girl Scout Unification Day.

SPEECH BY MARK ROBINSON

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1995

Mr. HAMILTON. Mr. Speaker, I would like to take this opportunity to insert in the RECORD a speech given by Mr. Mark Robinson to the Men's Fellowship of the St. John United Presbyterian Church in New Albany, IN, on September 13, 1995.

Mark has worked for many years at the New Albany office of the Legal Services Organization of Indiana. I have the greatest respect for him and the efforts he has made on behalf of numerous residents of southern Indiana.

Mark makes in his speech an eloquent and passionate defense of legal services. He provides an illuminating look into the mission of legal service organizations in Indiana and around the country—namely, providing desperately needed legal assistance to the indigent.

I hope all of my colleagues will take a moment to read this speech:

THE CHALLENGE OF CIVIL JUSTICE

(By J. Mark Robinson)

Old Testament Roots: For more than 20 years I have been challenged by, indeed captivated by, an Old Testament question. It is a simple question. But the straightforward, yet profound answer, and the consequences arising therefrom, can be life altering. It has been for me. The Question is this: What does the Lord require of you? Personalizing the question, it becomes: What does the Lord require of Mark Robinson?

God—through the Prophet Micah (6:8)—reveals this answer: to do justice, to love, kindness, and to walk humbly with your God. Doing justice within the framework of our American legal system has been my calling for the past seventeen (17) years.

New Albany Office: In early November 1978, I opened a New Albany Office of Legal Services Organization of Indiana, Inc. Our Congressional Mission was to provide high quality legal services to poor people, for a wide variety of civil legal problems. We conduct no criminal practice; that is the province of the Public Defenders.

Civil legal problems include: housing issues, typically on behalf of tenants; family law, including domestic violence against women and children; consumer concerns; public benefits such as S.S.I. and Medicaid; educational matters like a school expulsion; and mental health law. Since I know some of you have agonized over the Tax Code, let me assure you that it has a jealous sibling, known as the Medicaid Manual! Few lawyers will touch it, let alone represent persons who are trying to access health care by Medicaid.

Judge Paul Taggart: After my first hearing in Floyd Circuit Court in late 1978, Judge Paul Taggart called me into his chambers. I expected the worst! To my great surprise he said: "I'm glad you're here." To a young lawyer's ears those words were "glad tidings of great joy". Judge Taggart went on: "For years, I have been the unofficial legal aid office of Floyd County. I have talked to countless tenants and consumers. They have nowhere to go for advice, and I can't turn them away. For the most part, they are good people, just poor, and they have done no harm to society or to our community."

He went on to contrast how sad it was, in his opinion, that convicted criminals—many of whom had inflicted serious harm on members of society—had almost unlimited access to free legal resources, court fees waived, free transcript of the trial court proceeding, free appellate counsel, often access to the Supreme Court of Indiana. But a poor, law abiding person, who has a marriage problem, or a problem with a landlord or merchant . . . for them . . . "no one is there to help—but I've helped", so concluded the Honorable Paul Taggart. For the past 17 years, I and our small professional staff have tried to carry forward his vision, and his concern.

My Background and Commitment: Why do I do this kind of legal work? Our present accusers in Congress are still seeking to abolish the Legal Services Corporation, saying, among other things, that I and all my colleagues are "liberal, left-wing ideologies who use the law to accomplish a social agenda." I take exception! I am not a bleeding heart liberal. I am: (a) a Purdue engineering graduate; (b) as a young engineer, I worked in the nuclear reactor industry for Babcock & Wilcox Co.; (c) we manufactured nuclear reactor vessels for, among others, Admiral Rickover's nuclear navy fleet. No one has ever characterized these acts as "liberal activities".

I worked as an engineer until I had saved enough money for graduate school. At the

Louisville Presbyterian Theological Seminary in the early 1970's were many draft resisters; rest assured, my work in the nuclear industry hardly caused me to be their "soul mates". Furthermore, my Purdue education had not equipped me to engage in protest marches, or food boycotts.

Upon graduating from Law School and Seminary in the Spring of 1974, I returned to corporate America as in-house legal counsel for Chemetron Corporation's four divisions in Louisville. But in-house counsel didn't try cases. I wanted to try cases in court. So, I went to the U.S. Army Corps of Engineers for three years doing nothing but trying cases in federal courts. And although we took people's land, and homes, and farms . . . for the "common good" (Patoka Lake, Lake Monroe, etc.) . . . the Corps was never accused of "liberal activities".

Then, after 4½ years of lawyering, I was privileged to open the New Albany Office of Legal Services Organization of Indiana, Inc. Not because I was a bleeding heart—I wasn't—but because I could try cases, and wanted to do so very much on behalf of poor people. You see, I grew up in a relatively poor family, and I, for one, have not forgotten my roots.

My Motivation: In light of the above, why would I want to represent poor people in the American justice system? Because, finally, my theology was shaping my loves, life, work and values. From seminary professors, solid biblical textbooks, and the Old and New Testaments, I was discovering that this God—worshipped in our Judeo-Christian tradition—is a God who consistently stands with the poor, the oppressed, the wretched and cursed people of society. As typified magnificently by the Exodus from Egypt, whenever there is a clash between powerful people and powerful institutions on one hand, and the poor on the other, . . . Yahweh will always be found on the side of the poor. That is what my reading of Scripture tells me. but not only that, Scripture seems to reserve its harshest words for all those who oppress the weak, the poor, the orphans and widows of society. And so, as a lawyer, and as a Presbyterian minister, I have unashamedly represented the poorest members of our society—in our great courts of law—from Lawrenceburg to English, an eleven (11) county area in southeastern Indiana with 38,000 poor persons, for the past 17 years. It has been a great privilege.

See and Hear Their Problems: What do legal problems of poor people look like? What do their voices plead for? Let me sketch out several real cases from my practice here in southeastern Indiana.

A. Domestic violence: 1. A Woman from Salem.—Our office received a call from the Spouse Abuse Center; it was an emergency; the time was approximately 3:30 p.m. When she arrived in our offices her first words were: "Don't anyone touch me, not my shoulders, and please don't even shake my hand". Strange initial words. We quickly learned why.

Her husband had finally managed to strike the decisive blow. He had hit her with such intensity that the blow had pulverized the bone structure around her left eye; there was no effective socket to hold in the eyeball. She was scheduled for facial reconstructive surgery the next morning at Floyd Memorial Hospital. Any slight jar of her body might cause the eye to pop out! After years of physical abuse, this was the defining moment; she knew the marriage must end.

I ask each of you: if she were your daughter, or your sister, would you not agree with her decision, and support her fully?

By 4:30 p.m., an hour after her arrival to our office, we had gathered all relevant information, prepared all necessary legal pleadings, motions and orders and sent her back to her protective shelter.

By 9:00 a.m. the next morning, before Judge Henry Leist of the Floyd Circuit Court, the case was filed and the Temporary Restraining Order was immediately issued.

This woman needed the remedies offered by our civil justice system. She had no money. She depended on Legal Services lawyers to make the civil justice system of our country work for her. Making civil justice work, even for the poor, is why President Richard M. Nixon in 1974 signed into law the Legal Services Corporation Act. My friends, if there is only one system of justice, then the poor must have access to our courts. Yet that very Act, 21 years after Nixon signed it, is now at genuine risk of being abolished by our present Congress.

2. A Woman in Jeffersonville.—In Clark Superior Court I, a young "twenty-something" caucasian mother of two small children testified: "When he threw me on the carpet and stomped on my chest with his combat boots on, that was bad enough, but I took it." "But the last straw was when I was giving our baby its evening bottle. I was in our living room, in the rocker, in front of our window. My sister was sitting across the room; we were just talking. My husband threw a brick through the window, and shattered glass went flying everywhere; it hit my sister, it hit me, it hit our baby." This mother, trying hard to rear two children, knew one thing with certainty: "I've got to get out!"

The issues which arise in dissolving a marriage involve custody, support, visitation, medical expenses for the children's care, who gets the car, the refrigerator, the bills; all are issues worked through in our civil courts.

3. An Amish Woman.—Here is one last glance at violence in modern marriage. She is an Amish woman, living near New Albany, married, mother of 4, three of whom are teens. A person of considerable faith, she described how her religious community might shun her if she did what she knew she had to do. I can't imagine anyone here at St. John engaging in such insensitive conduct; but to her, the possibility of being shunned caused her real fear. She described her husband as oppressive and dictatorial. She could not leave the house without a listing of each place she planned to go; upon return, there awaited an inquisition. He demanded a strict accounting of time and place. But, she had managed for years to bear that reality.

What broke her heart was the husband's insistence that the three teens—each evening—scavenge food from dumpsters and bring their bounty home for his inspection. She said: "This isn't right. It's not even healthful; and, I can't bear it anymore." A judicial decree, an order of child support, and a protective order all came from our civil courts, which rarely make the Jeffersonville Evening News or the New Albany Tribune.

Fellow believers, please hear, and understand, what is now happening in our nation. The so-called "Christian" Coalition, under Ralph Reed's leadership, wants our Congress to stop all funding for the Legal Services Corporation because Legal Services lawyers—meaning me—are contributing to the destruction of the American family because of all the divorces we do. I resent that characterization of my professional work!

In all three examples I've given you, all meaningfulness in human relationships was destroyed long before these women sought my legal help.

"Faith, hope, love—abide these three" writes the Apostle Paul. But I ask each of you: Where is faithfulness at work in any one of those relationships? Where does hope find expression in any one of those relationships? Where does love abound in any one of those relationships?

There is no faith, no hope, no love in those marriages. The marriage needed to end, so these three women concluded. Respecting their decision, I helped each one use our civil justice system to accomplish their goal.

Because of our civil justice system, and these women's access to it, they finally began to get a glimpse of new life; new beginnings; re-birth; a sense of hope for their future, and their children's future; a renewed faith that once again love might find them, and surround them, and nurture and sustain them. It is exactly what each of us wants in our lives.

I tell you truthfully, when I face my Maker, there are parts of my life for which I will not be proud; but, I will always be proud to have represented these three women, and many, many more like them, Ralph Read notwithstanding.

B. Housing: Few of us—maybe not one of us—will go home tonight worried about losing our house. Right now I have six (6) clients who do worry—daily—about whether they will get to keep their subsidized apartments, for themselves and their children. Let me share one example from rural southern Indiana.

My client is in her 30's, divorced mother, head of household with two children. For reasons known only to God, she is mentally short-changed, with an I.Q. possibly of 70. She contributes 30% of her available monthly income for rent. H.U.D. pays the balance to achieve market rent. She has a small two bedroom apartment. She says, very slowly: "Mr. Robinson, it's the nicest house I've ever had." The apartment complex has sued her and wants to evict her and her children. This has been going on since July. Hence, she worries daily.

Why does management want her out? There are only two (2) allegations: (1) unclean living conditions and (2) an unauthorized over-night guest. Without a lawyer, she has virtually no chance of receiving a just and fair decision, and it has nothing to do with the presiding Judge, but rather with court procedure.

How can that be? The case was filed in Small Claims Court. In Small Claims Court, hearsay is permitted. Thus, the apartment manager, with her lawyer's help, will tell the Judge what a maintenance worker saw (without the worker being personally present in court), and what one of her Indianapolis owners saw (without the owner being personally present), and what certain "notes" in the folder say about unclean conditions. Obviously this tenant can't cross-examine the maintenance man who isn't present, or the Indianapolis owner who isn't present. Even if they were present, my client doesn't know how, and probably is mentally incapable of conducting an effective cross-examination. With a lawyer, however, the scales of justice are again balanced. We filed the appropriate motion to move the case to the Court's Plenary Civil Docket. Now, hearsay basically falls by the wayside. And if the maintenance man appears, I will vigorously cross-examine.

Let me tell you that as to the accusation of uncleanliness, I have been in her home, with my legal assistant, three times. It has

always been neat, tidy and clean (as I understand the plain meaning of those words).

As to the allegation of an unauthorized guest, the facts are these. After the funeral for her infant child, in her grief, she did request a friend to stay with her for two nights; the friend did. Overnight guests are *not* categorically prohibited under the lease; management simply doesn't want extended visitors—and rightly so. But one visitor, for two nights, following this traumatic event, is neither unreasonable, nor a violation of her lease. My client, however, could not make that argument on her own! She needs a lawyer. And for now, at least, she has one.

C. Child survivor benefits: the Social Security Administration.—We represented a 5 year old child who never knew her daddy. While she was still in utero, her daddy drowned in a tragic boating accident on July 4th. Her mother and father had not yet married, but were making plans to marry. They had already talked with both sets of parents, and had their full support. The pregnant mother lived at home with her own parents, in part because the medical costs of pregnancy and delivery were covered by her father's health provider. The child's daddy finally had a pretty good paying job, but of course no benefits.

Because of the untimely death, there was never a marriage. Paternity was never established because everyone knew who the daddy was. Eventually the mother applied for her daughter's Social Security Survivor's benefits. Her initial application was denied. Then came the hearing before the Administrative Law Judge; the child's application was again denied. Next came Appeals Council, located in Arlington, Virginia, and she was again denied. Now the real question: Whether to sue the Secretary of Health and Human Services in Federal District Court? The United States would be defended by the U.S. Department of Justice, through the U.S. Attorney's Office in Indianapolis. At this time, the 7th Circuit Court of Appeals in Chicago (whose cases generally have binding precedent on Indiana federal judges) had three (3) decided cases, each on point, and each against our client's position. There was not much to be hopeful about.

Nonetheless, we sued in federal court. We briefed the issues. We carefully distinguished each of the three 7th Circuit cases. The legal issue was whether daddy, before his death, had "substantially contributed to the care of the child." As an aside, let me tell you that if daddy and his pregnant fiance had been living together, without marriage, then our government would have given the child the requested benefits. It would have been relatively straightforward. But, this couple had chosen to live with their parents, not each other.

The end of this long and painful journey is that we won. The Federal Judge, the Honorable S. Hugh Dillin, issued a carefully crafted decision, following almost exactly our argument. And, the Justice Department decided not to appeal. That sizable award of money, invested until age 18, secured this small child's college education. It was accomplished by a Legal Services lawyer, namely me.

Closing: Floyd County is unique among our 11 counties in southeastern Indiana. The Floyd County Bar Association has had a Pro Bono Project for the past year. I serve on that committee. About 20 lawyers have volunteered up to 50 hours per year of free legal services to poor people. That also means that about 120 lawyers have not. But 20 is an excellent start for the project's first year. I'm proud to say that an attorney in this congregation is one of those 20 lawyers committed to serving the poor through this project.

In closing, with the substantial reduction in Congressional funding for the Legal Services Corporation, and its very possible complete elimination, may each of us here tonight remember the Prophet Micah's challenge to the people of God to "Do Justice", as thousands of poor people in southeastern Indiana increasingly realize that not only is Justice hard to achieve, but that access to justice is in very short supply.

Thank you for your concern.

THE MACOMB MOSAIC

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1995

Mr. BONIOR. Mr. Speaker, I am privileged to represent the 10th Congressional District of Michigan. It includes most of Macomb County, which is where I was raised. Although there are rural parts of Macomb, most of the residents live in what is a portion of suburban Detroit. The economic opportunities in the area have drawn people here, including my family, for close to a century. Because of this, Macomb County has developed a rich ethnic, racial, and religious diversity.

In the ongoing effort to build a stronger and better sense of community, several organizations have designated this as "Macomb Mosaic Week." On Saturday, November 4, the week will culminate with a Morning Forum at Macomb Community College. The focus of this forum is to create greater understanding, respect, and appreciation for the diversity of backgrounds and experiences of the people who live in and around Macomb County. The morning's events include an international and multicultural festival, several workshops, and a performance by actor and comedian, Teja Arboleda.

The Macomb Intermediate School District [MISD], Macomb Community College [MCC], and the Interfaith Center for Racial Justice are the main sponsors of this worthwhile endeavor. With the diversity of students that the MISD and MCC are responsible for educating, I am pleased to see their commitment to ensuring that school is a place where all students may receive the skills necessary to live a good life while developing an appreciation for the diversity that exists in our community. The Interfaith Center for Racial Justice was formed after the civil disturbances in the late 1960's with the belief that education was the key to creating a more understanding society. I applaud these three groups and the many other organizations and individuals who share a commitment to building respect and tolerance through education.

Ignorance often constructs and maintains the walls of misunderstanding. However, through this educational effort, the bridges of understanding will be strengthened and the colorful mosaic that is Macomb will grow brighter. I wholeheartedly support the Macomb Mosaic and I urge my colleagues to join me in saluting the sponsors and participants in this important and valuable project.

TRIBUTE TO TRAVIS ROY

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1995

Mr. MARKEY. Mr. Speaker, I rise today to recognize the strength, courage, and determination of Travis Roy, a freshman player for Boston University's world-class hockey team. On October 20, 1995, Travis was paralyzed from the neck down while playing in his first collegiate hockey game.

Born on April 17, 1975, Travis spent his childhood in Yarmouth, ME, a closely-knit town of 6,000 people. He was designated an all-State player at Yarmouth Academy, where as a freshman he told his father that he dreamed of playing Division I hockey. He played his junior and senior years at Tabor Academy, where he was a New England All-Select pick both years. A highly recruited forward, Travis landed one of only six coveted spots on the defending national champion Boston University hockey team.

Less than 2 weeks ago, 11 seconds into his first shift as a BU Terrier, Travis fell head first into the boards, fracturing a vertebrae in his neck. He was quickly attended to by trainers, doctors, and his father, Lee. Even during the most terrifying moment of his life, Travis focused on achieving his goal of playing Division I college hockey. While lying on the ice, motionless and without sensation, Travis looked to his father and said, "I made it".

Travis has made a career out of challenging the odds. Now, with his parents Lee and Brenda Roy by his side, Travis faces the biggest challenge of his life. While doctors predict a difficult road ahead, I have faith that Travis can overcome the odds this time as he has done so successfully in the past. With the support of his family and friends, I know that Travis is going to "make it".

WATER, AGRICULTURE, AND BANKING: CENTRAL VALLEY ESSENTIALS

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1995

Mr. RADANOVICH. Mr. Speaker, this week the American Banker called its readers' attention to top agricultural leader, and banker, Tom Stenson. As a farmer and a former banker myself, I agree with Stenson as he talks of the importance of agriculture to banking, and of water to valley agriculture.

In order for my colleagues to better understand this issue, I take pleasure in sharing with you the article:

[From the American Banker, Oct. 30, 1995]

WATER GREASES AG LENDING IN ARID CENTRAL CALIFORNIA

(By Barbara F. Bronstien)

FRESNO, CA.—Agricultural lending in central California's San Joaquin Valley, with its more than 250 crops, from cotton to nuts to vegetables, has been a whole new world to a farm lender originally from Iowa.

"The diversity is just amazing here, compared to other agriculture areas in the country," said Tom Stenson, senior vice president of Fresno-based Valliwide Bank, who heads the company's agribusiness group. "The only limiting factor is water."

Water, clearly, is something agricultural lenders cannot take lightly in the West, where irrigation is king and rainfall limited. If farm customers don't have an affordable plan to procure water, their business is a no-go.

"This area would be a desert without irrigation," said David Pruitt, a customer of Mr. Stenson's who manages 2,000-acre Santa Rita Ranch in nearby Merced County.

California farmers get their water from two sources: underground wells on site and surface delivery systems controlled by the state's numerous irrigation districts.

Farmers historically have had long-term contracts with the government for water rights through these districts.

When lenders evaluate a prospective farm loan, water sources and costs are among their top questions.

"It is always a major concern to anybody here in California who is a lender," said Michael C. McFadden, assistant vice president of $50 million-asset Kings River State Bank, Reedley, Calif., whose agricultural customers mainly grow fruit trees and grapes. "We need to see that they've got water. Without water, they're dead."

Speeding by the fruit and nut trees lining the highways of the western San Joaquin Valley, Mr. Stenson explained how his $1.2 billion-asset bank and other western agricultural lenders deal with the water issue when evaluating loan requests.

Lenders want to know where the operation is located, the source and cost of its water supply, and any past water problems, particularly during the seven-year drought that lasted through the 1993-94 growing season.

He or his department's other six agricultural lenders also examine income and expenses and require a water plan from prospects in areas without shallow underground water sources. In addition, nonlender farm experts on staff or third-party analysts evaluate crops and equipment.

"Otherwise, you run the risk as a lender of financing the planting of a crop * * * and halfway through the season, the guy runs out of water," Mr. Stenson said. "Then, you're stuck with only one alternative, and that's to fund the purchase of very expensive water. Or, the other choice is to let the crop go. Then where are you?"

Cindy Nicoletti, a partner in the Santa Rita Ranch, said that lenders' increasing concerns have meant more documentation for her operation to procure the $500,000 to $700,000 a year it borrows in production loans.

"We wouldn't do a lot of it if we didn't have to because of the lending," Ms. Nicoletti said. 'We have to ensure the bank that we are doing all of the right things."

Lenders have paid even closer attention in recent years as farmers' water costs have escalated.

"All farmers have had significant capital expenditures in the last five years to either make their existing water go farther or to gain additional water," Mr. Stenson said. "And that ripples through their balance sheet."

Some customers have changed to potentially higher-return but riskier crops in an effort to cover rising water costs, he said. For instance, they'll switch from cotton to something like tomatoes or peppers.

"To us as lenders, we're concerned because traditionally fresh market vegetables tend to be very cyclical," Mr. Stenson said.

"You can make a bundle or you can lose your shirt in one year, which is not the case with cotton or other more standard crops."

At Valliwide, whose agribusiness group targets farms loans of $500,000 to $2 million and whose branch network does smaller agricultural loans, "no loan has been collected as a result of water or lack of," said Mr. Stenson, who previously worked for the Farm Credit System in Iowa, New England, and Nebraska before moving to Fresno eight years ago. He joined Valliwide two and a half years ago.

"I know of others, through loan requests that we have had that we denied, that clearly the stress, the high-priced water, and the drought have put them on the brink of destruction."

To compound matters, farmers are just one of three interests that continue to vie for the state's water, along with communities, such as the Los Angeles metropolitan area, and environmentalists.

And the tug-of-war may not bode well for farmers.

"We have water rights here, and we have been assaulted from all directions" by people trying to take them, said Mr. Pruitt of Santa Rita Ranch.

In some cases the government wants to renegotiate farmers' long-term water contracts, Mr. Stenson said.

"That sends shivers up the spine of a lender."

The thought of Angelinos, and others who far outnumber farmers, clamoring for their water frightens many lenders in the state's agricultural belt.

"They want it to fill their swimming pools; we want it for our farmers," said James C. Holly, president of Bank of the Sierra, Porterville, Calif., who had an ominous prediction for farmers: "They're going to get it."

TRIBUTE TO SIMON PELMAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1995

Mr. TOWNS. Mr. Speaker, as each of us moves down the roadway of life to our golden years, it is comforting to know that there are caregivers and service providers who specialize in attending to the needs of the senior population. Simon Pelman is such a person.

For over 20 years, he has devoted his time, talents and energy to bettering the lives of the elderly. He has been instrumental in raising the standards of care in nursing homes throughout the State of New York. Beginning with Greenpark Care Center, a 400-bed long-term care facility, Simon has always endeavored to care for his elderly clients with the utmost of devotion and respect. His zeal to be efficient and considerate is clearly evidenced by his pursuit of two master's degrees in geriatrics. As a matter of fact, he has also received prestigious quality of life awards for his service.

Very active politically, Simon has utilized his abilities to assist people in the community, particularly as the district representative on the legislative committee of the New York State Health Facilities Association. He is also very active in promoting the needs of the learning disabled, and has been recognized by the board of education. I am delighted to salute Mr. Pelman for his impressive and important work.

ERITREA RAISES ITS FLAG IN WASHINGTON, DC TOMORROW

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 1995

Mr. BURTON of Indiana. Mr. Speaker, tomorrow the Embassy of the State of Eritrea will raise its flag in Washington, DC, for the first time. This is a momentous occasion. The Eritrean people won their long struggle for freedom in 1991, and declared independence in 1993, after a referendum.

The people of Eritrea have earned the admiration of the entire world for their perseverance, commitment, and dedication. They are an inspiration to us all, and it is an honor for our country to have the Eritrean flag flying in our Capital. I would like to salute President Issaias Afwerki, Foreign Minister Petros Solomon, Ambassador Amdemicael Kahsai, and the entire Eritrean nation on this happy day.

I commend to the attention of my colleagues an article in the Washington Times based on an interview with President Issaias. In it, he boldly calls for increasing self-sufficiency and development of resources in Africa, and emphasizes the limited utility and effectiveness of foreign aid. I hope that we can all pay close attention to these wise words.

I also wish to highlight the recent cooperation in the medical field between Eritrea and Israel as reported in Eritrea Profile. The health minister of Israel, Dr. Ephraim Sneh, recently visited Eritrea and signed an agreement to provide incubators for Eritrean hospitals. Israel has an exemplary recorded of International cooperation and I hope that this particular relationship is able to expand.

Finally, I wish to insert into the RECORD an article from the Economist about the problem of Sudanese subversion in the Horn of Africa, and Eritrea's courageous response.

[From the Washington Times, Sept. 25, 1995]

STRUGGLING ERITREA AGREES U.S. SHOULD CUT FOREIGN AID

(By Terry Leonard)

ASMARA, ERITREA.—U.S. lawmakers intent on cutting foreign aid have unlikely allies in this small, poor nation that receives more of it per person than any other country in Africa.

"Aid is used and abused, so why not cut it?" President Isaias Afewerki said in an interview. "We favor the new American approach to reconsider aid."

He said the country must not depend on aid to survive. "If we here have faith in foreign aid as the maker and breaker of Eritrea, then that is the end of Eritrea."

Eritrea, Africa's newest country, is determined to avoid the same trap that has mired so many African nations in debt and dependence on foreign handouts.

"We believe we need aid. But we don't believe aid can solve our problems," Mr. Afewerki said.

The country desperately needs help as it emerges from 30 years of devastating war that finally brought independence from Ethiopia in 1993. But Mr. Afewerki and other government leaders say they would like to see aid limited to projects that promote development and not rely on handouts.

"The effective use of aid is to free society from any dependence on outside sources," the president said.

Eritrea was the most industrialized country in Africa before war took its toll. Now the economy and the infrastructure are in shambles. Average life expectancy is 46 years. Annual per capita income is less than $150.

Two-thirds of Eritrea's 3 million people rely on food aid. Although most citizens make their living from agriculture, only 25 percent of the land is arable, and only about 10 percent of that is under cultivation.

This year, the U.S. government has promised Eritrea $13.2 million in development aid and $6.2 million in direct food aid. Under expected reductions for next year, development assistance is to fall to $9.6 million and direct food aid to just over $4 million.

Saleh Meky, Eritrea's U.S.-educated minister of marine resources, said he does not believe Eritrea will suffer from the reduction.

He said the United States is giving his ministry computers and teaching his people how to use them to determine the sustainable yield from Eritrea's bountiful fishing grounds in the Red Sea. They were virtually untouched during the three decades of war.

America provides up to 30 percent of Eritrea's food aid and is spending $2.3 million to help analyze food security problems and develop strategies to solve them.

Overall, American contributions amount to only about 5 percent of the total bilateral aid to Eritrea, officials said.

U.S. aid is improving the woefully inadequate primary health care system in an effort to make the work force healthier and more productive. Washington proposes to spend $3.7 million on that project next year and on support for family planning. The birthrate here of 6.8 children per woman threatens to double the population in 23 years.

The United States also intends to spend $1.5 million helping the government transform the state-controlled economy into one dominated by private business.

Although U.S. lawmakers are still wrangling over which programs will be eliminated or reduced, reductions to all aid programs are expected to average more than 30 percent.

Eritrean, officials have not said how they intend to make up the difference except that they want to become self-reliant.

"We get lots of offers of technical aid. Experts of all sorts, many of which have no use," said Nerayo Teklemichael, director of the Eritrean Relief and Rehabilitation Agency. "We need projects that eventually will make us self-reliant in food. We must have more food, and we must cultivate more land for food."

PRESIDENT RECEIVES ISRAELI MINISTER

President Isaias Afwerki yesterday held talks with Israeli Minister of Health, Dr. Ephraim Sneh, who is on a working visit to Eritrea. During the meeting, the President and Mr. Sneh said both sides will work towards developing Eritrean-Israeli cooperation in the health sector.

On August 10, the Israeli Minister handed over, on behalf of his ministry, two modern incubators donated to the maternity section of Asmara's Mekane Hiwot Hospital. He also visited different sections of the hospital. The director of the Maternity Section of the hospital, Dr. Abdu Mahmoud Taha, said the donation will facilitate the work of the section, besides easing the shortage of equipment. An average of 15 mothers are admitted to the maternity section a day, while 25 others are examined in the clinic under its administration.

Dr. Sneh arrived in Asmara on Thursday.

[From the Economist, Oct. 14, 1995]

WE WON'T TAKE ANY MORE

Eritrea has at last lost patience with the Islamist government in Sudan. Relations between the 2½-year-old state and its far larger neighbour have worsened rapidly this year. Now President Issaias Afwerki has told The Economist flatly: "We are out to see that this government is not there any more. We are not trying to pressure them to talk to us, or to behave in a more constructive way. We will give weapons to anyone committed to overthrowing them."

Bold words, maybe rash ones, you might think, from a much smaller country. So why, exactly? Mr. Issaias accuses the Sudanese of trying to destabilize the whole region. They stand widely accused of trying to murder Egypt's president, Hosni Mubarak, while he was visiting Ethiopia in June this year for an Organisation of African Unity meeting. Mr. Issaias says they have kept fighting going in Somalia, by backing certain factions. And Eritrea itself is vulnerable. Its populations is almost evenly divided between Christians and Muslims. In fighting to break free from Ethiopia, the Eritreans overcame these differences. But with 450,000 Eritreans still refugees in Sudan, the government fears infiltration of armed fundamentalists across its western border.

Relations have not always been bad. Mr. Issaias's Eritrean People's Liberation Front used Sudan as a rear base in its long struggle for independence. It had a political office in Khartoum, and used Port Sudan for bringing in supplies. It worked closely with certain Sudanese officers; one of them, Abdul Aziz Khalid, now in opposition to his own government, is active these days in Sudanese opposition circles in Eritrea. And in his early months of power the Eritrean president thought he could handle the men in Khartoum through diplomacy.

Now, says Mr. Issaias, he regrets the time wasted in trying to talk to them: "We have tried to develop some kind of partnership. But our goodwill has been abused. We have done enough, and it's not going to work." Late last year Eritrea cut diplomatic ties, and in June it publicly hosted a meeting of all Sudanese opposition movements under the umbrella of the (Sudanese) National Democratic Alliance, which has been allowed to broadcast calls for revolt from a radio station in Eritrea.

Who will he arm and with what? Mr. Issaias isn't saying. Possible recipients of his bounty include the northern political parties, now banned in Sudan, as well as the Sudan People's Liberation Army, a mainly southern movement which has been riven by splits and defections in the past three years. "But we won't give weapons to factions," he says. In arming these diverse groups, he is anxious that they do not use his weaponry on each other. He is insisting on a unified political stand. The June meeting of the Sudanese opposition committed all groups—at least in words—to a referendum on self-determination for the south of their country.

Until now Sudan's neighbours have tried to engage its government in dialogue and bind it into agreements. But, they claim, the regime seems determined to press ahead, spreading its version of Islam throughout the region. There were several attacks on government posts in western Eritrea last year, which were assumed to have been instigated by Sudan. There is also strong evidence that a rebel movement in northern Uganda has recently been armed by the Sudanese. President Meles Zenawi of Ethiopia recently claimed to have evidence that Sudan's security forces had a hand in the attempt to kill Mr. Mubarak; Ethiopia is demanding the extradition of three men whom it believes to have been directly involved. Of Sudan's eastern neighbours, Kenya remains on speaking terms, but even in Nairobi there are doubts about trying to contain Khartoum's ambitions by talking.

Could the Eritreans' open readiness to arm the Sudanese opposition lead to war? It seems unlikely. The two countries' border runs through remote, difficult terrain. And though Eritrea is small, it evidently does not fear open attack. It has an experienced fighting force and plenty of weapons left over from its war of independence.

As to Sudan, what could worry it more is the risk that Ethiopia might follow the Eritrean example. A cease-fire in Sudan's south has held for six months now, but with the onset of the dry season few expect it to last much longer. If the southern rebels and other groups could operate across the whole of Sudan's eastern border, the regime would be in real trouble.