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SENATE—*Monday, June 10, 1996*

The Senate met at 12 noon and was called to order by the Honorable JON KYL, a Senator from the State of Arizona.

PRAYER

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

Gracious God, thank You for Your faithfulness. You bless us beyond our expectations and give us what we need on time, and in time. Today, our prayer is for a much better memory of how You have heard and answered our petitions in the past.

We commit this day to count our blessings. We thank You for the gift of life, for our relationship with You, for Your grace and forgiveness, for our families and friends, for the privilege of work to do well, for problems and perplexities that force us to trust You more, and for the assurance that You can use even the dark threads of difficulties in weaving the tapestry of our lives. Knowing how you delight to bless a thankful person, we thank You in advance for Your strength and care today. Thank You not just for what You do, but for who You are, our blessed God and loving Father. In Your holy name. 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 legislative clerk read as follows:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 10, 1996.

To the Senate:

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

STROM THURMOND,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. DOLE. Mr. President, today, there is a period for morning business, with the following Senators in control of the designated times: Senator HOLLINGS, 30 minutes; Senator DOMENICI will be controlling the time from 1 to 3:30; Senator DASCHLE, or his designee, from 3:30 to 4:30; Senator COVERDELL, or his designee, from 4:30 to 5:30.

It is hoped that any Senator wishing to speak on the budget resolution conference report will do so today in order to complete action on the budget during tomorrow's session—hopefully before noon—on that matter. Rollcall votes are possible today.

I indicated, I think, on Thursday that we are still trying to clear a number of the nominees. We have cleared some. We have not had much success in the judicial nomination area. I would like, where we can, to dispose of those before I leave the Senate tomorrow. If you want to have a vote, let us have a vote. I hope we can move the nominations that may be on the calendar—maybe with one or two exceptions—so that those people who have been nominated and have had their hearings will be able to pursue their careers.

I have suggested that, if we cannot agree on the package, we can start down the list and go one at a time. If people want to vote, we will vote on judge A, judge B, judge C. That way, at least we can dispose of some of those matters.

It is also my hope today that we can clear for immediate consideration Calendar No. 253, S. 1438. This deals with the World Trade Organization. In fact, it is an agreement I made with President Clinton. We are talking about passage of the GATT agreement. I was concerned about the World Trade Organization and concerned about there not being enough input from Congress. So there was an agreement between myself and Mickey Kantor, the Trade Representative, and the President, that we would pursue legislation to give Congress additional input and permit Congress, in certain cases, to withdraw—or at least initiate proceedings to withdraw—from the World Trade Organization. It was carefully worked out at one time. At one time, it had cleared on both sides. Senator BYRD had a problem, and I think that problem has now been resolved.

I have not asked for much around here, as far as clearing things for myself, although I have done it for other people. I hope we might be able to clear this without amendment today and send it to the House, so the President will have it on his desk for signature—which he is perfectly willing to do.

It is my understanding that a new offer will be made with reference to health reform, the bill that passed this body by a large margin. It is still my hope—maybe only a hope—that we can complete action on that matter, if not today, sometime tomorrow. In any event, it is my hope that we can get the agreement. If I am not here to vote on it, I hope we can have the agreement. It is going to take some give on all sides. We cannot have people dictate to us and attack us up in the Press Gallery and expect to make any progress. I will not engage in that myself. I do not think that advances the cause of what we are attempting to do.

Hopefully, we can reach some agreement on that today. I will do all I can to make it happen. I think there has to be give and take on each side. I think, in this case, the House has been very forthcoming on a number of issues that we did not want in our bill. It is not in the Senate bill. It is down to the issue of medical savings accounts. The House feels very strongly about it, and I think about half of the Members here feel very strongly about it.

So it seems to me that we ought to reach some accommodation on medical savings accounts and send this bill to the President for his signature. I assume he will sign it. There have been a lot of different proposals made—some rather useless, and others that I think

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

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have some merit. Hopefully, we can resolve that.

I understand Senator KASSEBAUM will be sending us—and maybe it is in my office now—a counterproposal, on which I will meet and discuss with my House colleagues, in the hopes that we can resolve that, too, before the day is out.

Mr. KENNEDY. Will the Senator be willing to yield briefly on that subject matter?

Mr. DOLE. Sure.

The ACTING PRESIDENT pro tempore. If the Senator will suspend for a moment, I will take care of another matter.

MEASURE PLACED ON THE CALENDAR—H.R. 3120

The ACTING PRESIDENT pro tempore. I ask the clerk to read a bill for the second time.

The legislative clerk read as follows:

A bill (H.R. 3120) to amend Title 18, United States Code, with respect to witness retaliation, witness tampering, and jury tampering.

Mr. DOLE. Mr. President, I object to further consideration of this bill at this time.

The ACTING PRESIDENT pro tempore. The bill will be placed on the calendar.

Mr. KENNEDY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

HEALTH CARE REFORM

Mr. KENNEDY. Mr. President, I appreciate the majority leader yielding. I join with him in the eternal hope that, perhaps while he is still here, there may be a successful conclusion of this legislation; or, if not, at least an agreement can be made that can be followed up in his absence. I have stated on other occasions that the majority leader has been very much involved in this legislation.

Senator KASSEBAUM has been a real leader on this issue. It has been a bipartisan process in the Senate. Many of the ideas that have been incorporated in the legislation dealing with preexisting conditions, and portability have been incorporated from the legislation that the majority leader has offered in the past. Although we have had differences on the MSA issue, he, nonetheless, has indicated, since the time that he announced he was going to leave the Senate, that he was very hopeful that this legislation could be achieved while he was still here.

As recently as June 6 he indicated that its chances of success—and I think, he accurately portrayed it—are much greater with his presence here than without it. So I urge that the majority leader, because of the importance of this legislation, as well as the importance that he has placed on this legislation, and his involvement in it, that we would get the agreement, hopefully pass it while he was here; and I was even bold enough to suggest that he might want to remain here for the next few days until we were able to get this accomplished. More than 25 million Americans will be helped each year by this legislation, so it should be a top priority.

I want to ask the leader about his willingness to accept a reasonable compromise. I know that I speak in this instance for the President, who is most interested in getting a test of the idea of the MSA's, which is the principal issue at this point. The proposal from the House would provide the MSA's for approximately 80 percent of all the workers in the country. This obviously is unacceptable. I am hopeful that, with the majority leader's assistance, we could have a test of the idea so that we could explore whether it is helpful. I think reasonable people could find ways of finding a test without adopting a proposal which in effect moves toward coverage of 80 percent of the people and then eventually moves toward complete coverage without additional Senate intervention. This program is potentially too destructive to go that route. I hope he will use his own good offices to try to work with all parties to see if a legitimate proposal that could accurately be portrayed as a real test of the idea could be put into place.

There have been four separate proposals that have been advanced by the President and by others. There have been some which have been advanced by our Republican friends.

But this would be a great victory for the American people which I think the majority leader ought to share in if we are able to over the period of these next several hours agree on a real test of the idea, and I mean a reasonable kind of test and examination and evaluation prior to expanding the proposal.

Am I correct that at least the leader is going to try to see if that concept could be at least included in these negotiations?

Mr. DOLE. Mr. President, I thank the Senator from Massachusetts. I understand we have now received a proposal from my colleague, Senator KASSEBAUM. We are in the process of reviewing that proposal. I am not certain that the Senator from Massachusetts has a copy of it. But it indicates that we might be able to reach some compromise. I would like nothing better if we could conclude that today, have conferees appointed, and come to a satisfactory conclusion because, as the Senator outlined, it affects millions of Americans. It should be done. And maybe—speaking for myself, I would like to have it done before I leave. But at least if that cannot happen, I would like to have the agreement before tomorrow at 2 o'clock, and maybe under the Senate rules we could deem it passed sometime after the House takes it up. I will have to check with the Parliamentarian on that. But if we have something to agree to, everybody in the Senate, as the Senator knows, the original bill passed unanimously—hopefully we could reach some agreement today, and at least have the agreement entered. Then the Senator from Massachusetts, the Senator from Kansas, and others could dispose of it later this week.

I thank the Senator.

Mr. KENNEDY. I have not seen the proposal, and I would welcome a chance to review it—and others who have been involved in that endeavor as well; not just myself but others. Senator KASSEBAUM—we take obviously her leadership role very seriously. I hope that this time that we could work out a real evaluation of the concept without exposing tens of millions of our fellow citizens to serious disruption in their health insurance if this does not work as well as its advocated claim. That is basically the issue. I know Senator KASSEBAUM was strongly committed toward an evaluation, a reasonable experimentation, a reasonable assessment, and reporting back. I say that would certainly offer an opportunity to move this forward. I hope that would be the proposal that would be out there rather than just the imposition of the program on a vast number of our citizens. But we will certainly look forward to it.

I thank the Senator.

Mr. DOLE. Mr. President, if I could use my leader time. Is leader time reserved?

The ACTING PRESIDENT pro tempore. Leader time is reserved.

The majority leader.

TRIBUTE TO SAM NUNN

Mr. DOLE. Mr. President, on August 4, 1789, in the first year of existence, the U.S. Senate approved legislation to establish the Department of War. In the nearly 207 years since that date, the Senate has always devoted a great deal of attention to matters of national security.

Few Senators in that time, however, have devoted as much attention as Senator SAM NUNN of Georgia, who will leave this Senate next January after 24 years of service. While Senator NUNN and I have not agreed on every issue, I am just one of many Republicans who has always respected his expertise and admired his patriotism.

I especially recall the affection and admiration which our former colleague Barry Goldwater had for Senator NUNN. During the first 6 years of the Reagan administration, Senator Goldwater and Senator NUNN worked on a bipartisan basis to rebuild America's military.

Senator NUNN has also worked with another military expert, Senator RICHARD LUGAR, in working with the former Soviet Republic to relinquish their nuclear weapons.

On nondefense matters, I have appreciated Senator NUNN's strong support for a balanced budget amendment, product liability reform, and anticrime and antidrug efforts.

The high respect in which Senator NUNN is held in Washington, DC, is echoed in his home State of Georgia. In 1978, Senator NUNN won reelection with 83 percent of the vote. In 1984, he received 80 percent, he ran completely unopposed.

It goes without saying, then, that Senator NUNN could have won reelection this year. He has chosen to leave on his own terms, and I have no doubt that his voice will continue to be an important one for many years to come.

TRIBUTE TO AL SIMPSON

Mr. DOLE. Mr. President, as I look back on my years in the Senate, there are many Members to whom I am indebted for the friendship and support they have given me. I can think of no better friend, however, and no more reliable ally than AL SIMPSON.

As all Members know, AL served for 10 years as Republican whip. And no doubt about it, he made being Republican leader a much easier job. Every time I needed help, every time there was work to be done, every time something was needed as soon as possible, AL SIMPSON was there, getting the job done, and doing it with the one of a kind sense of humor that is his trademark.

AL SIMPSON is not only one of the wittiest men in Washington, he is also one of the most courageous.

From immigration to entitlement reform, he has made a habit of tackling the toughest and most controversial of issues, calling them as he sees them, and letting the cards fall where they may.

A few weeks back, much of Washington gathered to salute AL SIMPSON. Well, actually, much of Washington gathered to salute AL's wife, Ann. I regret that a delayed flight kept me from attending what by all reports was a wonderful evening. Speaker after speaker—Republicans and Democrats alike—rose to salute AL and Ann for all they have done for this institution and this city.

The highlight of the event was when former President George Bush offered an emotional tribute to the man who he called his best friend in the Senate. While AL's retirement means that President Bush is gaining a fishing buddy, it means that the Senate is losing one of its finest.

I have said before that AL SIMPSON embodies the American spirit many associate with the American cowboy. He is honest, independent, and he always judges people not by money or position—but by character.

It was once written that "out where the handclasp's a little stronger, out where the smile dwells a little longer, that is where the West begins."

If that is the case, then the fact of the matter is that the West begins wherever AL SIMPSON is, because wherever he goes, he brings handclasps and smiles with him.

TRIBUTE TO NANCY KASSEBAUM

Mr. DOLE. Mr. President, I guess it is hard to pay tribute to my colleague, Senator KASSEBAUM, because she has done such an outstanding job. And there is no question about it. She is the most popular politician we have had in our State—the most popular "politician in politics," let us put it that way; some do not like the word "politician"—for years.

Over the past several days, I have paid tribute to those colleagues who are retiring from the Senate at the conclusion of the 104th Congress; this is my final tribute.

During my years representing Kansas in the U.S. Senate, it has been my privilege to serve alongside two remarkable colleagues from Kansas.

The first was Jim Pearson, who was a Senator of great common sense and great integrity—a Senator who was widely respected by Members on both sides of the aisle.

For the past 18 years, I have had the privilege of serving alongside another person respected by all Senators for her common sense and integrity—Senator NANCY LANDON KASSEBAUM.

Senator KASSEBAUM is retiring at the end of this session, so she can spend more time with her children and grandchildren. The voters of Kansas, who have cast their ballots for her in overwhelming numbers, understand her desire to come home, but they also understand that this Chamber will be losing one of its most thoughtful and effective Members.

NANCY KASSEBAUM does not speak in a loud voice. She does not clamor for media attention. But as all Senators know, while her voice may be quiet, her will is strong. For 18 years she has simply represented the people of Kansas to the best of her abilities, and she had made a positive difference for Kansas and America in the process.

As a member of the Foreign Relations Committee, Senator KASSEBAUM has made a habit of staking out policies that provide to be prophetic. She was instrumental in the policies that helped to move South Africa away from apartheid, and she saw Saddam Hussein as a danger long before many others.

As ranking member and then Chair of the Labor and Human Resources Committee, she had fought to return dollars and decisions to the local levels, remembering the words of her father, Alf Landon, who once said, "There are some smart people in Washington, DC. There are more of them in Topeka."

Although as of tomorrow, I will no longer be NANCY's colleague, I will still be her constituent. And along with all other Kansans, I will take great pride in being able to say for 6 more months—as I have for 18 years—that NANCY KASSEBAUM is my Senator.

TRIBUTE TO SENATOR JIM EXON

Mr. DOLE. Mr. President, I have often said that the people of Kansas and Nebraska share a great deal in common besides a border. We share commonsense values. We share agricultural interests. We share a preference for public officials who say what they will do, and who do what they say.

For the past 26 years—8 in the Governor's office, and 18 here in the Senate—one of Nebraska's preeminent public officials has been JIM EXON.

A small businessman before he entered public service, Senator EXON has devoted a great deal of time to restoring fiscal responsibility to Government. Senator EXON practices what he preaches, regularly returning a substantial portion of his office allowance to the treasury.

Senator EXON has also proposed a budget freeze, and did vote for the balanced budget amendment last year. And Senator EXON knows how much I regret his decision to now oppose that amendment.

Senator EXON and I have disagreed on a variety of issues over the years, but with me—as with every other Senator—JIM EXON was always upfront and to the point.

I join with all my colleagues in wishing JIM and Pat EXON the best as they return to the State they love so much and have served so well.

TRIBUTE TO ROBERT BYRD

Mr. DOLE. Mr. President, during 1987 and 1988, I delivered a series of nearly 300 brief speeches on the Senate floor to commemorate the long history of this great institution.

Each of these so-called Senate bicentennial minutes focused on a significant person, custom, or event associated with the Senate's development during its first two centuries.

The inspiration for this project came from my fellow floor leader during that 100th Congress, Senator ROBERT C. BYRD. Beginning in 1980, Senator BYRD launched an unprecedented series of hour-long addresses to the Senate detailing this body's rich history. The 100-part series was completed in November 1989.

In recognition of this extraordinary achievement, Congress agreed to publish these addresses in four richly illustrated volumes that today are universally known as "Byrd's Senate History."

Senator BYRD has not only written about the Senate's history, he has also

made it. He has set so many major records that he can justly be considered the Cal Ripken and the Michael Jordan of the Senate.

He has held more Senate party leadership offices than any other Member of either party. He has cast more rollcall votes than any Member in history—A record that he continues to break every day the Senate is in session. He has not missed a vote in 12 years, giving him a Senate career voting average of 99 percent.

Finally, ROBERT BYRD is 1 of only 3 Senators in history—that is 3 of 1,827—to have been elected to 7 full 6-year terms.

Not only has he broken all the records, he has also established an example for the rest of us and for the Nation of the best in Senatorial conduct.

ROBERT BYRD's service to the Senate has been characterized by hard work, attention to detail, boundless energy, and intense loyalty.

Mr. President, on October 21, 1988, I dedicated my final bicentennial minute to Senator BYRD and his remarkable contributions as a Senate leader.

And now, on June 10, 1996, my next to last day here in the Senate, I want to repeat the words I said 8 years ago:

> The final chapter in ROBERT BYRD's history is not likely to be written for some time, yet it is safe to say that he has set a standard as a Senator, as a legislative leader, and as a statesman that will stand among the best as long as there is a Senate.

TRIBUTE TO TOM DASCHLE

Mr. DOLE. Mr. President, during my more than 11 years as Republican leader, it has been my privilege to serve across the aisle from three Democrat leaders.

Senator BYRD sat in the leader's chair for 4 of those years, Senator George Mitchell for 6, and Senator TOM DASCHLE for the past year and a half.

When Senator DASCHLE became leader in January 1995, I said then that I had learned that the only way the Senate can run effectively is for the two leaders to have a relationship based on absolute trust.

While Senator DASCHLE and I have disagreed on the vast majority of issues before the Senate, and while he used the Senate rules to the minority's full advantage—just as I did when I was in his position, our relationship has been one of trust and mutual respect.

In fact, Senator DASCHLE has seemed to enjoy the job of minority leader so much, that I have told him one of my wishes on departing the Senate is that he will continue to serve as minority leader for many years to come.

I have also told Senator DASCHLE that serving as a Senate leader when your party holds the While House is oftentimes more frustrating than serving as leader when the opposition party holds the White House. And it is my hope that he will experience those lower frustrations next January.

But I want to thank Senator DASCHLE. We both come from the same part of the country, South Dakota and Kansas, where the weather can do us in, or do the farmers in, which does everybody else in. We both understand the importance of agriculture, but we also understand the importance of other issues that affect our colleagues, whether it is health care or whether it is the WIC Program or food stamps or other things that I worked on a long time ago with another Senator from South Dakota named George McGovern.

So I just congratulate Senator DASCHLE for his great success as the Democrat leader. I thank him for the courtesies he and Linda have extended to me and Elizabeth over the past year and a half. And I wish him the best of luck—not everything he would wish, but the best of luck, particularly when it comes to his own personal work in the Senate and his own personal life.

He does a good job. He works hard. We do not surprise each other. We trust each other; no games. And that is what makes the Senate work.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business with statements permitted not to exceed 5 minutes in length, with Senator HOLLINGS to control 30 minutes and Senator DOMENICI or his designee to control from 1 to 3:30 p.m., the Democratic leader is designated to control from 3:30 to 4:30, and Senator COVERDELL or his designee to control from 4:30 to 5:30.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that we slightly amend the unanimous consent agreement. The distinguished Senator from Massachusetts wants 6 minutes. I ask unanimous consent to yield him the 6 minutes now and that I be granted my full half-hour, until just past 1 o'clock.

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

The Senator from Massachusetts.

Mr. KENNEDY. I thank the Senator from South Carolina for his courtesy.

MEDICAL SAVINGS ACCOUNTS AND THE HEALTH INSURANCE REFORM BILL

Mr. KENNEDY. Mr. President, the insistence of the House Republican leadership on forcing medical savings accounts into the Kassebaum-Kennedy bill has become the Trojan Horse that could destroy health insurance reform.

This untried and dangerous proposal does not belong in the consensus insurance reform bill. It has already been rejected by the Senate. A bill containing it cannot be enacted into law and signed by the President.

The Democrats and the White House have offered a fair compromise, which would provide for a controlled demonstration of the MSA concept to see if it should be expanded. But the House Republican leadership has said that it will be their way or no way. As Majority Leader ARMEY said yesterday, "I will not give up medical savings accounts," and he dared the President to veto the bill.

Senator DOLE is the only one who can break this impasse and persuade House Republicans to abandon their intransigence and pass a bipartisan bill that the President can sign. Senator DOLE clearly understands how important this program is to the American people. When the bill was passed, Senator DOLE said:

> Common sense has finally prevailed. Passage of this bill will not only improve our health care system, it could very well restore the faith of the American public that the work of Congress is not just a series of political stalemates. Even in an election year, we can work on a bipartisan basis to pass legislation that will improve the lives of so many Americans.

Senator DOLE deserves considerable credit for this bill. All of its reforms were also included, in one form or another, in the health insurance bill he introduced in the last Congress. It also includes constructive proposals that he offered for aid to small business, and to help families meet the high cost of long-term care, and to crack down on fraud and abuse in Medicare and Medicaid.

Last week, Senator DOLE said, "I'm afraid if I leave and it's not done, it might not happen." He is right. No one else has the ability to persuade House Republicans to back off their extreme position. If Senator DOLE means what he says, he should postpone his departure from the Senate for a few days and pass this bill. He can do a great deal of good for the American people by staying for a few days and finishing this legislation.

Medical savings accounts are a highly controversial issue that does not belong on this bill except on the basis of a carefully controlled test. MSA's have the potential to severely undermine the current health insurance system that millions of Americans rely on—particularly those with serious illnesses or disabilities.

MSA's are likely to raise health insurance premiums through the roof and make insurance unaffordable for large numbers of citizens. They will discourage preventive care and raise health care costs. They are a multibillion-dollar tax giveaway to the wealthy and healthy at the expense of working families and the sick. Their cost could balloon the deficit.

The Kassebaum-Kennedy bill contains consensus reforms that virtually everyone agrees on. It guarantees that

no American will be denied health insurance or be saddled with exclusions for preexisting conditions because they change their job or lose their job, or because their employer changes insurance companies. It provides help to small businesses that want to join together to negotiate lower insurance premiums of the kind that only large corporations can obtain today.

The bill is truly bipartisan. It passed the Labor and Human Resources Committee 16 to 0, without medical savings accounts. It passed the Senate 100 to 0, without medical savings accounts. It will pass the House of Representatives by a wide margin, if the House Republican leadership will permit it to be offered. But, so far, they continue to insist that if medical savings accounts for the special interests are not added to the legislation, there will be no insurance reform for the American people.

Medical savings accounts sound good in theory. Why not encourage businesses and individuals to buy less costly high deductible health insurance policies and put the premium savings into a tax-free account that can be used to pay routine medical costs? But in this case, what sounds like good medicine in theory is quack medicine in practice.

Medical savings accounts are an idea whose time should never come. Under estimates by the Joint Tax Committee, they are a $3 billion tax break for the wealthy and healthy.

As the Center on Budget and Policy Priorities said, "MSA's create new tax shelter opportunities. Use of an MSA would be highly advantageous to substantial numbers of higher income taxpayers. Low- and moderate-income taxpayers would receive little or no tax benefits from using MSAs, because they either do not pay income taxes or pay taxes at much lower rates." The American Academy of Actuaries concluded that medical savings accounts are "Taking money from the unhealthy and giving it to the healthy." The Joint Tax Committee estimated that only 1 percent of the tax benefits would go to people with incomes of less than $30,000.

If more people enroll in these accounts than the estimates predict, the cost could rise to tens of billions of dollars. The Joint Tax Committee estimated that only about 1 million policies would be sold. But other analysts have estimated that enrollment could be many times higher. Those who are loudest in their clamor to reduce the deficit are willing to waste vast sums on this destructive, special interest boondoggle. If we have billions of dollars to spend on health care, we should spend them on reducing the cost of coverage for hard-working American families or on deficit reduction—not on a perverse scheme to transfer benefits from the poor and the sick to the healthy and the rich.

The most troubling aspect of medical savings accounts is the risk that they will destroy the health insurance pool, and price conventional insurance out of the reach of most American families. Medical savings accounts raise premiums for the vast majority of Americans—especially those who are sick and need coverage the most—by siphoning the healthiest people out of the insurance pool. As premiums rise for everyone else, more and more working families will be forced to drop coverage. In the words of the Congressional Budget Office, medical savings accounts "could threaten the existence of standard health insurance." Mary Nell Lenhardt, senior vice president of Blue Cross and Blue Shield concluded that MSA's destroy "the whole principle of insurance."

The Urban Institute found that, even under conservative assumptions about how many people would use medical savings accounts, the premiums for comprehensive policies could increase by 62 percent. If employers chose to contribute only the cost of the MSA, the worker's share of the premium for a comprehensive policy would rise by 300 percent.

American families who choose medical savings accounts could be exposed to financial crisis if someone in the family becomes seriously ill. As the American Academy of Actuaries said, "individuals and families who experience significant medical expenses soon after the establishment of MSA programs will face high out-of-pocket costs. These high out-of-pocket costs will not be randomly distributed. They will be concentrated among older workers and their families and among those with disabilities and chronic illness." The last thing that the American people need—especially those who need health care the most—is another massive increase in the cost of medical care.

Because they encourage high deductible plans, medical savings accounts discourage preventive care. According to the Congressional Research Service, the high deductible plans that come with MSA's mean that poor children are 40 percent less likely to get the care they need, compared to fully insured children. Abandoning preventative care is the wrong direction for health policy.

Medical savings accounts are also a giveaway to the insurance companies who have the worst record of profiting from the abuses of the current system. It is no accident that a company like the Golden Rule Insurance Co. favors medical savings accounts. This company is ranked near the bottom by Consumer Reports because of its inadequate coverage, frequent rate increases, and readiness to cancel policies.

When the Golden Rule Insurance Co. withdrew from Vermont because it was unwilling to compete on the level playing field created by the State's insurance reform, Blue Cross and Blue Shield took over the policies. They found that one in four policies included controversial extensions. Sometimes, arms, backs, breasts, and even skin were written out of coverage. Newborns were excluded unless they were born healthy.

The Republican medical savings account plan includes no provisions to prevent abuses like these. Although MSA's are billed as providing catastrophic protection, there are no prohibitions on unreasonable life-time limits, or excessive copayments when the deductible level is reached. The $3,000 per family deductible level in the bill is a minimum—not a maximum. Companies can establish a much higher level—a $5,000 or $10,000 deductible for example.

The Golden Rule Insurance Co. has refused to share any data about its plans with the American Academy of Actuaries or other impartial analysts. Golden Rule knows that medical savings accounts can't stand the light of day.

Further, Republicans are also anxious to include MSA's in the insurance reform bill, because MSA's are part of their longrun plan to dismantle Medicare and turn it over to private insurance companies. Tactics like that have no place in a consensus insurance reform bill.

Proponents of MSA's make a number of claims about the merits of medical savings accounts—but these claims can't stand the truth-in-advertising test. One major false claim is the allegation that the savings on the premium of a high deductible policy will pay for a medical savings account covering the entire deductible.

The Urban Institute concluded that for an individual policy with a deductible of $2,000, the savings to the employer that would be a meager $251—leaving you exposed to $1,749 in medical costs if you became seriously ill.

The American Academy of Actuaries compared a family comprehensive plan to an MSA with a deductible of $3,000 and found that the family would be exposed to $1,800 in costs before reaching the deductible limit.

Nothing in the Republican plan requires the employer to give all of the savings to the employee. Nothing requires the deductible to cap your liability. The insurance company could continue to charge a 20-percent or even a 50-percent copayment. In fact, they would not be required to have any limit at all on your out-of-pocket payment.

Another claim of the proponents of medical savings accounts is that they would reduce costs because people would shop around for the best care, and wouldn't go to the doctor for trivial illnesses. Every family knows that

when someone is sick, the last thing on their minds is going from doctor to doctor to see who will charge the least. No family wants to be in the position of trying to decide whether chest pains or any other symptoms are something that will pass, or something that needs medical care immediately.

Proponents of MSA's try to justify this claim by relying on the Rand health insurance experiment of the 1970's. Joe White of the Brookings Institution points out that, in fact, high deductibles had the effect of reducing necessary care just as much as unnecessary care. People who are sick are not responsible for the high cost of care—health care. Providers are.

Those who support medical savings accounts also say they increase portability by giving you money to spend on health care while you are between jobs. That assumes there will be something in your savings account when you leave your job—and that won't be true for anyone with significant health problems. With hospital costs running $1,000 a day or more, no one can afford the cost of care without insurance. The Kassebaum-Kennedy bill is designed to guarantee access to coverage to people who leave their jobs—but it won't become law if medical savings accounts are attached to it.

Advocates also say that MSA's increase choice, but the American people know better. The choice to pay thousands of dollars for health care you need but cannot afford because of a high deductible is no choice at all.

In addition, Republican proponents of medical savings accounts note that some Democrats have changed their position since the last Congress. The fact is that MSA's have received much more analysis in recent years, and the pitfalls are better understood. I voted against them both times they were offered in the Labor and Human Resources Committee. In the past, President Clinton said that they are something we might explore and experiment with but he has never supported their widespread adoption. Democrats who supported them in the context of comprehensive health reform understood that they would be an add-on to comprehensive coverage with effective cost-control, not a substitute. In fact, the sense of the Senate resolution approved by the Labor and Human Resources Committee on the Health Security Act in 1994 specifically said that they were to be used "in conjunction with the comprehensive benefit package" established by the bill.

Few respectable health policy analysts support medical savings accounts under today's conditions. Editorials in the Washington Post, the New York Times, the Los Angeles Times, and the Boston Globe have condemned them.

Most important, the people who need good coverage are strongly opposed to this program. The major organizations representing consumers, the elderly, the disabled, and working families have vehemently condemned them. Who is best capable of speaking for the interests of American families and who need health care—these organizations, or the Golden Rule Insurance Company?

Most Republican leaders know that Americans want the consensus reforms in this bill and have little interest in medical savings accounts. That is why Representative KASICH said, on March 24, "We will not let medical savings accounts destroy the ability to give people portability and eliminate pre-existing conditions." He made a similar statement yesterday.

On March 29, Speaker GINGRICH said he would not let medical savings accounts stand in the way of a Presidential signature.

But actions speak louder than their words. The House Republican leadership has been unwilling to accept the fair compromise that the President and Democrats have offered on medical savings accounts. And now Republican House Majority Leader ARMEY has made it clear that the Republican strategy is to force the President to veto the legislation, and then try to blame him for the failure to enact the consensus reforms the American people need and deserve.

Whether the issue is tax fairness, preservation of comprehensive health insurance for the vast majority of Americans, or the special interests versus the public interest, medical savings accounts are bad medicine for our health care system. They are a poison pill that will kill health insurance reform. The President has offered a reasonable compromise—but he cannot fulfill his obligation to protect the health and welfare of the American people by swallowing this Republican poison pill.

Senator DOLE understands the importance of insurance reform. Two years ago, on August 17, 1994, he stated on the floor of the Senate, "We will be back. . . . And you can bet that health care will be near the top of our agenda. . . We ought to take all the common parts of these plans, put them together and pass that bill." A week later, he identified the components of reform that he thought were most important. He said, "My second suggestion is one that I have made for almost a year and a half. That we pass into law provisions to help those Americans who cannot afford insurance, who cannot get insurance because of pre-existing conditions, or who cannot keep insurance due to a job change."

Medical savings accounts were not on Senator DOLE's list then, and they should not be on his list now.

Senator DOLE is planning to leave the Senate tomorrow. But he can do the American people an immense service if he will put off his departure for a few days and help pass this bill. He knows how important this bill is. He knows that his participation is essential if House Republicans are to be persuaded to accept a reasonable compromise. I hope he will act now to end this shameful gridlock and give the American people the health reforms they deserve.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. HOLLINGS. I thank the distinguished Chair.

BALANCED BUDGET

Mr. HOLLINGS. Mr. President, let me revise my original topic. Because the distinguished majority leader is leaving, I want to talk in that context.

When Senator DOLE first came to the U.S. Senate, I had recommended Clement Haynesworth for the U.S. Supreme Court. My distinguished senior colleague had recommended another individual for that post, and I was looking to the Republican side for leadership in support of the Haynesworth nomination. The then distinguished junior Senator from Kansas, who had recently arrived in the Senate, was very, very helpful to this Senator from South Carolina.

Let me get right to the point, Mr. President. I have the greatest respect for Senator DOLE. The fact is that when we had the recent Republican primary in my State of South Carolina, I was asked to give my thoughts regarding who I thought was the best candidate in the Republican field. I categorically replied that of those vying for the Republican nomination, the distinguished Senator from Kansas, Senator DOLE, could handle the job, and there is no doubt in my mind that he could.

I think his difficulties arise from the crowd he has to carry with him, which gets right to the point of this so-called balanced budget amendment to the Constitution.

On last week, the distinguished majority leader said:

> We tried to reach out to those Senators to ensure Social Security surpluses can never again be used to mask deficit spending. I believe that after a suitable phase-in, the Federal budget could be balanced without counting the surpluses in the Social Security trust funds.

Mr. President, that is a remarkable statement, in light of the history of Social Security and the Social Security trust fund.

Specifically, in 1983, the distinguished majority leader served on the Greenspan Commission which was charged with rescuing Social Security. The Greenspan Commission recommended that after a certain period of time—which later that year was agreed to be 1992—Social Security should be off budget. We now talk in

the context of Presidential campaigns and children and grandchildren. But the same was true some 13 years ago, when the majority leader, himself a member of the Greenspan Commission, issued its report and said, "Let's put Social Security off budget."

Thereafter in 1990, I offered a resolution before the Senate Budget Committee that removed Social Security outlays and receipts from deficit calculations. By a vote of 20 to 1, the Budget Committee adopted my amendment.

When it reached the floor, I teamed up with the former distinguished Senator from Pennsylvania, Senator John Heinz, and on October 18, 1990, saw the full Senate adopt our amendment by a vote of 98 to 2. We said, Social Security should not be used to obscure the size of the deficit, that it should be off budget and that it should never be included in any reporting of the deficit whether by the President or by Congress.

The distinguished Senator from Kansas voted for that amendment. And on November 5, 1990, President George Herbert Walker Bush signed it into law. Today it stands as section 13301 of the Congressional Budget Act. So much of the confusion over the budget is brought about by the failure of politicians to respect this law. This is true even though the continuing validity of the law has since been reconfirmed several times, by Senator DOLE and Senator HOLLINGS and others.

So I say when the distinguished majority leader says, "We tried to reach out to those Senators to ensure that the Social Security surplus can never again be used to mask deficit spending"—that is already the law. It is required. They act like the constitutional amendment would give us something new. The truth is, Mr. President, that the constitutional amendment trumps and repeals the existing law. That is why we did not get the votes for the balanced budget amendment.

Here is House Joint Resolution 1. The language in section 7 clearly includes Social Security trust funds in deficit calculations. It states, "Total receipts shall include all receipts of the United States Government except those derived from borrowing."

But the Government not only borrows from the public markets but also from the Social Security trust fund. As a result, at least five Senators have said, "You have got our votes if you spell out the exclusion of Social Security trust funds from deficit calculations." If we had included such language, we could have easily passed the amendment.

But the majority leader paints a different picture. That somehow or other we need a constitutional amendment that repeals the protection that we already have in the law. That is where I differ with the distinguished leader. He knows and I know that there are three stages of denial with respect to the Social Security trust fund, as my distinguished friend, Senator DORGAN, has pointed out. First, the statement is made that there is no Social Security trust fund; second, that there is one, but we are not spending it; and, third, there is one, we are spending it, but we will stop in the future.

Therein is the source of the intentional confusion that is being perpetrated on the American public. They know it, and I know it. That is why I wanted to come and correct the record, particularly with respect to the statements made by the chairman of the Budget Committee, Senator DOMENICI, and recent statements made in the press.

Let me just allude to "Clinton's Budget Game," by David S. Broder in the Washington Post, dated Sunday, June 9, 1996.

Mr. President, I ask unanimous consent that this particular editorial be printed in the RECORD in full.

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

[From the Washington Post, June 9, 1996]

CLINTON'S BUDGET GAME

(By David S. Broder)

A recent exchange between Sen. Christopher (Kit) Bond (R-Mo.) and Secretary of Veterans Affairs Jesse Brown casts a clear light on the reality behind the partisan rhetoric of the past week's budget debate.

Bond is chairman of the appropriations subcommittee that handles the VA budget. He was grilling Brown on President Clinton's budget proposal for veterans' health care and hospitalization. For next year, Bond noted, Clinton is urging a level of spending for this politically important constituency more than $1 billion higher than it was in 1995. But in the following two years—after the election—Clinton's budget would cut that spending from $17 billion down to $14 billion, and then slice it further.

How can you meet your obligations to veterans under that budget? Bond asked. "Sen. bond, we cannot," Brown replied. If funding were to remain flat (as Republicans have proposed), "it would force us to deny care to about a million veterans and it would force us to close the equivalent of 41 hospitals. So obviously . . . we will not be able to live with the red line" showing the postelection cuts suggested by Clinton.

And then Brown made this eyebrow-raising statement: "The president understands that. I talked with him personally about it and . . . he gave me his personal commitment that he was going to make sure that the nation honors its commitments to veterans and that he will negotiate the budget each and every year . . . with the veterans of the nation."

Bond: "So you are saying that these outyears mean nothing. It is all going to be negotiated in the future, so we should not worry about the president's budget plan. . . . You are not planning to live with that budget?"

Brown: "I am not planning to live with it. I am not planning to live with your budget . . . nor am I planning to live with the president's line."

Bond: "You do not work for us. You work for the president. You are saying that you do not like our budget, but you know that his budget does not mean anything."

After this remarkable exchange, Bond made similar inquiries of the director of another huge agency, Dan Goldin of NASA. He too said that White House budget officials had told him to make no plans based on the sharp cuts indicated for future years in Clinton's budget. As Goldin put it, "the White House has instructed us to take no precipitous action on out-year budgets, and we are taking them at their word."

To Bond and other Republicans, this looks suspiciously like a shell game. The president has told Congress and the country that he can achieve a balanced budget by 2002, without the serious savings in Medicare and Medicaid that Republicans have proposed. At the same time, he has said that he can keep spending in five or six priority areas at least even with inflation.

He can do all that, he has said, by cutting "less important" spending. Veterans and space budgets are not on his priority list. But the men running these programs say they have assurances that the numbers the White House has given Congress are just paper figures—not mandates to prepare for belt-tightening.

White House Budget Director Alice Rivlin has assured Bond and his colleagues—and then tried to convince me—that there is no contradiction. "Simply put," Rivlin wrote Bond, "the president is committed to the discretionary savings needed to help reach balance in 2002 . . . but will continue to revisit decisions about specific programs one year at a time."

"Nobody is cheating," Rivlin insisted in an interview with me.

"I don't think it washes," Bond said. "It's not an honest budget."

Two things are going on here. Clinton, in his desire to dodge serious cuts in politically popular programs such as Medicare and Medicaid, while promising more spending for education, the environment and law enforcement, is projecting cuts in other programs that are so severe they will be very hard to achieve. That is why people like Brown and Goldin say the cuts are unimaginable.

And second, in order to postpone the pain, Clinton is telling not just the constituents of the endangered programs but their managers that they will have plenty of opportunities in future years to stave off the cuts.

That may not be "cheating," as Rivlin says, but it is playing a game that is too clever by half. Balancing the budget means making tough choices. Clinton is postponing those choices and—by giving people the sense that the goal can be reached without giving up anything that is important—making it that much harder when the crunch comes.

Mr. HOLLINGS. The most objective, most analytical journalist and editorialist that we have writing talks about a budget game. He argues that the "President's budget is suspiciously like a shell game," quoting the distinguished Senator from Missouri, Senator BOND as saying, "It is not an honest budget."

Then let me quote Mr. Broder's words further down.

That may not be cheating, as Rivlin says, but it's playing a game that is too clever by half. Balancing the budget means making tough choices. Clinton is postponing those choices, and by giving the people the sense that the goal can be reached without giving up anything that's important.

Heavens above. Have we just discovered these budget games? Is the Clinton budget the only one deserving of blame? Just look at the Republican budget. Look at the Bush budgets. Look at the Reagan budgets. Look at the Carter, Ford, and Nixon budgets. We have not had anything but a shell game since Senator Lyndon Baines Johnson balanced the budget back in 1968–1969.

The press—Mr. Broder and others—continually refer to the Republican budget as balanced, but the facts say otherwise. I have in my hand the document itself, the fiscal year 1996 budget resolution conference report. That is what Mr. DOLE says is balanced. "Last year we passed the first balanced Federal budget in a generation." Absolutely false. And they know it.

On page 3 of their own conference report, it shows in black and white that the expected deficit in the year 2002 is $108,400,000,000. And over on page 4, the debt increases in the year 2002—the year of supposed balance—by $185,100,000,000.

How can they talk about a balanced budget when on the face of the document itself it shows a $108 billion deficit? The distinguished majority leader has to know better when he says, "Last year we passed the first balanced Federal budget in a generation." It is absolutely false.

Let me take one other particular statement, because the distinguished leader is, of course, the Republican candidate for President. We are so quick to accuse the other of not leading. In fact, Senator DOLE says that the balanced budget amendment demonstrates that the President lacks leadership. I quote again:

> President Clinton's opposition continues to be the single largest obstacle standing in the way of a balanced budget amendment to the Constitution.

I have not heard anything from President Clinton or the White House concerning the balanced budget amendment. But then again I happen to know that the single greatest obstacle to a balanced budget amendment is the intransigence of the Republican leadership with respect to not protecting the Social Security trust fund.

Because my time is limited, let me say a word about deficits and refer immediately to another article.

Mr. President, I ask unanimous consent to have printed in the RECORD the article in full, the "Ace in the Hole" by John Cassidy in the recent New Yorker magazine dated June 10, 1996.

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

[From the New Yorker, June 10, 1996]

ACE IN THE HOLE

(By John Cassidy)

It was James Carville, Bill Clinton's fast-talking political consultant, who in 1992 put up a now famous handwritten sign at the Little Rock campaign headquarters saying, "The Economy, Stupid." Actually, as Carville reminded me recently, the sign also contained two other statements—"Change vs. more of the same" and "Don't forget health care"—but it was the first one that captured the moment. Indeed, were it not for the economic malaise that gripped the country in late 1991 and early 1992 we might now be discussing a Quayle-Gore Presidential race.

This time around, the economy looks different, which is excellent news for the White House, although it tends to be overshadowed by more dramatic stories, such as the recent Whitewater convictions. A glance at history confirms the point. Of the sixteen occasions over the past century in which sitting Presidents have run for another term, just five incumbents lost: Taft, Hoover, Ford, Carter, and Bush. The elections of 1912 and 1976 must be seen as anomalies—thanks to Teddy Roosevelt's Bull Moose campaign and Richard Nixon's Watergate coverup, the incumbent Republican Party self-destructed in those years—which leaves 1932, 1980, and 1992, all years of financial gloom. In 1932 and 1980, the economy was actually in a slump, and in 1992 it was just emerging from a recession the previous year.

Despite some suggestions to the contrary—notably by the Heritage Foundation, a conservative think tank—this year cannot be compared with 1992, let alone 1980 or 1932. In the first quarter of 1996, inflation-adjusted growth in national output, which is the broadest index of economic performance, was 2.3 per cent on an annualized basis; over the full course of the Clinton Administration, such growth has averaged around 2.5 percent a year. This record is about average for the post-1973 era but well above the growth rate of 1.6 per cent eked out during the Bush Presidency. A number of other measures also suggest that the economy is doing significantly better than it was four years ago: two of the most widely followed are the "misery index," which is the rate of inflation added to the rate of unemployment, and the size of the federal budget deficit.

At the moment, the unemployment rate is 5.4 per cent, and the inflation rate is 2.9 per cent. Added together, these numbers produce a misery index of 8.3, which is an extremely low number. The last year it was lower was 1968, when the unemployment rate was 3.6 per cent and the inflation rate averaged 4.2 per cent. For much of the nineteen-seventies and eighties, the misery index was well into double digits. As recently as 1992, it stood at 10.4.

Perhaps the most important, and least heralded, achievement of the Clinton Administration is the improvement it has wrought in the national finances. According to the Congressional Budget Office, the federal budget deficit for the 1996 fiscal year, which began last October, will be about $145 billion. This is a large number, but it is only half the size of the deficit that the federal government recorded in 1992, which was $290 billion. And these raw numbers don't tell the full story. In ranking budget deficits, economists usually look at them in relation to the size of the economy. Measured in this way, the federal deficit this year will be about 1.9 per cent of the gross domestic product, according to the C.B.O. This figure is down from 4.9 per cent in 1992; indeed, it is the lowest such figure recorded since 1979, the year before Ronald Reagan was elected, when the budget deficit was just 1.7 per cent of G.D.P.

Statistics like these are what prompted President Clinton to make the recent claim, which had all the earmarks of election-year hyperbole, that the United States economy is "the healthiest it's been in three decades." Surprisingly, the President is not the only one making such apparently outlandish statements. In March, DRI/McGraw-Hill, a leading firm of economic consultants, issued a report saying that "normal economic indicators" suggest that the economy "is in its best shape in decades." When I asked David Wyss, the Harvard-trained economist who is the research director of DRI/McGraw-Hill, how he came to make that statement, he explained, "If you look at the economy during the Clinton Administration, you have to say that it's been a success. We have low inflation, full employment, and steady growth. This is really just about the best of all macroeconomic worlds."

To understand how the present economic situation came about, we must go back to a winter morning in Little Rock thirteen days before the Inauguration. On that day, January 7, 1993, the President-elect's entire economic and political team gathered in the Arkansas Governor's Mansion. Leon Panetta, the prospective White House budget director, presented the Bush Administration's final forecast, which had just been released in Washington. It predicted a budget deficit of $305 billion for 1997, an increase of $70 billion over previous estimates. Panetta believed the actual figure could be as high as $360 billion.

By the end of that January day, after six hours of discussions, the nascent Administration had agreed on a course of action that would define the forty-second Presidency. Clinton had been elected on a potentially contradictory platform of tax cuts for the middle class, faster economic growth, and budget-deficit reduction; in Little Rock he decided to sacrifice the first promise and prejudice the second in order to achieve the third.

The result of this decision, following eight months of intense political struggle, was the Omnibus Budget Reconciliation Act of 1993, which pledged to reduce the budget deficit by a total of about $500 billion over four years. This would be achieved through a program of about $250 billion in spending cuts and about $250 billion in tax increases.

Given the centrality of the 1993 budget act to the Clinton Administration's record, it is surprising how little attention has been paid to its results. Even some people in the White House are reluctant to discuss the subject, for fear of reminding voters of the 1993 tax increases. This is odd, because the story that has not been told is that the deficit-reduction policy turned out to be far more successful than even its authors had dared hope—a point made to me by Alan Blinder, a Princeton economics professor and a former vice-chairman of the Federal Reserve Board, who was a White House economic adviser during 1993 and 1994. "The real story is that a calculated risk was taken, and in this case it turned out far better than anybody had any reason to expect," Blinder said. "There are plenty of gambles in life that don't turn out well. This is one that turned out extremely well."

It is easy to forget how controversial the deficit-reduction policy was in 1993, even within the White House. Two books about the first year of the Clinton Administration—Bob Woodward's "The Agenda" and Elizabeth Drew's "On the Edge"—portrayed a government driven by internal dissension. At various points during that year, Hillary Clinton, George Stephanopoulos, Paul Begala, Stan Greenberg, and Mandy

Grunwald all expressed serious doubts about the deficit-reduction strategy. Begala, in particular, complained repeatedly that the White House was "obsessed" with the budget. Even the President himself had mixed feelings. According to Drew, he considered deficit reduction a "rich man's issue," and Woodward says he several times referred to his own budget plan as "a turkey."

The Woodward and Drew books were solid works of reporting, but both essentially stopped at the end of 1993, when the budget act had become law. In terms of how the deficit-reduction policy actually affected the economy, the story only begins then.

The biggest danger back in early 1993 had been that the budget package would tip the economy into another recession. As anyone who suffered through Econ 101 will recall, raising taxes and reducing government spending both tend to reduce the over-all level of demand for goods and services in the economy. President Clinton is a lawyer, not an economist, but he knew enough about the dismal science to see a potential fiasco in the making. "You have to remember that the economy was perceived to be very fragile back then," Gene Sperling, a senior White House economic adviser, recalls. "There was lots of talk about the possibility of a double-dip recession. The President's initial reaction was: If I call for a major fiscal contraction, won't there be a recession?"

At the same time, Republican leaders in Congress were warning of imminent disaster. "I believe this will lead to a recession next year," Newt Gingrich declared following the House vote on the budget package, which ended in a nerve-racking 218-216 victory for the President. "This is the Democrat machine's recession, and each one of them will be held personally accountable."

Even some of the President's economic advisers were worried about the possible impact of the planned spending cuts and tax increases. The economic models they relied on suggested that another slump was unlikely, but the models could not rule out a "growth recession" of the sort that so damaged the Bush Administration. Despite their private fears that history might repeat itself, the economic advisers argued that deficit reduction was the right thing to do—on both theoretical and practical grounds.

The theoretical argument was one that mainstream economists had been making ever since 1981, when Ronald Reagan's tax cuts put the economy on the path to fiscal chaos: budget deficits lead to higher interest rates and lower business investment, and lower investment, in turn, restricts productivity growth and technical progress, which are the keys to future prosperity. Laura D'Andrea Tyson, the Berkeley professor who headed the White House Council of Economic Advisers, repeated this argument to Clinton but coupled it with a more immediate argument: budget deficits not only do long-term damage but can lead to disastrous financial panics in the short or medium term, and these panics, which have stricken many developing countries, occur when investors lose faith in the political system.

From the perspective of mid-1996, it may sound unrealistic to suggest that the United States Treasury could ever experience such a crisis of confidence, but back in 1992 perceptions were different. In the twelve years since Reagan's election, the amount of outstanding federal debt had risen, from $909 billion to more than $4 trillion. Even allowing for growth in the economy, that rise was dramatic. The total federal debt as a percentage of G.D.P. had risen between 1980 and 1992 from 34.4 per cent to 67.6 per cent, and it seemed to be on an inexorable upward trend. "We all attached some not insignificant probability to a scenario of financial-market instability if we didn't take a credible position on the deficit," Tyson told me. "Given the growth of total debt relative to output, there really was a danger that at some point—nobody could know when—the United States could hit a confidence problem."

Bill Clinton didn't need much convincing that budget deficits were bad, but he did need a good deal of reassurance that doing something about them wouldn't wreck his chances of reelection. In making a practical case for deficit reduction, his advisers relied primarily on one of the institutions that the Democratic candidate had railed against in his populist attack on the Reagan-Bush years; the Wall Street bond market.

Their argument was that deficit reduction needn't necessarily be a drag on the economy, as Econ 101 models suggest, because these simple models ignore the effect a credible fiscal plan can have on the bond market. If bond traders could be persuaded that the planned budget cuts were real, they would bid down long-term interest rates, and the decline in rates would provide a boost to the economy which would at least partly offset the proposed higher taxes and lower government spending. The key thing to understand, as the experts explained to the President-elect, was that the long-term interest rate is determined not by the government but by the bond market; in fact, it is basically equal to the nominal coupon on a thirty-year bond divided by the bond's market price, so anything that raises bond prices also reduces long-term interest rates. There was a sequel to the story. If, in addition to the favorable bond-market reaction, the Federal Reserve's response to the budget package was to cut short-term interest rates, which are under its control, then deficit reduction might not slow the economy at all.

When this scenario was laid out for the President-elect in Little Rock, it did not go down well, as Woodward recorded: "At the President-elect's end of the table, Clinton's face turned red with anger and disbelief. 'You mean to tell me that the success of the program and my reelection hinges on the Federal Reserve and a bunch of —— bond traders?' he responded in a half whisper. Nods from his end of the table. Not a dissent."

Clinton's advisers were well aware that relying on the bond market was a high-risk strategy: traders might ignore the budget package, or dismiss it as another Washington gimmick. "We all believed in the direction of the argument, but even the models themselves were uncertain about the size of the effects and how fast they would occur," Tyson recalls. "There was a range of estimates."

In order to provide an alternative short-term stimulus to the economy, the White House proposed an immediate $16 billion program of public investments. "People called it old-fashioned Democratic spending, but it was really done as an insurance policy," Sperling explains. Congress killed the stimulus package, however, leaving the advisers in the White House even more beholden to Wall Street, a place few of them knew well.

The one senior official who knew a lot about bond markets was Robert Rubin, the head of the newly created National Economic Council, for he had only recently left Goldman, Sachs, the highly profitable investment-banking and securities firm, after twenty-six years. Rubin, who later succeeded Lloyd Bentsen as Treasury Secretary, was a passionate believer in deficit reduction; indeed, he saw it as a "threshold issue," which had to be dealt with before anything else positive could happen to the Administration. But even he was far from certain how his former colleagues would react to the budget package. "We'd seen a long period during which the political process had not dealt with the deficit," Rubin explained to me recently. "Given the very high level of skepticism in the markets about the willingness of the system to make tough decisions, it was unclear how long it would take before the market gave us credit for deficit reduction. There was at least the possibility that the skepticism would last much longer than we projected, in which case it could have upended our program."

In the event, the bond market's reaction to the Clinton fiscal plan was remarkably positive. In the twelve months following Clinton's election, long-term interest rates tumbled from 7.75 per cent to a low of 5.78 per cent—the lowest level since the Treasury started selling thirty-year constant-maturity bonds, in 1977. After spiking up sharply in 1994, as the Fed raised short-term rates, long-term rates fell back down, and they have stayed low ever since. At the moment, they are still under seven per cent, which is remarkable for an economy that is in its fifth year of recovery, with unemployment at 5.4 per cent.

It is one of the richest ironies of recent years that the much maligned bond traders, acting entirely in their own interest, bailed out a Democratic Administration that was fighting to raise their marginal tax rates sharply. In the White House, officials watched the action on Wall Street with surprise and delight. "The markets gave credibility to this program more rapidly than folks had expected—and, frankly, more rapidly than I had expected," Rubin says. Even Blinder, who had presented the bond market argument to the President-elect in Little Rock, was stunned. "I never thought we'd get the bond rate down to 5.8 per cent," he now admits. "I don't think any of us thought it would get that low. If you'd polled economists back then and said we're going to drive the long-term interest rate below six per cent, I don't think one in a thousand would have believed you."

With interest rates so low, the economy grew at a rate that made a mockery of the Republicans' dire predictions. In 1994, the first year the deficit package started to bite, the economy expanded by a healthy 3.5 per cent. In 1995, growth fell back to two per cent, but current indications are that it will be back around 2.5 per cent this year.

The easiest way to trace the impact of the falling interest rates is to look at the path of investment, the type of spending most responsive to the cost of credit. Business investment has grown by eleven per cent a year since 1993, which, as Tyson points out, is the highest rate of growth since the Kennedy Administration. As a percentage of G.D.P., investment rose from 12.7 per cent in 1992 to 14.8 per cent in 1994. Much of this extra capital spending has gone into high technology, and especially into computers and telecommunications equipment—areas in which American companies now lead the world. Whether this upturn in investment will lead to a higher rate of productivity growth throughout the economy is unclear—the results so far are somewhat disappointing—but it is precisely what economists of all political hues have been recommending for more than a decade. "I remember saying

very clearly in the first year that what this is all about is shifting resources toward interest sensitive private spending," Tyson says. "That is exactly what has happened."

Bob Dole's difficulties in constructing an effective critique of Clinton's economic policies are obvious. (After building a considerable reputation for fiscal rectitude in the Senate, he is now said to be mulling throwing it away by proposing an across-the-board reduction in income-tax-rates.) As a matter of logic, the Republicans have only two alternatives: to say that things are not as good as they seem or to say that things are as good as they seem but Clinton has nothing do with it. Earlier this year, Dole seemed to be veering toward the first approach. Speaking in New Hampshire on February 13th, he said, "Corporate profits are setting records, but so are corporate layoffs. And middle-class families feel less and less secure about the future. There is a wide and growing gap between what the government's statistics say about our economy and how American families feel about it."

It struck me that these words could have been spoken by Carville, by his colleague Begala, or by Labor Secretary Robert Reich. All of them have put a similar argument to me in recent months, and there is clearly some truth in it. Wage for middle-income households have been stagnant since the mid-nineteen-seventies, and the over-all inequality of income and wealth has risen sharply. These long-term problems have not been solved by the Clinton Administration, and they will continue to plague the country long after November's election. The sad fact is that they are so deeply rooted in the way capitalism is evolving that no Presidential candidate—and certainly not a Republican believer in laissez-faire—is in any position to offer a credible remedy in just four years.

Thus, it was always going to be problematical for Dole to pursue a Reichian line for long. Predictably, once a Pat Buchanan was safely in his rearview mirror he eased up on the populist pedal. There may be sound political as well as personal reasons for his switch of tactics. Although the country does face serious problems, there is evidence that most Americans are more upbeat about the economy than Buchanan believes they are. This spring, Frank Newport and Lydia Saad, two top editors of the Gallup poll, published a little-noticed article in *The Public Perspective* addressing the widespread belief that the electorate is still in a funk about the economy. Their conclusion: "When compared to four years ago, Americans' current take on the economy and their personal finances is noticeably bright and certainly suggests that . . . incumbent Bill Clinton is in a much better position vis-a-vis reelection than was George Bush four years ago."

At least three of Gallup's findings are worth mentioning. In January of this year, just fourteen per cent of those polled—down from forty-two per cent in 1992—identified the economy as the most pressing problem facing the country. In March, when Gallup asked people to describe business conditions in their own community, seventy-one per cent said local conditions were "good" or "very good"—a number as high as any recorded since 1961. In the same poll, fifty per cent said they were financially better off than a year previously—up from twenty-nine per cent in June of 1993. In interpreting this finding, Newport and Saad wrote, "Americans are as likely to claim that they are 'better off financially' than they have been at any point at which the comparable questions have been asked since 1976."

If doom and gloom won't work against Clinton, what will? One person who might have the answer is Martin Feldstein, a Harvard professor of economics who was the chairman of the Council of Economic Advisers under Ronald Reagan. Feldstein, who is acting as an informal adviser to Dole, recommends the second option open to the Republican candidate: admit that the economy is doing well but tell the voters that Bill Clinton has nothing to do with it. Shortened to two words, Feldstein's argument could be expressed like this: Alan Greenspan.

"I think that the good performance of the economy can be attributed primarily to the Federal Reserve," Feldstein told me recently from his home, in Belmont, Massachusetts. "Having set the goal of low inflation back in the early nineteen-eighties, they have really stuck to it. That is the principal reason interest rates have come down, and why we have had this long recovery. If you put Saddam Hussein aside, we've been in recovery since 1982. That's where I put the credit, rather than in the tax bill of 1993."

According to Feldstein, whose ideas are likely to figure prominently in Dole's campaign, the lower interest rates induced by Greenspan's policies can also explain most of the budget-deficit reduction that has taken place in the past three years. "If you take the reduction from $290 billion to $145 billion this year, Bill Clinton can indeed say he cut the deficit in half as promised," Feldstein said. "But you can actually explain most of that by the recent decline in unemployment and the rise in economic activity. Only about forty billion of the deficit reduction has been structural."

To support his case, Feldstein and a colleague recently published a research paper arguing that the 1993 tax increase on high-income earners raised less than half as much revenue as the Treasury Department had predicted. The paper covered only the 1993 fiscal year, and the Treasury responded by arguing that the tax shortfall was only temporary, but Feldstein says he is confident that when the data become available the same result will hold up for later years. "In my experience with tax changes, people who don't want to believe the results always say they are temporary," he said.

Feldstein's arguments are open to question, particularly his explanation for the sharp fall in interest rates. It is true that the Fed has been pursuing a counter-inflation policy since the early years of Paul Volcker's reign as chairman (1979–87), but long-term interest rates did not dip below seven per cent until early 1993, when the Clinton deficit-reduction package appeared likely to become a reality. At that point, Greenspan had not altered short-term interest rates in almost two years.

Alan Blinder, the former Clinton adviser, points out that when the President's deficit-reduction program was being discussed, long-term interest rates fell by two percentage points even as the Fed was holding steady. "Furthermore," he adds, "you could see that the cadence of the fall had to do with the budget package. In the late spring and early summer, when the budget looked shaky, interest rates stopped falling. Then the budget passed in August and interest rates plummeted."

Officials in the White House were well aware of how closely their actions were being monitored in the bond market. On one occasion, Lloyd Bentsen suggested on "Meet the Press" that the deficit-reduction package might include an energy tax, as it eventually did. The very next day, bond prices soared, and interest rates dropped to a six-year low. Bensten was so impressed by the market reaction that he clipped a report from the Wall Street Journal and read it aloud at a meeting of the National Economic Council, in the Roosevelt Room.

Feldstein's dismissal of the budget deficit as not being "structural" is also questionable. When professional economists speak of "structural budget deficits," they are not referring to the deficit number that dominates public discussion. The publicly discussed deficit number goes up during economic downturns, when tax payments fall, and down in boom times, when tax payments rise. Structural deficits, by contrast, are calculated by stripping out these cyclical effects, so that the underlying relationship between taxes and spending can be seen regardless of where the economy is positioned in the economic cycle. According to Feldstein, the structural deficit has dropped by at most $40 billion since 1992, and most of the $145 billion fall in the over-all deficit is due to the economic upturn.

An independent arbiter, the Congressional Budget Office, which regularly estimates the structural deficit, found otherwise. According to the C.B.O.'s latest calculations, published last month, the structural deficit fell from $224 billion in 1992 to $154 billion in 1996. These numbers imply that $70 billion—or slightly less than half—of the total fall in the budget deficit since 1992 was caused by the 1993 deficit-reduction package, and slightly more than half was due to the economic recovery.

While the $70 billion estimate is much larger than Feldstein's $40 billion figure, it may actually understate the real impact of the Clinton package—a point I was reminded of the independent economic forecaster David Wyss. According to his calculations, if the 1993 deficit-reduction bill had not been passed the structural deficit would have grown and would now be about $100 billion higher than it actually is.

Wyss also made another point that is often overlooked in the current debate about the budget deficit. "We complain about it, and we should complain about it, but the fact is we now have the lowest budget deficit relative to G.D.P. of any of the major industrial nations," he said. When I looked up the official figures in the semiannual O.E.C.D. Economic Outlook, published by the Paris-based Organization for Economic Coöperation and Development, I found that Wyss was correct. According to the O.E.C.D. projections, the United States structural deficit in 1996 will be about 1.7 per cent of G.D.P. The estimated deficits for Japan, Germany, and the United Kingdom are 2.7 per cent, 2.4 per cent, and 2.5 per cent, respectively. The biggest developed economy I could find with a lower structural deficit than that of the United States was that of Australia.

There is yet another important statistic that is rarely mentioned in the public debate. For the past two years, the United States Treasury has been collecting more money in revenue than Congress has been spending, not counting interest payments on the national debt. Economists refer to this situation as the government running a "primary surplus." What it means is that if we didn't have to service the vast debts run up during the past fifteen years the budget would now be balanced.

Both Alan Greenspan and his predecessor, Paul Volcker, have gone on the record to praise the 1993 package. "I don't think there is any doubt that the package was part of an honest effort to reverse the trend of the

budget deficit," Volcker told me. "I wouldn't call it particularly structural, in the sense that it didn't involve any constructive changes in the tax system, and it certainly didn't resolve the entitlements problem, but it was an honest-to-goodness attempt to come to grips with the budget deficit."

One of the minor mysteries of the current political constellation is why, when deficit reduction is the unquestioned mantra of the moment, President Clinton doesn't get more public credit for reducing the deficit. Unsurprisingly, this infuriates James Carville. "The people who are never called to the bar of justice are all those who said when the President's economic program was passed that it was going to be a disaster!" he shouted on the phone to me. "If people were put on trial for economic stupidity, these people who said the plan would cause hardship would all be felons!"

Of course, as I mentioned earlier, one of those criticizing the budget package was Begala, a former colleague of Carville's. Begala no longer works for the White House, but when I tracked him down, in Texas, he was unapologetic about his stand back in 1993. "If reduced to their core, the arguments were these," he said. "The economic advisers saying, 'Do this, because it will be good for the economy.' The political advisers saying, 'If you do this it will hurt us politically.' I think history has proved us both right." Given the disastrous results for the Democrats of the 1994 midterm elections, even some of President Clinton's economic advisers concede the point. Gene Sperling said, "The Republicans, by being so repetitious with their 'largest tax increase in history' line, were able to reinforce a definition which people already had of Democrats. So it's hard to look back and say the political advice had no merit."

On the other hand, as Sperling and others point out, the 1993 deficit-reduction package produced a variety of long-term benefits that are only now paying off. "We are going into 1996 with a level of achievements that we could never have had if we had not done this," Sperling said. "Also, the fact that we have brought down the budget deficit puts us in a far better position to protect ourselves against the more severe kind of stuff that the Republicans can throw at us."

One of these will be the charge that the President, through his political maneuvering during the past twelve months, scuttled the chances of a bipartisan agreement to balance the budget by the year 2002. Another will be that he had done little to head off the mother of all fiscal crises, which is due to arrive in about fifteen years, when the baby boomers start to turn sixty-five. Both points have merit, and Paul Volcker, for one, believes the President's heart is no longer in deficit reduction. "They're now playing it politically," he said. "You get into this silly business abut whether you balance the budget in ten years or eleven years or seven years. It's all never-never land."

These criticisms, while important, do not detract from the policy decisions taken by the President during his first year in office; without the 1993 deficit-reduction package, balancing the budget would not be even a remote possibility. In fact, as Robert Rubin pointed out, without the 1993 package the whole political and economic landscape would look quite different. "We would have continued to have abnormally high interest rates, and that would have choked off the recovery," he told me.

When I asked Rubin why, with all his Wall Street experience, he thought the markets had reacted so positively, his reply was a modest one. "I don't know the answer, other than that I know that the President was totally committed to doing this, and he managed to convey that commitment to the American people—and, more important in this case, to the markets—in ways that they believed," he said. Volcker made a similar point. "I think the market had some confidence and satisfaction that this guy came in and took on the budget deficit as a major priority," he said. "The feeling goes beyond the particular budget numbers."

Rubin's image of Bill Clinton as a commanding leader who makes tough decisions and sticks with them through good times and bad is not one that gels in the popular imagination, but it was also evoked by Alan Blinder and Gene Sperling. "I was amazed at how committed he was to going for a substantial deficit reduction, even when he saw some of the ugly things that you had to do to the budget to get there," Blinder said. "Basically, he didn't flinch."

Sperling praised the President even more highly. "For us on the economic team, we will always think of him as a good decision-maker," he told me. "When he had hard choices to make, on both the deficit and NAFTA, he listened to everybody for a few days, then he made the call and never looked back."

I reminded Sperling of the passages in Woodward's book where the President berated his own advisers and complained about turning the government over to Wall Street interests. Surely these stories were true, I suggested.

"Yes," Sperling conceded. "Just like any of us, he felt pain at times when things weren't going his way. But Woodward missed the bigger picture, which was that Clinton did what virtually no President had done before. The real issue is that it was a very good, effective deficit-reduction plan."

After talking to Sperling, I reread Woodward's description of a meeting between Clinton and his economic advisers on April 7, 1993. It goes as follows: "'Where are all the Democrats' Clinton bellowed. 'I hope you're all aware we're all Esienhower Republicans here, and we are fighting the Reagan Republicans. We stand for lower deficits and free trade and the bond market. Isn't that great'"

No, not great, but perhaps it's what the country needed after a decade of Reaganomics.

Mr. HOLLINGS. Remember, the entire sing-song and chant, Mr. President, on the other side of the aisle has been "When is the President going to do something?"

So I quote from this particular article.

There is yet another important statistic that is rarely mentioned in the public debate. For the past 2 years the United States Treasury has been collecting more money in revenue than Congress has been spending, not counting interest payments on the national debt. Economists refer to this situation as the Government running a primary surplus. What it means is that if we didn't have to service the vast debt run up during the past 15 years, the budget would now be balanced.

Imagine that. The very crowd that is accusing the President of not wanting a balanced budget and not doing anything about the deficit, is the very crowd that has caused the deficit.

Bill Clinton did not cause it. He was down in Arkansas during that 10-year period actually balancing budgets. He comes here with these inherited interest costs, and what does he do? He reduced deficits by $500 billion, cuts over 200,000 Federal employees, taxes gasoline, cuts Medicare $57 billion.

Here is a man that has done something being accused of not wanting to do anything. Instead of commenting on the facts, we're treated to tax and spend and liberal Democrats. It is all sloganism. It is all symbols. It is all pollster politicking. It is not the facts. They ought to have ashes in their mouths. We who have been here the past 15 years can be accused of causing this fiscal cancer, but you cannot accuse William Jefferson Clinton of causing any deficit.

I read further from Mr. Cassidy's article, Mr. President.

Both Alan Greenspan and his predecessor, Paul Volcker, have gone on the record to praise the 1993 package. "I don't think there's any doubt that the package was part of an honest effort to reverse the train of the budget deficit," Volcker told me. "I wouldn't call it particularly structural in the sense that it did not involve any constructive changes in the tax system, and it certainly didn't solve the entitlements problem, but it was an honest-to-goodness attempt to come to grips with the budget deficit."

That was none other than Paul Volcker. Yet, the constant refrain is that the President is dishonest, that he lied, that he is not following his pledge to the people, that he does not care about deficits. Yet he is the only person that has done anything about them.

Now, quickly, with respect the recent statements of Senator DOMENICI, I had to go back, Mr. President, to his talk on June 6, included in the CONGRESSIONAL RECORD. I refer to page S5879. Here, Mr. President, I finally got him to admit that you cannot truly balance the budget without increasing taxes. He explains that if Social Security surpluses are protected, there are few remaining options:

Frankly, some would get up and say, "No. We're going to do it another way." How? There is only one other way, and that is to dramatically increase taxes. I do not mean a little bit—a huge amount.

Now, Mr. President, I challenged the distinguished chairman of the Budget Committee, last year. I said, "If you can present to me a balanced budget over the 7-year period that excludes Social Security surpluses and does not increase taxes, I would jump off the Capitol dome." Now we have confirmation that it cannot be done. It took us almost a year to get it, but better late than never.

Someone should tell Mr. Broder that the President's budget and the Republican budgets have all been backloaded. This particular balanced budget that Senator DOLE is likewise backloaded. Look at it. Most of the cuts happen

after the Presidential election in the year 2000.

I read here, quoting Senator DOMENICI, "Over the next 6 years, from 1997 until 2002, the cumulative unified budget deficit, that is the total receipts less total outlays, a simple proposition, will be $1.1 trillion, according to CBO. Over that same period, Social Security will run a surplus of $525 billion, including $104 billion in the year 2002."

Now, here is the confusion, the misunderstanding, or the categorical falsity. In reality, whether we owe it to the private markets or to future Social Security retirees, it is still an obligation. When the bill comes due, our children and grandchildren will end up having to make good on $1.563 trillion of Social Security IOU's by the year 2006. Our failure to pay back the $522 billion that we already owe Social Security is the height of irresponsibility.

On paper, we should be accumulating a surplus. In reality, we are spending these funds to finance current consumption. By the year 2006 we will owe Social Security $1.563 trillion. I repeat, by the year 2006, under the best case scenario of the Republican plan, $1.563 billion would be owed Social Security.

It should be of little surprise as to why I, or the Senator from North Dakota, or the Senator from California, or others voted against such a resolution.

They are all crying "Jefferson, Jefferson," and "children and grandchildren." But there is a conspiracy of silence when it comes to the $1.563 trillion bill that the Republican plan leaves in the Social Security trust fund. The best way to protect Social Security is to quit decimating it. The distinguished Senator and the chairman of our Budget Committee continued in his speech last week, "I am concerned about the looming and massive Social Security deficits that are on the horizon."

But, Mr. President, looming and massive deficits are not on the horizon; they are here. It is not children and grandchildren, it is us. We wrap ourselves in glowing rhetoric about our children and grandchildren and then do nothing. The truth of the matter is, since posterity can do nothing to us, we see no reason to do anything for posterity. We look to the next election and not the next generation.

Entitlements are continually blamed for our current deficit woes. Yet, Social Security, is in surplus to the tune of $522 billion. Medicare has $130 billion surplus in it this minute. They are not causing our current deficits. Thus, the shell game continues. It is one of the longest running games in town and we all take part in it.

The distinguished chairman of the Budget Committee, who has the next hour and a half, refers to the exclusion of Social Security surpluses in the balanced budget amendment as a smokescreen. I can tell you here and now that we are in trouble when the fire chief in the firehouse cannot only smell the smoke and see the fire, but starts the fire with these misleading statements.

We are in desperate circumstances. We have deficits and debt going through the ceiling. We are spending $1 billion a day just on the interest costs to the national debt, but we continue to fail to face up to this particular problem.

Republicans charge that President Clinton does not care about the deficit, has not done anything about it. But Paul Volcker, the former Chairman, says he is the only one who has made an honest try. Find that statement by Paul Volcker about anybody else's budget. President Clinton made an honest-to-goodness effort in 1993. And the facts show that it is working. I voted for it. But not a single Republican did. They caused the deficits. And if they had not caused this horrendous cost of $1 billion a day, we would not be talking about deficits but would be in surplus under President Clinton's budget.

Mr. President, since nobody is here, let me complete the thought. I use as my text none other than the daddy rabbit of the budget in Reaganomics in back in the 1980's. I quote Mr. David Stockman, the former Director of the Office of Management and Budget, dated March 1993.

I ask unanimous consent that this article be printed in the RECORD.

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

[From New Perspectives Quarterly, March 1993]

AMERICA IS NOT OVERSPENDING

(BY DAVID A. STOCKMAN)

President Clinton's economic plan deserves heavy-duty critcism—particularly the $190 billion worth of new boondoggles through FY1998 that are euphermistically labelled "stimulus" and "investment" programs. But on one thing he has told the unvarnished truth. There is no way out of the elephantine budget deficits which have plagued the nation since 1981 without tax increases.

In this regard, the full-throated anti-tax war cries emanating from the GOP since February 17 amount to no more than deceptive gibberish. Indeed, if Congressman Newt Gingrich and his playmates had the parental supervision they deserve, they would be sent to the nearest corner wherein to lodge their Pinocchio-sized noses until this adult task of raising taxes is finished.

The fact is, we have no other viable choice. According to the Congressional Budget Office (CBO) forecast, by FY1998 we will have practical full employment and, also, nearly a $400 billion budget deficit if nothing is done. The projected red ink would amount to five percent of GNP, and would mean continuing Treasury absorption of most of our meager net national savings through the end of the century. This is hardly a formula for sustaining a competitive and growing economy.

The root problem goes back to the July 1981 frenzy of excessive and imprudent tax-cutting that shattered the nation's fiscal stability. A noisy faction of Republicans have willfully denied this giant mistake of fiscal governance, and their own culpability in it, ever since. Instead, they have incessantly poisoned the political debate with a mindless stream of anti-tax venom, while pretending that economic growth and spending cuts alone could cure the deficit.

It ought to be obvious by now that we can't grow our way out. If we should happen to realize CBO's economic forecast by 1998, wouldn't a nearly $400 billion deficit in a full employment economy 17 years after the event finally constitute the smoking gun?

To be sure, aversion to higher taxes is usually a necessary, healthy impulse in a political democracy. But when the alternative becomes as self-evidently threadbare and groundless as has the "growth" argument, we are no longer dealing with legitimate skepticism but with what amounts to a demagogic fetish.

Unfortunately, as a matter of hard-core political realism, the ritualized spending cut mantra of the GOP anti-taxers is equally vapid. Again, the historical facts are overwhelming.

Ronald Reagan's original across-the-board income tax cut would have permanently reduced the federal revenue base by three percent of GNP. At a time when defense spending was being rapidly pumped up, and in a context in which the then "conservative" congressional majority had already decided to leave 90 percent of domestic spending untouched, the Reagan tax rate cut alone would have strained the nation's fiscal equation beyond the breaking point. But no one blew the whistle. Instead, both parties succumbed to a shameless tax-bidding war that ended up doubling the tax cut to six percent of GNP—or slashing by nearly one-third the permanent revenue base of the United States government.

While delayed effective dates and phase-ins postponed the full day of reckoning until the late 1980s, there is no gainsaying the fiscal carnage. As of August, 1981, Uncle Sam had been left to finance a 1980s-sized domestic welfare state and defense build-up from a general revenue base that was now smaller relative to GNP than at any time since 1940!

In subsequent years, several "mini" tax increase bills did slowly restore the Federal revenue base to nearly its post-war average share of GNP. The $2.5 trillion in cumulative deficits since 1981, however, is not a product of "over-spending" in any meaningful sense of the term. In fact, we have had a rolling legislative referendum for 12 years on "appropriate" Federal spending in today's society—and by now the overwhelming bi-partisan consensus is crystal clear.

Cash benefits for Social Security recipients, government retirees and veterans will cost about $500 billion in 1998—or six percent of prospective GNP. The fact is they also cost six percent of GNP when Jimmy Carter came to town in 1977, as they did when Ronald Reagan arrived in 1981, Bush in 1989 and Clinton in 1993.

The explanation for this remarkable 25 years of actual and prospective fiscal cost stability is simple. Since the mid-1970s there has been no legislative action to increase benefits, while a deep political consensus has steadily congealed on not cutting them, either. Ronald Reagan pledged not to touch Social Security in his 1984 debate with Mondale; on this issue Bush never did move his lips; and Rep. Gingrich can readily wax as eloquently on the "sanctity" of the nation's social contract with the old folks as the late Senator Claude Pepper ever did.

The political and policy fundamentals of the $375 billion prospective 1998 cost of Medicare and Medicaid are exactly the same. If every amendment relating to these medical entitlements which increased or decreased eligibility and benefit coverage since Jimmy Carter's inauguration were laid end-to-end, the net impact by 1998 would hardly amount to one to two percent of currently projected costs.

Thus, in the case of the big medical entitlements, there has been no legislatively driven "overspending" surge in the last two decades. And since 1981, no elected Republican has even dared think out loud about the kind of big changes in beneficiary premium costs and co-payments that could actually save meaningful budget dollars.

To be sure, budget costs of the medical entitlements have skyrocketed—but that is because our underlying health delivery system is ridden with inflationary growth. Perhaps Hillary will fix this huge, systemic economic problem. But until that silver bullet is discovered, there is no way to save meaningful budget dollars in these programs except to impose higher participation costs on middle and upper income beneficiaries—a move for which the GOP has absolutely no stomach.

Likewise, the "safety net" for the poor and price and credit supports for rural America cost the same in real terms—about $100 billion—as they did in January, 1981. That is because Republicans and Democrats have gone to the well year after year only to add nickels, subtract pennies, and, in effect, validate over and over the same "appropriate" level of spending.

On the vast expanse of the domestic budget, then, "overspending" is an absolute myth. Our post-1981 mega-deficits are not attributable to it; and the GOP has neither a coherent program nor the political courage to attack anything but the most microscopic spending marginalia.

It is unfortunate that having summoned the courage to face the tax issue squarely, President Clinton has clouded the debate with an excess of bashing the wealthy and an utterly unnecessary grab-bag of new tax and spending giveaways. But that can be corrected in the legislative process—and it in no way lets the Republicans off the hook. They led the Congress into a giant fiscal mistake 12 years ago, and they now have the responsibility to work with a President who is at least brave enough to attempt to correct it.

Mr. HOLLINGS. Mr. President, I quote:

The root problem goes back to the July 1981 frenzy of excessive and imprudent tax cutting that shattered the Nation's fiscal responsibility. A noisy faction of Republicans have willfully denied this giant mistake of fiscal governance and their own culpability in it ever since. Instead, they have incessantly poisoned the political debate with a mindless stream of anti-tax venom, while pretending that economic growth and spending cuts alone could cure the deficit. It ought to be obvious by now that we cannot grow our way out.

Mr. President, there it is. Someday, somehow, David Broder and these other columnists will pick up the truth and quit ipso facto reporting balanced budgets. We have do not have a balanced budget plan; all plans use the trust funds. We owe the Social Security trust fund; we owe the Medicare trust fund; we owe the highway, airport, and Civil Service trust funds. We have been borrowed well over a trillion dollars from these trust funds.

In addition, other sleights of hand include factoring in speculative interest dividends for budgetary savings. Mr. President, we started that back in 1990. You know what the projection was? In the 1990 budget, we said we would not only have a balanced budget by 1995, but a $20 billion surplus. Can you imagine that? Instead, there is a $277 billion deficit. That is how far off these are. Yet, Mr. Broder comes up alleges that, "This is too clever by half." Tell him to wake up. He should know better than that.

Mr. President, I am watching history repeat itself. I joined in the opposition to Reaganomics and what Stockman says was the worst mistake we ever made. I joined in the tax increases to try and reverse it. I joined in Gramm-Rudman-Hollings. When they write now, as Senator RUDMAN has, that Senator Hollings wanted a divorce, they should be clear about the facts. Instead of using the automatic cuts as a spear to urge and require fiscal discipline, they started to use it as a shield for fiscal irresponsibility, and I wanted no part in that. I voted for the tax increases here in 1993. At the time, my colleagues on the other side of the aisle said, "Well, you cannot trust that Washington crowd. If they increase the taxes, that means all they will do is increase the spending." False.

In 1993, we increased taxes and cut spending to the tune of $500 billion. In direct result, we have an economy with low unemployment, low interest rates, steady growth, and low inflation. And they say that the President is "too clever by half," and is "postponing choices."

Once again, Mr. President, when they say the President did not make any honest try, perhaps we should remember Mr. Volcker's words on the 1993 package:

I don't think there is any doubt that the package was part of an honest effort to reverse the trend of the budget deficit.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DOMENICI. Parliamentary inquiry; what is the order of business before the Senate?

The PRESIDING OFFICER (Mr. GRASSLEY). We are in morning business. The Senator from New Mexico has control of the time from 1 o'clock until 3:30.

Mr. DOMENICI. Mr. President, I yield myself 5 minutes.

THE BUDGET RESOLUTION

Mr. DOMENICI. Mr. President, I am disappointed that we could not work out an agreement with the minority that would allow us to complete action on the conference agreement on the budget today. I had hoped we could do that so our distinguished majority leader would have an opportunity before he left the Senate to cast his vote in favor of this budget resolution and a balanced budget by the year 2002. The conference agreement on the 1997 budget resolution was completed last Thursday evening and filed Friday morning. Copies of the conference report have been available since early this morning. The House of Representatives Rules Committee will act this evening to report a rule that will allow the House to act on the conference report tomorrow morning and complete action by noon.

Normally, we would simply call up the conference report, discuss the conference report, since it would not be subject to amendment, yield back the statutory 10 hours of time and vote on final passage. Without consent to the contrary, however, here in the Senate, if we were to act on a conference report before the House has acted, the conference report would be subjected to unlimited recommittal motions, and the minority is aware of this opportunity to subject the Senate, and I say Leader DOLE, to an unlimited number of such motions. Therefore, they have not been willing to grant us consent that would allow us to do what we are going to do tomorrow. Once the House sends us this, we will take it up, and obviously there will be no recommittal motions in order, as I understand it, at that point.

We were trying to get the minority to let us start that process today and perhaps complete this before the leader leaves sometime tomorrow, around 12 or 1 o'clock. It means he will not have a chance to vote on it. It does not mean that there will be anything happen to the budget resolution. I assume we will have his successor Senator voting with us, as we have had him.

I will have more opportunity tomorrow to discuss the significance of this budget resolution and what it does. I might just start with one concept for everybody to understand. On the discretionary appropriations, which has been the subject of an awful lot of debate last year which caused many appropriations bills to be vetoed by the President and caused the closure of Government from time to time during that long process of trying to get appropriations completed, we have resolved our differences between the House and Senate.

We have produced a budget resolution that, essentially, has all of the domestic discretionary programs combined at a freeze—same level as last year, according to the Congressional

Budget Office. That is the number that we agreed upon. That means if we take all the riders off those appropriations bills, and I understand that there is some movement in that direction, we can clearly be sending to the President appropriations bills that he ought to sign. Clearly, the American people will understand it very easily. The Republicans do not want to reduce spending. They want to freeze it. They are not out there to close down Government. They just want to say, in a very difficult year, we should freeze the expenditures of the appropriated accounts at last year's level. That is what we will be doing. That is what the appropriations bills are going to reflect in the next 5, 6, 7 weeks.

Hopefully, if we get those done, we can finish our work early or even ahead of time with reference to the appropriations bills which caused so much commotion last year and so much ill-will and ill-feeling between many people in the country and this various series of vetoes and closures. That will be the essence of the Republican approach. Obviously, big savings come in the entitlement reform programs. We will move those through in due course. Once again, we believe we are on the right path. We will discuss what we think the President's approach to Medicare has been. Clearly, he is playing a major shell game with this big program that the senior citizens need so desperately to have attended by way of reform.

We will get into those details tomorrow. I have not sought approval from any of the leadership here to make this statement, but, frankly, I am very hopeful when we finally get on this budget resolution tomorrow, that even though there are 10 hours of debate equally divided, we will finish tomorrow. No motions are in order, no amendments are in order. I see no reason why we cannot finish it tomorrow, even if we take it up sometime in the middle of the afternoon tomorrow. That ought to be plenty of time to debate it and finish tomorrow to get on with other Senate work.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

THE BUDGET RESOLUTION

Mr. GRASSLEY. Mr. President, Senator DOMENICI opened debate on the 1997 budget conference committee report, the agreement that has been ironed out on the differences between the House and the Senate, for presentation to the Senate for final passage, so that the 1997 budget will be behind us and we can start making changes in the programs that will fit these programs into the budget that balances by the year 2002, 6 years from now.

CBO has scored it that way. CBO is a nonpartisan agency that rules on whether or not budgets are balanced and what programs cost and how much income is coming in. They said that this will balance by that time.

The year 2002 is the year that we selected last year to balance the budget by. Our bill was presented to the President last year, and he vetoed it. We are not going to take an extra year to balance the budget when we do it this year. We are going to do it in 6 years now because that is all we have left between now and the year 2002. I hope that my colleagues will vote for that.

In a sense, as the famous baseball player said, "It's deja vu all over again." It is kind of that way with the Balanced Budget Act that we are dealing with today, tomorrow and the next day until it is passed. Because last year we worked for 8 months in 13 committees to pass this 1,800-page Balanced Budget Act of 1995. This was a bill that 13 committees worked on to produce changes in the programs so that the budget would balance in 7 years. We presented this to the President prior to Thanksgiving last year. The President vetoed it, I believe, on December 5.

I remind people of that document existing, that we had the votes to pass it, because often I get the question, which is a question coming from a cynical attitude that people have because we promise more than we can deliver, where people ask, "Do you think you can ever balance the budget?" Well, I like to carry this around with me and remind people, yes, we can balance the budget. Here is the act that for the first time in a generation Congress not only had the document, but the votes to pass it and to present it to the President.

Of course, that is history now. Ultimately, people are going to decide who won or lost with the veto that the President had of that bill last year. It also reminds you that one person can make a difference of having a balanced budget or not. We had a majority in the Senate, we had a majority in the House to pass the Balanced Budget Act of 1995. But one person, the President of the United States, stands between the people and a balanced budget. So historians will have a chance to look at who the big economic losers are in that veto of the Balanced Budget Act.

But the 1997 budget resolution gives us another chance without necessarily losing time because we still meet the deadline by the year 2002. But while we talk about balancing the budget, and we delivered a bill to the President last year to balance the budget and he vetoed it, the time clock is running, the national debt is growing, and interest is accruing on that national debt.

Of course, since we did not balance it last year, and if the President vetoes it this year, we are not going to suffer; it is our children and grandchildren that will suffer because we live high on the hog today, spending beyond our means, satisfying our own materialistic demands, and engaging in the immoral act of worrying about today and forgetting about tomorrow because our children and grandchildren are picking up the bill.

Every one of us in this body, whether we vote for it or against it, bears some of the blame for the situation that this country is in after a generation of deficit spending. Those of us who voted for it last year showed we were a year ahead of everybody else in balancing the budget.

Still, that does not overcome the sin of the deficit spending of a generation and the tremendous load of $18,000 per newborn baby that they carry of that additional debt. Or the 80 percent tax rate that the President's own budget document says our children will have to assume for the interest and the principal of that great debt.

None of this is done in a very perfect fashion. The legislation that we pass is not perfect. How we go about it may not be the perfect way of balancing the budget, but it must be done. It will be done. Everybody is going to pay a little bit towards this effort to get to a balanced budget. Maybe as a practical political exercise, that is the only way it can be done. Some people would say, "Cut out completely this program," and others will say, "We have to save this program," or "increase that program." It can be done that way. Basically, the way we have done it is to make sure every program pays a little bit in the effort to get to a balanced budget.

Ultimately, as a political system, it seems we have figured out we can indeed vote ourselves more money. That is why we have the problems we have. All the people have to do is vote for the guy who promised to protect expensive programs and who promised to let entitlements run wild. That is what has been going on. That is why we have a $5 trillion national debt.

Last year, as a result of a mandate from the election of 1994, the new Members of Congress felt it is time to call a halt to deliver on the promises that have been made to balance the budget, and to do it in 7 years. I am enthused about the 1997 budget resolution before the Senate. I think it is a belt tightener, a conservative one. Every item in it might not be exactly as it would be if I had written it, but broad representation is the nature of our Government. Compromise is the only way to accomplish some of our goals—everybody to give a little bit in the process. This gets us, as the nonpartisan Congressional Budget Office has said, to balance in 6 years. The nonpartisan Congressional Budget Office shows that we should even have a $5 billion surplus by the year 2002. To me, that is a pretty good report card. I note, for significance, that the 1997 budget resolution is the only plan that gets us to zero deficit in 6 years.

Now, somebody would say, "Well, the President says he has offered a budget," but it does not balance as he says it would. The President's aide, Dr. Tyson, has been on the morning talk shows saying that the President's budget balances. What she has not made clear is that the President relies on certain contingency proposals or emergency triggers in the year 2001 that either increase taxes or cut unspecified discretionary spending in order to reach balance by that year. It could be both a tax increase and unspecified discretionary spending cuts.

If the President is on a path of spending throughout the 6-year-period of time that he sets us on in the year 1997, there is no way you get to a balanced budget by the year 2002. You have an $81 billion deficit. Of course, in the meantime, even if this President is reelected, he is back in Arkansas at the time there are future tax increases and/or unspecified spending cuts have to be put in place, so it is not really his worry.

Now, for the President's advisers to say on television that this budget balances, when that is the situation, is a failure to mention the balloon payments that the President has built into his budget plan. These balloon payments are similar to those magic asterisks that David Stockman put in President Reagan's budget when President Reagan promised he would balance the budget in 1984, at the end of his first term. When the President's budget did not balance—and some of the new Senators voted against it at that particular time—the President obviously was a little bit embarrassed, because he made a promise to balance the budget, and his first budget submitted in his administration did not do it by the time he said it would be doing it. So we were all sold on the proposition it could be done in the years 1983 and 1984, so David Stockman put that magic asterisk into the President's first budget.

Did that ever materialize? Of course it did not. Do you think the President's balloon payments of 2001 and 2002 will materialize, whether the balloon payments result in tax increases or in spending cuts, or both? I think it is less than candid for either the President or his Economic Advisers to go on television saying somehow that is going to happen in the year 2001 and 2002, when the President is back in Arkansas, and is going to result in a balanced budget.

Now, when it comes to the budget that we present to this body for approval this week, the 1997 budget resolution conference report, it has no hidden gimmicks or balloon payments in it. Instead, there are only clear, specifically illuminated promises. In other words, we get to true balance in 6 years, because we set this budget on a course to balance much sooner than the President of the United States does. In addition, we get a 6-year $122 billion tax cut primarily made up of a $500 per child tax credit. Some people will criticize that. Some will say it is for the rich when they know in their heart that is not true. They forget that a $1,000 tax cut for a family of four can make a big, big difference, that everybody in this country is not rich, and that the middle-class families of America are going to benefit from that tax cut.

Why a tax cut for families with children? It is because the tax on children is presently unfair. It used to be that the dependency exemptions for children almost nullified the tax liability for families. Those families, obviously, use the tax savings to raise their children. For the personal exemption today that is in the Tax Code, to have the same value relative to family income that it had in 1948, it would have to be $8,000 per child exemption in 1996, instead of the $2,600 per child it is now. Truthfully, to be fair, we need a credit in excess, then, of that $500 per child, to put families back with the same purchasing power that they deserve.

Even with the new tax credit, families will have to continue to tighten their belts. But remember this credit is a credit and not an exemption or deduction. Thus, each child in any family is going to be worth $500 more, regardless of the income of the family. And the phaseout ranges of the credit begin at a lower level of income than do the phaseout ranges of the current dependency credit.

So if any Senators claim that they want to defend families in this budget, the best place to start is by taking money away from Washington and returning it to the families. Families can spend that money more wisely than Washington can spend that money.

Besides that $500 tax credit per child to help empower families, this budget resolution of 1997 reforms entitlements. It would be wonderful if we can continue to allow entitlements to grow unchecked, but that is not possible. Without legislative maintenance, entitlements are going to swallow themselves. We know now that if we do not do something about entitlements, by 2012, the entire budget will be made up of entitlements and interest on the national debt, with nothing even for national defense.

Also, our budget resolution will save $53 billion in welfare programs as we reform welfare and turn it back to the States. Medicare spending is going to go up at a rate that will allow us to consume $72 billion less than under present payout. Of course, we just heard last week that Medicare is racing toward bankruptcy in 5 years. We will not allow that to happen. We allow Medicare spending to go up from $4,700 per person per year to $6,800 per person per year, and its solvency is extended 10 years in this budget resolution. We do this without increasing the regressive payroll tax, and we do it with keeping the part B premium at its present level of 25 percent of total program cost. We freeze discretionary budget authority in this legislation in 1997 at the 1996 level. One place where I disagree with Republicans is that defense spending in our bill is too high. I made an effort on the floor of the Senate to cut that back by $11 billion, but that lost. This budget compromise between the House and Senate reflects that higher level of Defense expenditures. I think that if families are tightening their belts, and other programs in Washington are tightening their belts, and if entitlements have to have their belts tightened, defense contractors ought to have their belts tightened as well.

Finally, the budget process is somewhat changed from last time. This budget resolution offers three separate and independent reconciliation bills. Each bill can live without any of the previous bills. The structure of the two succeeding bills depends upon the success of the preceding one. This is a sound and flexible plan that will allow us to present to the President something that he will not have any excuse for vetoing, as far as I am concerned, considering the fact that he vetoed last year's budget that we gave to him.

The days of our living beyond our means, hopefully, come to an end with the adoption of the budget resolution for 1997. Hopefully, it puts us on a path, for the first time in a generation, to get to a balanced budget. Hopefully, it means that each generation is going to assume its fair share of pain for our programs and for ending the principle of passing on to future generations the cost of our programs for today.

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

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

Mr. GORTON. Mr. President, I ask unanimous consent that I may be able to use such of the time reserved for the Senator from New Mexico as I may use.

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

THE BUDGET RESOLUTION

Mr. GORTON. Mr. President, sometime late tomorrow or early on Wednesday the Senate will begin formal consideration of the budget resolution adopted late last week by a conference committee. That budget resolution, in common with its predecessor a

year ago, will clearly put the United States on the road to a balanced budget, a goal shared by more than 80 percent of all of our fellow citizens.

To a certain extent, Mr. President, a balanced budget is a goal in the abstract. It is a phrase that sounds good, sounds responsible, but nonetheless is divorced from our day-to-day concerns. It is, however, vitally important to our future, but most particularly to the future of our children and our grandchildren, to those who come after us.

Almost 200 years ago Thomas Jefferson spoke of it as a moral imperative, that it was simply a moral wrong for the politicians of his day or of ours to spend money on programs, however worthy, that they supported, but to refuse to pay the bill, to send that bill to someone else.

Thomas Jefferson's words are as important and as valid today as they were at the beginning of the 19th century. It is our obligation to seek this goal, and not just to seek it, but to put the Nation on a path pursuant to which it will be attained.

It does, of course, go beyond a pure moral imperative. It is a financial imperative as well.

We know by the almost unanimous opinion of economists who dig deeply into this issue that the mere promise of a balanced budget, accompanied by a set of policies that will lead us shortly after the turn of the century to reach one, will have a positive impact. Such a promise will lower the interest rates that men and women pay on the homes they purchase or wish to purchase, on their automobiles and other large consumer purchases, on their businesses, small and large, designed for their own future, and for the creation of opportunity in our society and our economy.

The actual accomplishment shortly after the turn of the century of a balanced budget will mean somewhere between $1,000 and $2,000 per average American family additional in their pockets, partly because of the lower interest rates that I have already described and partly because, all other things being equal, the economy will be that much stronger. There will be that many more and better jobs for Americans in just a very few years from now. This is a case in which the moral imperative and the financial desirability as a course of action lead us in precisely the same direction.

Mr. President, under those circumstances, why is this not only a unanimous goal, but why are not the policies that lead to that equally unanimous? I do not remember during the course of the last year any Member of this body standing before the body and saying, "It is a poor idea. It is not something that we should bother with at all." No, Mr. President, everyone gives at least lip service to the idea, but that lip service goes little further when it comes to the practical methods of attaining the goal. With those who voted no as recently as last week on a constitutional amendment that would mandate attaining a goal, to those who will vote no tomorrow or the next day, the answer will constantly be, "We have to do it differently. I do not like this balanced budget." It is some other balanced budget, my own or someone else's, that is the only way to go. In other words, the details, the tendency for perfection in the mind of each individual Member, interferes with attaining a goal so important both morally and economically.

Mr. President, perhaps all of us could have been accused of that course of action as recently as a handful of years ago. Almost never, in my memory, did anyone seriously propose a budget that led to that balance until the dramatic vote of something more than a year ago in which the balanced budget constitutional amendment, having been approved by the House of Representatives, was defeated here by a single vote. Following that dramatic loss, many Members took much more seriously the lip service they previously had given to a balanced budget. In fact, a majority of this body came up with a budget resolution and then enforcing statutes that would reach that goal by the year 2002.

Regrettably—I think profoundly regrettably—the President of the United States vetoed that proposal with the statement that we ought to do it in a different way. Now, that statement came in spite of the fact that the President of the United States had never previously proposed any way of reaching that goal. Since that veto, Mr. President, not surprisingly, given the predictions of what success would bring, failure has brought an increase in interest rates. Almost half of last year's gain has now been lost. The prospects of the good economics that result from a balanced budget are limited.

The President criticized the budget by reason of what it did to strengthen and preserve Medicare. Yet, just last week, his own Medicare trustees have said the very challenges in the Medicare system that last year's balanced budget was designed to cure have become not better, but worse. Even so, Mr. President, we now have a proposal from the administration called a "balanced budget" that has been severely, and I think appropriately, criticized by Members on this side of the aisle on the ground that it was not real.

Just yesterday in the Washington Post we saw an analysis of some elements of that proposal by a normally relatively liberal columnist who pointed out what we already knew, the President's budget for this year increases spending on a number of politically popular programs and proposes dramatic cuts in those programs next year and the year after. However, Mr. President, when his Cabinet Members in charge of administering those programs were asked how they would deal with those reductions in future years, they assured Members of Congress that, in fact, the President had privately assured that they would never, in fact, take place; that they were, in effect, phony figures designed to create a paper balance that never, in fact, would take place.

Now, Mr. President, we are faced with a dramatic choice: Do we vote in favor of the one proposed budget resolution now available to us that includes difficult but necessary policy decisions to reach this goal desired by so many Americans for so many good reasons, or do we continue to say, "Not this one, not now, wait until next year, do it differently"?

Mr. President, I was one of the dozen Republican Members who joined with a dozen Democratic Members to come up with a different proposal, a bipartisan proposal, to reach the same goal in approximately the same period of time, a proposal that I thought at least in some respects to be superior to the one that is about to come to the floor of this U.S. Senate. Mr. President, that proposal received 46 affirmative votes out of 100 Members of the Senate. That is not quite enough. The reason that it did not quite go over the top was that the President of the United States rejected that proposal to exactly the same extent that he rejected the Republican proposal. He would not endorse it. He would not even say he would sign it if its enforcing legislation was to be passed.

So the first bipartisan attempt in a decade at solving this contracted budget problem has been rejected. Now we are faced with another proposal, almost as good, certainly plenty good enough to reach the goal, which is very, very likely to be passed by a strictly partisan vote, and then to have its enforcing legislation vetoed by the President of the United States. I regret that, Mr. President.

I hope during the course of the debate in the next 2 or 3 days some Members of the other party who worked so hard and so sincerely and so diligently on the bipartisan proposal will see the many similarities between their product, our product, and the one that is now before us, and will generously and with a good heart determine that if they cannot have perfection, they can certainly get—even from their own perspective, with our budget—a vastly superior program to that proposed by the President's administration. I hope that some of them at least will have courage enough to join with us to move the whole project forward, to help us see to it that we do something that we are enjoying to do, like no less a historic personage than Thomas Jefferson, as a matter of moral imperative, and something that will have such a tremendously positive impact on our children

and grandchildren in general and generations yet to come, who do not have the right to vote in this fall's election, but who are our responsibility nevertheless.

Mr. President, this is a fine resolution. It is a courageous resolution. It is a moral resolution. It is an effective resolution. It should be passed, and it should be enforced.

I yield the floor.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, I ask unanimous consent that time allocated to Senator DOMENICI in this period of time be allocated to me and that I may use as much time as I may require.

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

GETTING BACK TO BASICS: NATO'S DOUBLE ENLARGEMENT

Mr. LUGAR. Mr. President, the visit to Washington of Lech Walesa, the former President of Poland, and the introduction of the NATO Participation Act on the floor of the Senate, suggests that it is time for the Senate to begin to seriously consider the future of the Atlantic Alliance.

It is a particularly important time to take stock of where we stand in the Alliance. Over the past 2 years, the Alliance has discussed and studied many issues ranging from enlargement to command reform to the broader structural reform of the Alliance in order to enable it to carry out new missions.

The time for discussing and studying is now coming to an end. Over the next 12 months, NATO must make decisions in three key areas which will cast the die for European security and the transatlantic relationship for the next decade.

Starting with last week's Ministerial meeting in Berlin, Alliance leaders must decide:

First, will NATO enlarge its membership, and what policies, recognition, and certainty should it give to countries which will not be included in the first selection?

Second, how will NATO reform itself internally to be able to carry out new missions? This includes article 5 defense commitments as well as other non-article 5 missions such as crisis management beyond Alliance borders.

Third, what should be the NATO relationship with Russia during the enlargement process? Should NATO build a parallel cooperative partnership with Moscow?

The ramifications of how well or poorly NATO does its job on these issues are far reaching. We are talking about the laying of the cornerstones of a new European peace order and building a new NATO which deserves that name not only in theory but in reality. If we succeed, we will have set the foundation for decades of European peace and prosperity. If we fail, historians may look back at the early post-cold-war period as a tragic loss of opportunities.

It is in this context that we must weigh the utility of legislative efforts such as the NATO Participation Act.

Above all, we must realize that we are headed into a historical debate over NATO's future, one that will reverberate for many years to come. It is a debate that will be public and which will undoubtedly be controversial—as befits an alliance of democracies wrestling with such important issues. Much of the discussion about the pros and cons of enlargement and other issues have been limited to elites and experts—along with the occasional Senator or Minister. That, too, is going to change.

I look forward to this public debate. I believe that we have an historical window of opportunity to take steps that will secure European peace and stability and which will lock in the freedom and independence won in the revolutions of 1989 and the collapse of communism. I believe that we will win this debate, both in the U.S. Senate and elsewhere in the Alliance, provided that we follow some simple, commonsense guidelines.

Before charting those guidelines, I want to review the basic questions we will undoubtedly face in the U.S. Senate, as well as in the parliaments of both NATO allies as well as candidate countries.

THE VISION THING

In the United States, our political leaders are often asked about what we call the vision thing. What is it you want to achieve and why? What is your vision and how will individual policies fit together with an overall set of objectives? As a U.S. Senator, I am often asked, by some of my colleagues and constituents, why I am still so concerned about NATO and issues such as NATO enlargement now that the cold war is over.

The more distant we get from the heady days of the fall of the Berlin Wall and the collapse of communism, it is more clear that we entered a new era. Dangers still abound in post-cold-war Europe. The revolutions of 1989 not only led to the collapse of communism but also to the end of the peace orders established after two world wars. What is at stake here is order and stability in Europe as a whole. And that is why American interests are involved.

NATO cannot by itself solve all of Europe's problems. But without a stable security framework, we run the risk that the reform and democracy in the East of Europe will not persist but will instead be undercut by destructive forces of nationalism and insecurity. The failure of democracy in the East could not help but have profound consequences for democracy in the continent's western half as well. If history teaches us anything, it is that the United States is always drawn into such European conflicts because our vital interests are ultimately, albeit somewhat belatedly, engaged.

That, in a nutshell, is one reason why I have always been in favor of NATO enlargement. But this is only one reason and one part of my vision, which consists of what I want to prevent, and also what I want to build. I want to build a new transatlantic bargain of a unified and integrated Europe—whole and free—in permanent alliance with the United States. It is a vision of the United States and Europe in a partnership of equals devoted to managing the security of Europe as well as to the pursuit of common interests beyond Europe. The old transatlantic bargain which offered the Europeans a form of American protection in return for American influence must be replaced by a new transatlantic accord.

This is a vision for the Alliance that is no longer necessarily focused on or limited to Europe. This is also a vision for the Alliance that transcends the old cold-war rationale, namely—to deter and, if needed, defend Western Europe against a Soviet attack. It is a vision for a new covenant between the United States and Europe as a force for promoting Western values and interests in Europe and beyond. We need a new and much broader transatlantic agenda and dialog, one that focuses on where and how the United States and Europe can and should act together.

I was one of the earliest proponents in the Congress of NATO enlargement. But I always spoke of enlargement not in isolation but rather as part of a new security partnership between the United States and a unified Europe. The United States is a global power, a country with interests in Europe and beyond. It is also a country that increasingly requires like-minded allies and partners to manage that international security agenda. And as Americans look around, they see no better candidates than our European allies in NATO as that partner.

If this is the vision, then how do we get there? I like the phrase "double enlargement" to capture the twin processes of reform that I believe must take place. NATO must enlarge eastward to integrate the new democracies and it must expand its functional missions beyond border defense to include crisis management and perhaps peacekeeping beyond Alliance borders. In both cases, the Alliance must decide how far it wants to go, both in terms of new members and in terms of new missions. There is no escaping the fact that NATO must simultaneously reform in both areas if it is to successfully meet the challenges we are likely to face in the years ahead. It is a basic American interest that the Alliance not only enlarge to help stabilize Eastern Europe, but that enlargement be

part and parcel of a broader transformation that turns Europe into an increasingly effective strategic partner of the United States in and beyond the continent.

CONDITIONS FOR SENATE RATIFICATION

One of the key questions for the NATO Alliance is whether NATO enlargement can be ratified in the U.S. Senate. Nearly every visitor I have in my office from Europe asks me this question. And it is a question about which I have thought a great deal in recent years. The easy answer is that, of course, enlargement is ratifiable—provided a number of preconditions are met. I am going to list my six commandments on what must be done to ensure successful ratification in the U.S. Senate.

But first I want to lay out several broader factors which I believe will help shape the debate in the U.S. Senate. First, the debate about NATO enlargement in the U.S. Senate will not only be about enlargement. It will be about the U.S. role in post-cold-war Europe. It will be about NATO—why we still need it, who should be in it, what it should do, and how it should be reformed.

This will be the first time that this set of issues will be debated at the national level since the end of the cold war. Although many voices in the United States, myself included, have been calling for such a national debate for some time, it simply has not happened. But the NATO enlargement issue is likely to be the catalyst for precisely such a debate. This makes some of my colleagues in Congress nervous. They fear that the isolationists of the left and the right will band together in some kind of unholy alliance to defeat the internationalist center in U.S. politics. In short, they fear that the NATO enlargement debate will kill NATO.

But I think they are wrong. Such a debate can have a very healthy and positive impact in terms of reaffirming the U.S. role in, and consolidating the American commitment to, the new post-cold-war Europe. And, equally important, it is an opportunity to initiate the broader transformation and revitalization of the alliance which is now clearly overdue.

Second, this debate will also be about Eastern and Central Europe and our moral, political, economic, and strategic stake in this part of the world. Several years ago there was a cartoon in an American magazine which showed a young boy pointing to a map and saying to his father: "Eastern Europe, isn't that where the wars start?" Eastern Europe is where two world wars, as well as the cold war, originated in this century. It is a part of Europe that has seen great injustices and enormous cruelty. It is a part of Europe that has had a disproportionate impact on the course of European and world history.

For some Americans, these are reasons to keep the United States out of future instability and possible conflicts—as if a policy of isolation would insulate and protect us from such instability. The lesson I draw is exactly the opposite. The best way to ensure that the United States must never fight a war again over Eastern Europe is to anchor and integrate Eastern Europe into the West once and for all. We must do for Eastern Europe what we did together for Western Europe in the early post-war period—make it secure and integrate it into a broader trans-Atlantic community.

How important is Eastern Europe to the United States? A growing number of Europeans are trying to analyze the size of the Polish ethnic vote, or the political clout of the Baltic-American community and what role they will play in the United States Senate debate. Will the NATO enlargement issue, it is sometimes asked, be the swing issue in key battleground States in the U.S. Presidential race? While interesting, I think all these questions miss the real point. Eastern Europe is important to the United States because it is here that the future destiny of the European Continent will be decided. Eastern Europe, in many ways, holds the key to the future stability of the continent. That is why it is a vital U.S. interest.

The third reason I believe that Senate ratification will happen is that the arguments of the opponents of enlargement can be met and subdued. But let's take a closer look at them, for they will be part of the debate. Critics insist, first and foremost, that the U.S. Senate will not be willing to extend a security guarantee to Eastern Europe. They cite the divisive debates we have seen on Somalia, Haiti, and Bosnia as proof that Americans are tired of foreign commitments.

What these critics overlook is the basic difference between Bosnia and Poland as well as the lesson we should learn from the Bosnia experience. Poland's future stability is seen as central to that of Europe as a whole. Rightly or wrongly, Bosnia's was not. I wish it had been otherwise. But one simply cannot compare the issue of extending a security guarantee to a pro-Western democracy like Poland with the confusing debate we had about what to do as Yugoslavia broke up. This was a conflict whose causes were poorly understood, where the stakes for the United States were not always comprehended, where the United Nations was involved with a confusing mandate and a morally ambiguous set of policies and where the military, political, and humanitarian options of the West were extremely difficult. The lesson from Bosnia is not that we should reject NATO enlargement. It is that the West needs to take steps to prevent the rise of such destructive nationalism and ethnic hatred and we must enlarge NATO to stabilize Eastern Europe before other disasters are imminent.

Moreover, in many ways the West already has an implicit security guarantee to a country like Poland. Can we really imagine the West today not coming to Poland's defense if it were ever to be threatened again? I, for one, cannot. And because I cannot, I think that we must codify that commitment through NATO in order to make sure that it is credible and that deterrence works. If ever confronted with the question of whether the West will stand by Poland or once again betray it to those who seek to do it harm, I believe that the United States, including my colleagues in the Senate, will do the right thing.

The second major reason critics cite against enlargement is cost. Of course NATO enlargement will cost money and resources. But the costs of enlargement may not pose as large an obstacle as some assume. Let us not forget that there are also costs in not enlarging. And alliances save money. By pooling our resources together, we are able to collectively defend our common interests less expensively.

How much NATO enlargement will cost will depend in large part upon how the alliance decides to defend and reassure new members. Because there is no immediate threat to these countries, the alliance can afford to adopt a light defense posture backed up by the ability to reinforce in the region during a crisis. Moreover, the costs of building such a posture can be spread over an extended period. A recent study conducted by the Rand Corp. clearly shows that the costs of enlargement can be kept manageable and spread across the alliance.

The package proposed in the Rand study, for example, could cost an estimated $30 to $40 billion for the alliance as a whole—both new and old members spread over a 10- to 15-year period. While these numbers may seem large, bear in mind, for example, that the cost of building and operating one U.S. Army division for a 10-year period is estimated at $60 billion. In any event, the alliance will be spending a considerable amount of money for defense over the next 10 to 15 years, and the costs of enlargement are unlikely to amount to more than 1 to 2 percent of planned defense spending. The point here is that enlargement is affordable if handled properly, done in a step-by-step fashion and if the costs are spread fairly among both old and new members.

The third reason critics cite against enlargement is the claim that enlargement will only draw new lines in Europe and alienate Moscow. But let us not pretend that lines don't already exist in Europe. What I have never understood about this argument is why

these critics are so attached to and nostalgic about the old artificial cold war lines, lines drawn by the acts of Hitler and Stalin over 50 years ago. Expanding and consolidating democracy in the East is not drawing new lines. If allowing new democracies in the East to seek entry into the alliance of their choice is an exercise in line drawing, it is also an exercise in erasing the old artificial lines of Yalta and the cold war. And I look forward to erasing more lines. There is something odd about people in the West who already enjoy a NATO security guarantee telling those who do not have one that extending the guarantee would somehow create a new security problem.

In short, I am not especially impressed by the arguments of the opponents of enlargement. Their prescriptions are really a recipe for doing nothing, for postponing all key decisions. We must demand of them what their future vision of the alliance and the trans-Atlantic relationship is.

But this does underscore that we are going to have a debate in the Senate.

How can we win this debate and ensure successful ratification in the U.S. Senate? I'd like to share with you six commandments on NATO enlargement which, if followed, should help to ensure ratification.

First, show leadership. Leadership is key, above all, Presidential leadership. There is no substitute. This will be a national debate and the President must lead. He must also work closely with the leadership of the U.S. Senate. The sooner he starts this process, the better.

Leadership must not only come from the United States. It must come from Europe too and Germany in particular. And such leadership must be visible both within NATO and beyond. Let me give you one example. If the European Union falters in terms of its own plans for enlargement, it will make NATO enlargement more difficult to sell in the United States because it will be seen by Americans as a European failure to pull its fair share of the bargain.

Second, have a clear moral and political vision and rationale. Enlargement must be seen as the right thing to do. While NATO bureaucrats and diplomats may be consumed by the details of tactics and compromise communique language, what will be crucial in the public debate will be occupying the moral and political high ground. We will ask the opponents of enlargement to lay out their alternative vision—and we will see whose vision is more convincing.

Third, start with the strongest candidates and keep the door open. The enlargement of NATO will start with the strongest candidates for membership. But this does not mean that the alliance is drawing new lines or forgetting about those who, for whatever reasons, cannot be included in the first tranche. Those who are first have an obligation to ensure that stability be extended beyond their borders as well.

Fourth, know the costs and commitments—and who will bear them—in advance. This must be clear and known in advance. We need to understand the burdensharing arrangements before we assume the new commitments. The U.S. Senate will not ratify enlargement until it knows the costs and consequences for both the U.S. Armed Forces and the American taxpayer.

Talking about important details of defense planning issues should not be seen as militarizing the debate. Instead, it is simply prudent and responsible to sort out among ourselves just what these new commitments mean in practice and to develop plans and programs to ensure that NATO has the capabilities to carry them out. This is what alliances are all about.

Fifth, have a strategy for dealing with the have nots. The initial selection of members may be small. When another round of enlargement will take place may be uncertain. Thus, the need to have a clear strategy to underscore that enlargement will not produce a new Yalta. In some cases, the United States has a special relationship with countries that, at that moment, seem unlikely to be included in the first tranche.

The United States and Germany have a special responsibility toward the Baltic States. No U.S. President can enlarge NATO without having an adequate set of policies to sustain Baltic independence. The Baltic States may not be included in the first round of NATO enlargement. This underscores the need for an active policy of engagement with them. It is important that we make it clear that they will be full members if they meet the qualifications; that the door for eventual NATO membership for these countries remains open and that we will expand our cooperation with them in the interim period. Non-NATO countries such as Finland and Sweden should also be encouraged to expand their involvement in the region. Countries such as Germany should take the lead in trying to bring the Baltic countries into the European Union as soon as possible and, if they qualify, in the first tranche.

Sixth, realize the U.S. need for partners beyond Europe. While many Europeans do not want to acknowledge it, the reality is that there is a linkage between burdensharing arrangements within Europe and outside of it. As a U.S. Senator, it is easier for me to argue the case for NATO's double enlargement to the American people than it is for NATO's eastward enlargement alone. Americans understand that we have vital interests in Europe and they are willing to do their share to ensure that the new Europe which is emerging remains stable. They understand a strategy that posits that we and the Europeans are in this together and that we will work together to defend shared interests—both in Europe and beyond. What they will not understand is an arrangement where the United States is asked to do more in terms of extending new security guarantees, and more in terms of budgetary commitments, in order to extend stability to Europe's eastern half—and at the same time be expected to carry, more or less on its own, the responsibility for defending common Western interests outside of Europe.

RUSSIA

This brings us to a discussion of Russia. We all know how important Russia's future is for the future of European and international security. But where does Russia fit into the vision of the trans-Atlantic relationship I have laid out? My vision of the alliance does not depend on the existence or possible emergence of a new Russian threat in the East. We do not want an alliance whose vitality and success depends on failure in Russia. Instead, we want a Russia that will successfully reform—and whose success at reform make it a more interesting and useful strategic partner for the alliance.

The United States and Europe have an enormous stake in the success of the reform process in Russia. A stable and reformed Russia can be an active partner in maintaining security in Europe, in resolving regional conflicts, and in fighting the spread of weapons of mass destruction. We wish to establish a strategic partnership with Russia that takes account of Russia's position in Europe, a partnership that could and should, lead to formalized relationship with the alliance.

Russia's place, in my vision, is clear. I do not see Russia as a candidate member of the alliance. Russia is simply too big, too different. No member of the alliance today or in the foreseeable future would be willing to extend an article 5 guarantee to the Russo-Chinese border. And the Russians—unlike the East Europeans—are not really interested in assuming the obligations and responsibilities that NATO membership entails. At the same time, Russia will inevitably be more than a mere neighbor of this new and enlarged alliance. We hope it will become a partner, indeed a country with which we have a privileged partnership.

The NATO I envision is one which guarantees stability in Central Europe, a stability which is just as much in Russia's interest as our own. The Russians should realize that enlargement is not directed against anyone, certainly not against them. Stabilizing democracy in Eastern Europe does not threaten democracy in Russia. Russia will be better off with Poland in NATO than outside of NATO. A Poland that is secure within NATO will be less anti-

Russian and more interested in cooperation and bridge building. We cannot save reform in Russia by postponing or retarding reform in Eastern Europe.

The Alliance can and should have close strategic relations with Russia. NATO and Russia are allies in IFOR in Bosnia. We hope that this is not a one time affair but the start of a longer and more stable relationship. I hope to see the day when the border between an enlarged NATO and its Eastern neighbors, including Russia, are just as stable and secure as any others in Europe.

But it takes two to tango. Moscow has increasingly spoken out against enlargement, with some Russian commentators already bringing out their list of real or imagined countermeasures that they claim Moscow will have to take. Such talk is counterproductive.

I belong to those who not only supported NATO enlargement from the outset, but who believed that the Alliance should have moved sooner and more resolutely in enlarging. The Clinton administration, as well as the Alliance as a whole, opted for a slower approach than I would have preferred. And they did so in the hope that dealing with Moscow on the NATO enlargement issue would get easier over time as Russia came to understand the Alliance's true motivations.

But by now I think it is crystal clear that a policy of postponing key decisions has not made our lives easier. Some in Russia have misinterpreted Western patience as a sign of Alliance weakness and lack of resolve. Some Russians still believe that they can stop enlargement—and some of them are still tempted to try. As it has become increasingly clear that Russians do not support NATO enlargement, our policy increasingly looks to them like a kind of Chinese water torture. For several years, NATO has issued every couple of months a statement saying that it will enlarge, to which Moscow feels obliged to say that it opposes enlargement. When nothing happens, some observers in Moscow think that they have slowed or even stopped the NATO train.

It is too late now to go back and undo the policy decisions on timing. What is important now is that NATO not waver, that it stick to the agreed-upon timetable and move ahead with the initial decision on enlargement—irrespective of the outcome of the Russian elections.

CONCLUSIONS

Let me sum up.

There are many other factors that could yet shape the U.S. politics of NATO enlargement. If democratic reforms in the candidate states were to stall, the entire enlargement plan might be put on hold. It also makes some difference whom the next President appoints to key posts such as Secretary of State and Secretary of Defense. Overall, however, while ratification of new NATO members faces many obstacles and pitfalls, there is little evidence for the claim that it is politically infeasible.

The real tragedy would be if the Senate, in successfully encouraging the administration through legislation to proceed with the inclusion of new members in the Alliance, jeopardized or neglected the development of a bipartisan consensus and public support necessary to secure the 67 votes it will take in the Senate to ratify NATO enlargement.

Mr. President, I yield the floor and 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. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

UNANIMOUS-CONSENT AGREEMENT

Mr. LUGAR. Mr. President, on behalf of the leader, I ask unanimous consent that the previous consent agreement regarding controlled time be amended as follows: Senator COVERDELL, or his designee, be in control from 4 p.m. to 5 p.m.; Senator DASCHLE, or his designee, be in control of 60 minutes.

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

Mr. LUGAR. I thank the Chair. 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. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. COVERDELL. Mr. President, parliamentary inquiry, if I might. It is my understanding that the hour from 4 to 5 has been designated to myself or my designee, is that correct?

The PRESIDING OFFICER. The Senator is correct. The time between 4 and 5 is to be under the control of the Senator from Georgia.

KEEPING CAMPAIGN PROMISES

Mr. COVERDELL. Mr. President, I am just going to make a very brief statement to begin this hour. I understand the Presiding Officer would like to comment. So if he will allow me, I will make an opening statement, and then I will relieve him in the Chair so that he might make the remarks he chooses.

Mr. President, I have always felt that there should be a relevance, a connection, a linkage between what a public policymaker contends or discusses in the pursuit of office and what he or she does, if fortunate enough to achieve it. I think that much of the cynicism and anxiety that we have seen growing in our country can be tracked back to the failure of too many of us who seek public office relating what we said if we sought it to what we do if we achieve it.

I believe this administration is particularly vulnerable on at least three major subjects. The first one is taxes. This administration came to America and said, "We are going to lower taxes on the middle class." That is what was said. But what was done was that they were increased to unprecedented proportions.

We talked about and have heard the administration talk about its grave concern over drugs and crime, and drug abuse or drug usage, under this administration's watch, have skyrocketed to epidemic proportions. Just last week, there was a perfect example, where the President has said, "I am for a balanced budget," repeatedly, but stood foursquare in front of passage of the balanced budget amendment.

So, as I said, Mr. President—and I want to reiterate it here this afternoon—it is important that there be a linkage, a connection of relevance between what we say as we pursue public office and what we do if we are successful enough to achieve it.

Mr. President, I am going to relieve the Chair. I do not think I need to call for a quorum call. I will relieve the Chair so that he may make his comments.

(Mr. COVERDELL assumed the Chair.)

Mr. GRAMS. Mr. President, I want to follow up on some of the comments that you were making.

A DIFFERENCE IN PRIORITIES

Mr. GRAMS. Mr. President, it is easy to campaign as a champion of the middle class. As you know, President Clinton did it in 1992, when he made the middle-class tax cut the centerpiece of his campaign. His very first television commercial that year featured the candidate looking directly into the camera and telling the voters that they deserve a change. "That is why I have offered a plan to get the economy moving again, starting with a middle-class tax cut," he said.

Of course, we all know what happened to that tax cut a year later. The candidate who pinned his campaign to the hopes and dreams of the middle class became the President who let the middle class down once he moved into the Oval Office. His campaign promise of a tax cut was transformed into a $270 billion tax increase—the largest tax increase in American history. It was change, all right—but certainly not the

kind of change the people had asked for or were promised.

Everyone who drives a motor vehicle knows what the President's 4.3-cent-per-gallon tax increase has done to their annual gasoline bills—especially recently, with gas prices around the Nation at such high levels. By boosting the cost of gasoline by nearly $5 billion every year, the gas tax has been particularly damaging for truckers, farmers, and anyone who lives in rural areas of the country.

Senior citizens, even those making as little as $24,000 a year, saw their taxes rise as well once the President's 1993 tax bill increased the taxable portion of their Social Security benefits by 70 percent.

For the more than 80 percent of small business owners who file their income taxes as individuals, President Clinton's 1993 tax increase forced them to pay taxes at a rate as high as 44.5 percent. That is significantly above the corporate rate of 35 percent, and means the folks who run the local plumbing business or TV repair shops are paying taxes at a higher rate than Microsoft or General Motors.

Families, job providers, retirees, motorists—all of us felt the pinch when the President signed his 1993 tax bill into law.

Since President Clinton's election, the Government is taking more from the paychecks of middle-class Americans than it ever has before. The administration and the Democrats in Congress who voted for it and passed it say, but it was only targeted at the rich. But, today, the typical American family faces a total tax burden of 38 percent. In human costs, this means we taxpayers are turning more money over to the Government than we are spending for our family's food, clothing, shelter, and transportation combined. Tax freedom day—the day the American taxpayers are no longer working just to satisfy Uncle Sam and can begin keeping our dollars for ourselves and our families—has jumped ahead an entire week since President Clinton took office.

The various budget plans the President has submitted to Congress over the last year and a half paint a very different picture of priorities. The priorities for which BOB DOLE and our Congressional majority have repeatedly fought have been to protect families from the unreasonable demands of an unregulated Federal Government. The priorities of the President and the Democratic leadership have always been to protect the status-quo government, and too often, at the family's expense.

In his State of the Union Address in January, President Clinton boldly declared that "the era of big Government is over." "Big Government" presumably meant the high taxes that have squeezed the middle class—the gigantic bureaucracy that has made redtape synonymous with Washington inefficiency, and the wasteful spending that has drained the taxpayers of their precious dollars.

But big Government remained alive and well in the budget the President submitted for fiscal year 1997.

That budget was nothing more than the status quo the current administration continues to defend. It did not rein in the big spending that has generated our massive deficit and put our children and grandchildren on the line for decades of our financial mismanagement. It called for $60 billion in tax increases over the next 7 years.

And where are the tax cuts the President has repeatedly promised American families? He offered nothing but token tax relief. His child tax credit began at just $300 per child, was slowly ratcheted up to $500, and then eliminated just 2 years later. By the way, teenagers were too old to qualify for that tax break.

Under the guidance of President Clinton and the Senate Democratic leadership, my colleagues across the aisle attempted to break the 1993 tax increase record when the President's budget came before this body in May. Had they prevailed, the amendments they offered during debate over the budget resolution, combined with the President's own tax mandates, would have amounted to another tax increase of $295 billion, dwarfing the $270 billion increase of 1993. Fortunately, the gentleman from Kansas has heard the demands of the American people in calling for fiscal restraint and relief from a crushing Federal tax burden, and under his leadership, we stood with the taxpayers in rejecting those attempts to further increase taxes on working-class families.

If the majority leader's balanced budget plan, with its $245 billion in tax relief, had been signed into law instead of stopped with a Presidential veto last December, April 15 would have been very different for the millions of Americans who dread the annual arrival of tax day.

Let me describe the tax day that could have been under the Republican balanced budget plan.

A family sits down at the kitchen table to tackle their Federal tax return, but it is not with the sense of foreboding they usually feel this time of year. They have heard that when Congress and the President enacted a balanced budget, they created changes in the tax laws that are making a dramatic difference for middle-class families like theirs.

Because both parents have jobs—let us say one owns their own small business and the other works part time at a local hospital—the first decision they have always had to make in the past was whether to file jointly or as individuals. Back then, filing as a family always came at a cost because of a glitch in the tax code called the marriage penalty. Because the marriage penalty required joint filers to pay higher taxes than if they had filed separate returns, it seemed as though the Government was discouraging family life, instead of trying to nurture it.

But no longer, because they notice immediately under the balanced budget bill that Republicans passed, sent to the President and which he vetoed, they notice that under that plan the marriage penalty had been eliminated, meaning families are no longer unfairly penalized through higher taxes.

That is the tax day I fought for. That is the tax day every Republican supported.

That is hypothetically again under a tax date that could have been.

As this family works through the form, they discover several other ways in which the Federal Government has rewritten the tax code to help bring families together and keep them strong.

They are the proud parents of three children, the youngest of whom they adopted just last spring. To help defray the enormous costs a family can incur during the adoption process, the new laws allow them take a tax deduction of up to $5,000 for adoption expenses. By reaching out to families willing to make room for a child without a home, this new tax policy makes sense, they decide.

To keep their family together, the young couple decided several years ago to move an elderly parent into their home and care for them there. They count themselves fortunate that they have been able to keep three generations together under the same roof, but it has stretched the family budget at times. They are pleased to learn that Congress has recognized this by allowing them to subtract $1,000 from their total tax liability to help offset the cost of caring for an older relative.

For families, the cost of health insurance and medical care can be overwhelming, and the challenges are even greater when they own a farm or a business.

While most working people receive their insurance through their jobs, small business owners and farmers usually purchase their own. Our mythical taxpayer has been able to deduct 30 percent of the cost of the health insurance premiums in past years, but they discover today that under the tax bill, the Balanced Budget Act that the Republicans passed, sent to the President, but again he vetoed, under that bill, the new tax rules would have allowed them a 50-percent deduction for self-employed individuals. It is still not the full 100-percent deductibility that large employers enjoy, but think it is a good start.

One unanticipated expense that recently came their way was the purchase of a new home. That required

dipping into an IRA to help finance the downpayment, which used to mean a hefty tax penalty. No longer—families are now allowed to withdraw up to $10,000, penalty free, for first-time home purchases and certain other expenses.

And by the way, the student loan that helped finance a college education is no longer the financial drain it used to be, now that the Federal Government is allowing taxpayers to deduct up to 20 percent of the interest—as much as $500—every year for 5 years.

As they reach the end of the tax form, they discover the best news has been saved for last. After they have calculated their total tax liability, they then subtract a $500 tax credit for each of their three children. That is $1,500 of their own money that Washington is not going to take, which they can put toward meeting the needs of their family, not merely feeding the Federal bureaucracy. And best of all, this $500 per-child tax credit comes in addition to the $2,500 tax exemption for dependents.

They sign their 1040 and seal it away in its envelope, pleased that Washington is finally enacting tax policies that are putting families first.

That is the tax day BOB DOLE delivered to the American people by passing the Balanced Budget Act. Unfortunately, because President Clinton has an entirely different view of tax day—and proved it with his veto pen—the April 15 I have described is nothing more than the tax day that could have been.

While this administration went on the offensive against families by vetoing the $500 per-child tax credit, elimination of the marriage penalty, adoption and eldercare tax credits, and tax incentives designed to create jobs and boost salaries, Republicans, BOB DOLE, and NEWT GINGRICH put this Congress on record as standing squarely alongside the working families of America.

As long as taxes keep rising, the dollars Americans have left over to provide for their families will keep falling. And so it has been the Republicans' goal—the Dole-Gingrich goal—to help Americans earn more money and keep more of the money they earn, so they can do more for themselves, their kids, their communities, their churches.

I look forward to having a President who will sign legislation which helps the hard-working middle-class taxpaying families of America.

Thank you very much, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from North Carolina.

Mr. FAIRCLOTH. I thank the Chair.

(The remarks of Mr. FAIRCLOTH pertaining to the introduction of S. 1853 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

Mr. COVERDELL. Mr. President, in just a moment I am going to yield up to 5 minutes to the Senator from Wyoming.

Mr. President, over the last couple of years—since August 1993 when we got the largest tax increase in American history—instead of the tax reduction that had been promised—the figure of about $250 billion has been used over and over, and we need to put that figure in context—the actual tax increase from 1994 to the year 2002, or the 7 years that we all talk about, is $500 billion—$500 billion in new taxes from this administration, half a trillion dollars; that instead of the tax relief that was promised. And that is why I say there should be a relevance between what one says as he seeks office and what he does if he is fortunate enough to achieve it.

Mr. President, I yield up to 5 minutes to the distinguished Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I think there is nothing more important as we look toward an election, as we look toward closing this session of the Congress, as voters and citizens, than examining some of the things that are really important in making these decisions.

I think I must tell you I have been distressed, somewhat, over the last couple of years about this tremendous communication system we have where, for the first time ever, whatever happens in the world, you just instantly know about it. I compare that to what it must have been like 100 years ago. In my State of Wyoming, people did not know what in the world happened in Washington. They probably did not care very much, but they did not know for a very long time. Now we know and we have the greatest communications system, but I have to say I think we have developed this sort of spin process to where it is very difficult for us to know what the facts are so we can make decisions. That is really what this whole thing is about. That is what this Congress is about, what this Senate is about, is making choices, hard choices.

I guess, again, I reflect on elections where—obviously, you are not able to talk with candidates about 800 different issues which will be talked about during the course of a year here. So, instead, you have to sort of talk about philosophy and talk about where you stand and talk about the values that you have that you measure the issues against so the people that you talk to can say, "Yes, I understand. I understand that set of issues. So when I measure against that, I have a pretty good hunch as to how those decisions will be made."

Never have we had, I do not think, as clear a set of choices as we have had this year and will have in the coming year. I certainly respect that there are different philosophies and different points of view. We get up here and argue, often, the merits of the issues, which is valid, but when you really get down to it, what we are really talking about is the difference in philosophies.

A balanced budget is probably the most significant item we have talked about this year, the most significant item that has been brought before all of us as citizens: Whether we are going to be responsible for the spending, whether we are going to be morally responsible to pay for it as we use it, whether we are going to be fiscally responsible, to not spend more than we take in. Everyone says that is a great idea, but not everyone agrees with doing something about it. That is the choice you have. We have everyone saying, yes; we want to balance the budget. But then we have a vote and we do not have enough to get a constitutional amendment to do it.

So I think we have some real choices. We have to decide for ourselves what it is that we think is important.

Regulatory relief—I do not think anyone would reject the notion or resist the idea that we are overregulated. Overregulation is difficult for the economy, it causes fewer jobs, it causes less prosperity. We can change it. Everyone is for it, except when you get to it, and then they do not do it.

Welfare reform—we all talk about welfare reform. Is there anybody who says, "Oh, no, we do not need to change welfare, it is perfect"? Of course not. Do we get it done? No; we sent it to the President, and he vetoed it. This is the same President who campaigned on welfare reform.

So, these are the kinds of choices we have to make all the time. It seems to me it has become increasingly important that there is some credibility to where you stand, philosophically, on issues. Should we have less Federal Government or more? That is pretty basic, pretty basic stuff. When you talk about many of these issues, that is really the core issue. Should we do it here? Does it need to be done? Could it be done better? Could we, in fact, shift it to the States, closer to people, where it can better be done? That is a good issue. Less government or more? More regulation or less?

There are even some more basic issues, I think. They have to do with personal responsibility. They have to do with whether or not you really believe—and I really believe, I do believe—that we are responsible for our own actions. My wife happens to be a high school teacher. She probably says more often than anything else, "You are responsible for your own behavior. You are responsible for your own actions." If that is good enough for kids, it is

good enough for us, too. That is how you build a strong freedom, a democracy, is people being responsible for their own actions.

But when you take a look at some of the issues we find ourselves saying, discretely, "Well, no, the Government really ought to be responsible for that. After all, there are a lot of things I am really not responsible for, so somebody else must be." That is pretty basic stuff.

BOB DOLE will be here for the last time tomorrow. I cannot help but think here is a man who has served his country for so long and has consistently been for the things that he said he was for, voted for them and supported them. He is not someone who has said, "Yes, I think I am for that," and then shortly after, "Well, I am not sure, I am really for something else. Yes, I am for it, but I am not going to vote for it, not that." BOB DOLE has been consistent in what he is for.

Responsible spending—throughout his career he has been for less government rather than more. He has been on the side of moving more and more government back to the States and local government, closer to people, so people can participate. He has been for self-responsibility, for sacrificing for his country. These are the things that—as I said, I think we had 800 votes or something last year on all these issues. But when you peel it all away, there is some pretty basic, fundamental stuff people either believe in or they do not.

There is another legitimate point of view—more government. A lot of people think the Government does a better job of spending money, that the way to balance the budget is to raise taxes, not to decrease spending. That is a legitimate point of view. I do not happen to share it, but it is a legitimate point of view.

I guess what I am really saying is, we are going to have another opportunity, our biennial opportunity, as citizens, to evaluate where we think we should go, in your Government—in our Government; what you think are the fundamental pillars of defending democracy and freedom.

I have had a couple of chances the last couple of years to go some other places. Frankly, I come back feeling more strongly about the elements of democracy and freedom and self-government than I ever did before. So we have that opportunity now. We will be measuring all of our candidates and all of our issues based on what we think is right and who we think will follow what they said they were going to do, where the credibility lies; people upon whom you can depend to stay with what they say. Mr. President, it seems to me that is kind of the real, old-fashioned, fundamental issue of this country. I am excited we are getting onto it.

I appreciate my friend from Georgia having this conversation about where we are going, his conversation of credibility, of being able to rely on what we say we are going to do, and do it. We have set about to do that this year. I am pretty proud about what we tried to do. I am sorry we have not come to closure on more things, but we have changed the total debate here.

Two years ago, no one was talking about balancing the budget. Now it is not a question of whether we are going to do it, it is a question of how we are going to do it. And that has been because I think we brought, from the last election, many of us, a message that said: "Look, we expect you to make some changes. You say you are going to have less Government, it is going to cost less and have less regulation. Do it." That is what we are seeking to do.

Mr. President, I yield the floor.

Mr. COVERDELL. Mr. President, I know the Presiding Officer would like to make some comments. In a moment, I will replace you so you can do that.

I want to thank the Senator from Wyoming, once again, for the excellent presentation he makes over and over on the Senate floor.

Just a moment ago, I mentioned this $500 billion tax increase that occurred in August 1993. The point I am making, Mr. President, is in 1992, the President said this:

> I've offered a plan to get the economy moving again, starting with a middle-class tax cut.

"Starting with a middle-class tax cut." Within 8 months, it became the largest tax increase in American history on the middle class. An average family in my State is paying $2,600 more in taxes and economic burden as a result of the actions and policies of an administration that promised just the reverse. With that, I will be glad to relieve the Chair.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER (Mr. COVERDELL). The Chair recognizes the Senator from Utah.

Mr. BENNETT. I thank the Senator from Georgia for his courtesy and his support and his leadership in putting together this afternoon's objectives.

As I understand it, we are talking this afternoon about the crossroads that America finds itself at in this quadrennial year, 1996. It is leap year; it is the year for the Olympics; and it is the year Americans decide who gets to stay in the White House until the next leap year and the next Olympics.

As I look back on 1992, the last time we had one of these elections—I have a very clear memory, because 1992 was the year that I ran for the Senate. It was a very interesting year. President Clinton was then Governor Clinton, and he was attacking an incumbent President. Ultimately, the Clinton message in 1992 came down to a single word. The word was "change." President Clinton was campaigning in favor of change and was calling upon Americans to vote resoundingly for change. I had a very strong reaction to that, because ultimately my campaign for the Senate came down to a single word, and that word was "change." I campaigned for change.

I got here and met the other freshman Senators in that group and found that virtually every one of them, regardless of party, had campaigned for change. I remember one of my colleagues on the Democratic side saying that she received a phone call some 3 weeks after the election and the voter said: "I voted for change. Where is it?"

She said: "I haven't even taken office yet."

The caller said: "Well, you promised me change, and you haven't produced, and I'm impatient."

What kind of a change did President Clinton give us once he did take office and take the oath of office? It was very interesting here as a Member of this body to see what happened. He became, if you will, co-opted by the Democratic leadership in this House and in the other one.

Senator Mitchell said, "You don't need to talk about reducing the size of the congressional staff, we already did that."

"Oh," said President Clinton, "I didn't know that, so we'll allow spending as usual to go on in the Congress."

"Well, what about changing the Tax Code?"

"Oh, you don't need to do that," said Senator Mitchell and Speaker Foley, "we've already taken care of the Tax Code. As a matter of fact, what changes you do need in the Tax Code should be on the upside rather than the downside."

"Oh," said President Clinton. "Well, as long as you tell me that's what it ought to be, I will do it."

I remember the first major battle we had in this Chamber on the issue of change. The President proposed an emergency appropriations bill. Now, Mr. President, what does it mean when you say "an emergency appropriations bill"? I had to ask that question. I was new; I didn't understand. They explained it to me. If you have an emergency appropriations bill, that means it does not have to fall under the restrictions of the reconciliation bill or the budget bill. That means it goes directly into the deficit without stopping any way through. We had a $19 billion emergency appropriations bill on this floor that we had to have to meet all the emergencies.

What were the emergencies? Well, there was a warming hut that needed to be built by a skating rink somewhere in New England. Great emergency. Somehow they had gotten by skating on that pond or that local rink for a long time, but now there was an emergency; we had to have that warming hut. We had to have a whole series of things that were in that genre, and

BOB DOLE from this desk stood up and said, "No."

I realized, from that desk way over there, as a very new freshman, that what we were seeing was not change; it was business as usual. Promise one thing, then when you get to the Congress, when you get in office, cloak everything you do in confusing terms, call this an emergency; but basically pork-barrel spending for the President's political base in the same pattern as it had always been.

What we were seeing was an attempt at business as usual and from Senator DOLE an attempt to stop business as usual and produce change in the way things were done. From this very desk where I stand today, BOB DOLE organized the Republicans in this Chamber who stood together in defiance of business as usual and brought about the first demonstration of real change in the way business is done when, by use of the filibuster, they stopped the President's stimulus package and insisted that those spending items had to be put in the budget.

I remember, Mr. President, we wore buttons that said, "Just pay for it." Do not let it go directly to the deficit and borrow money. Find a place where you would pay for it with some kind of spending cuts someplace else for these emergencies.

When it finally happened, the Presiding Officer remembers, we ended up passing that portion of that appropriations bill that was really needed, but somehow the rest of it disappeared and the Republic survived. The emergency passed and no dire consequences occurred.

I must confess, I do not know if the warming hut on the skating rink ever got built. I rather suspect that it did, if the local community that wanted it wanted it badly enough. But somehow we saw the beginning of real change by virtue of BOB DOLE's leadership standing up to political business as usual in that circumstance, and that went on all through the 103d Congress, until in the election of 1994, the American people said, "We want change," even more loudly than they said it in 1992. Only this time the President got the message in a different fashion. Not one single incumbent of the party opposing the President was defeated in that election. Not one. That is an extraordinary historical fact. This has never happened before, that I know of, in American history.

The Republicans took control of both Houses of Congress and the President suddenly got very, very nervous on the issue of change, because the Republicans were determined to produce change, the change that President Clinton promised before he slipped into the control, if you will, of the Democratic leadership of the Congress, and blame the advocate of business as usual.

As I say, we are coming up to another election. I was at a dinner party a month or so ago where a number of people were talking politics. It is hard to go to a dinner party in this town where people do not talk politics. The host said, "I want to pose a couple questions." He said, "If Bill Clinton is reelected, what will he do in his second term?" or, conversely, "If BOB DOLE is elected, what will he do in his first term?"

Interesting. No one at the party had the slightest idea what the answer to the first question was. Nobody knew what Bill Clinton will do in his second term. Will he revive health care as a major issue? No one knew. Will he try to restructure the Tax Code, either raising or lowering? Nobody knew. What will he do about balancing the budget? Nobody had the slightest idea.

Then someone said, "Well, what would BOB DOLE do if he got elected?" "Oh, he'll work on restructuring the Tax Code. He'll work toward a balanced budget." He will do a whole list of things. I said, "Wait a minute. BOB DOLE is supposed to be the candidate with no vision. Bill Clinton is supposed to be the candidate that has a clear idea where he wants to take the country. Why can't any of you tell me what Bill Clinton will do in his second term, but you all can give me answers to what BOB DOLE would do in his first term?"

We all looked at each other as if we made a great discovery, that Bill Clinton talks about this and he talks about that, and he gives speeches saying we have to reform welfare, and he says the Republicans are right on a whole bunch of issues, and he seems to be co-opting all of the Republicans' positions, but he never really makes it clear what he intends to do if he gets elected.

In the language of the business world, he is keeping his options open. In other words, he is keeping himself in a circumstance where he can go wherever he wants if he gets elected without ever tipping his hand as to what his intentions really are.

Mr. President, let me tell you what I think his intentions really are. I have tried to examine the entrails of this particular owl and see if I can read them and come up with a prediction of the future. So let me take a stab at it.

I believe Bill Clinton does have a clear idea of where he wants to take America. I go back to the 1992 campaign when he was asked for his vision and he said, "I am concerned about the security of every American, the security of their job, the security of their income. I want an America that will make everyone secure."

Have we heard this before? Yes, Mr. President. This sounds like the rhetoric of most European politicians. I believe Bill Clinton wants to make the United States a modern European industrial state. Let us pick one as an example. I do not know whether he has this one in mind.

Germany is a modern industrial European state. I think it is no accident that the first priority that President Clinton had was to give America a health care system modeled on the German model. What happens in a modern European industrialized state? Well, there is a lot of security. If you lose your job in Germany, the Government steps in and you can live for a long time on the kinds of payments the Government will give you.

Indeed, unemployment in Europe is twice as high as it is in the United States and four and five times as long. If you lose your job in the United States, statistically you are likely to find a new one in 6 months. The majority of people who are unemployed find a job within 6 months or less in the United States. Something like 60, 70 percent of the people who are unemployed in Europe stay unemployed for 4 and 5 years.

This is the kind of country we would have if we were a modern European industrialized state: Unemployment twice what it is in the United States today, a tax burden of higher income taxes, higher payroll taxes, and consumption taxes, to boot, that would be close to something like a 14 percent national sales tax—that is the value-added tax level in Europe, different maybe in different countries, but basically around 14 percent—a much higher deficit, and a much higher national debt in proportion to the size of our economy.

As concerned as we are about our national debt, our national debt is the lowest of all of the industrialized countries in the world. President Clinton would like to take us in that direction. I sit on the Joint Economic Committee. President Clinton's principal economic adviser, Dr. Laura Tyson, testified before the committee after the Clinton administration took power.

She said to us on that committee—I still remember it very clearly—she said, "Compared to the other industrialized nations of this world, the United States is seriously undertaxed," and then implied this administration is going to fix that.

No. I think we know the direction in which President Clinton would go in a second term. It is the direction toward turning the United States into a North American version of Germany or France or Sweden, just as those countries are desperately trying to get out from under the kind of governmental control that has grown up there since the Second World War and are grasping to become more like the United States.

There is an alternative, of course, in November. That is the candidate for whom, in my belief, the principal interest is not security, but opportunity, an opportunity for a good job, an opportunity for a good education, an opportunity to contribute, to build, to save,

to create circumstances for one's family that can make those circumstances better.

Opportunity is a little scarier than security. But throughout history, opportunity pays better. Countries that are built on opportunity do a whole lot better than countries that focus entirely on security.

So, Mr. President, I thank the Senator from Georgia for giving us this opportunity to talk about the differences that are going to be starkly portrayed between now and November.

As I get ready for the November election, I am going to go back to 1992 in my old play book and pull out the word "change" that worked so well in 1992 for all of us, and recognize that in 1996 BOB DOLE will be the candidate of change and Bill Clinton will be the candidate of the status quo. BOB DOLE will be the one who wants to take the Tax Code and turn it into an engine of opportunity. Bill Clinton will be defending the Tax Code and saying, it is just fine except it needs to be a little higher here or there.

BOB DOLE will be the one who is saying we must change welfare so these people have an opportunity to get off of it. Bill Clinton is the one who will be saying, no, let us hang on to the basic principles of the status quo and across the board.

In 1992, the American people said, "We want change." They got business as usual. In 1994, the American people even said more loudly, "We want change." Unfortunately, they have gotten gridlock because the White House has not gone along with the change that came by virtue of the Congress.

In 1996, the American people will have one more opportunity to say, "We want change," and this time achieve it if they give BOB DOLE the opportunity to carry out that which he has told us he will do instead of voting to keep the status quo.

Mr. President, I yield the floor.

(Mr. BENNETT assumed the chair.)

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I appreciate the remarks of the Senator from Utah. The Senator brings a very interesting perspective when he points to trying to determine what the administration's plan would be in that second term. When you alluded to the industrialized societies of Europe, I was particularly taken with the comment about unemployment, I think running around 12 percent, in Germany today. What was once an enormous competitive force, and we have all thought of as a competitive force, is now struggling with the burdens of a government that ensnares every facet of life for the people of Germany.

I yield up to 10 minutes to the good Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

THE VOID IN MORAL LEADERSHIP—PART XI

Mr. GRASSLEY. Mr. President, we now have the classic example of duplicity in budgeting. It's the first clear example of budgetary duplicity since the infamous magic asterisk made famous by David Stockman. This time, it is by the President himself.

The example is revealed courtesy of my colleague from Missouri, Senator BOND. He has laid out a compelling case that shows when the White House speaks about its budget, it speaks with two voices. One voice emanates from the left side, the other from the right side. Not surprisingly, this is so the President can have it both ways. They can have their cake and eat it too.

The consequence of this duplicity is continued public cynicism. These days, that's a cardinal sin of any political leader. it undermines the confidence of our citizenry in its political leaders and in our system of government.

Those watching from their homes, Mr. President, often get confused by our arcane budget process and terminology. So I want to explain this duplicity in normal, everyday language.

As a big taxer and big spender, the President's political strategy is to spend money to make all his special interests happy. He already passed the largest tax increase in the history of the country back in 1993. Now, he wants to use those revenues to spend more just before he's reelected.

The problem is, his budget would deficit-spend forever. It would never be in balance.

More than 80 percent of the American people want a balanced budget. Republicans criticized the President for not having a balanced budget. The criticism worked. It was scoring points with the public. That's because they support a balanced budget overwhelmingly.

The President was on the political run. So he had a decision to make. He still wanted to spend all the money necessary to make his special interests happy. But he also wanted the public to think he had a balanced budget. That way, he could put a stop to all the criticism about not having a balanced budget. And, he would also not offend his political supporters. In other words, he could have his cake and eat it too.

There's only one problem with this. To pull that off, the President would either have to make tough choices, or he'd have to use some sleight-of-hand. Sleight-of-hand won out.

And so, the President presented his budget to Congress and the public. In doing so, he presented two budgets. One was $67 billion more expensive than the other.

Depending on who he was talking to, he would reference one budget or the other. For instance: If he was talking to critics who said his budget didn't balance, he'd point to the one that's $67 billion cheaper. If he was talking to his special interest friends whom he didn't want to offend, he'd point to the one that had $67 billion more in it.

That way, the President hoped to satisfy everyone, and offend no one.

There's evidence of this.

Senator BOND received testimony from their different heads of agencies that confirm the budgetary shell game. EPA Director Carol Browner, HHS Secretary Donna Shalala, and NASA Administrator Dan Goldin each suggested that the White House told them not to worry about future budget cuts in their agencies that would occur under the balanced budget version.

In other words, the White House fully intends to honor the more expensive budget, rather than the balanced budget. But the President doesn't want to say that before the election so he can't be criticized for having a bloated budget.

What this shell game shows is a White House that plays fast and loose with honesty. It is duplicitous. It's saying one thing out of one side of the mouth, and another out the other side. In the final analysis, the President intends to abandon a balanced budget, should he survive his effort for a second term.

There's an even more serious and destructive game the White House is playing in its budget. The issue is the veterans' budget. The Secretary of Veterans Affairs is the Honorable Jesse Brown. Mr. Brown confirmed this before Senator BOND's subcommittee.

He confirmed that, even though the President's budget would decimate veterans, the President has assured him he will renegotiate the veterans' budget every year. In other words, veterans funding, too—just like all the others—will also go up, allegedly. That would put even more pressure against a balanced budget.

The problem with this example, Mr. President, it's more than simply a shell game. It's a total disavowal of the President's veterans budget, by the President's own people. Worse, by the President himself. It's an official budget that's not official. And that, Mr. President, is a matter of budget integrity. And this budget lacks integrity.

The budget of the United States represents the official statement of policy of a President. If that is true this President's statement of policy is one of duplicity. And it lacks credibility and integrity.

And that, Mr. President, is the mark of a failed leader. A leader who undercuts his own moral authority to lead the Nation. You cannot be a leader if your policies reflect duplicity, a lack of credibility, and a lack of integrity.

This is the 11th in a series of talks, Mr. President, that I have shared with my colleagues on my observations about the President's failure to lead by

example. His failure of moral leadership.

If our leaders continue to lead this way, public cynicism—already at dangerous levels—will reach critical mass. We cannot continue to serve the people of our country in this way.

Republicans have tried to lead by example. We put our money where our mouths were. We passed congressional accountability, putting Members of Congress under the same laws as we passed for the rest of the country. We passed a balanced budget last year. And, we'll pass another one later this week.

But the President will veto a balanced budget again, without an honest alternative of his own. This is failed leadership of the worst kind, Mr. President.

Finally, Mr. President, I commend Senator BOND for his outstanding detective work in surfacing this budget duplicity on behalf of the American people.

Mr. COVERDELL. Mr. President, I believe we have gone past the allotted time by several minutes.

I ask unanimous consent that we be allowed up to 15 more minutes to conclude our remarks.

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

Mr. COVERDELL. Mr. President, I commend all the Senators who have come to the floor and discussed the general premise that there should be a relationship between what officeholders say during the course of seeking the office and what they do once they achieve it.

We talked about the fact that the administration talked about a tax reduction to the middle class and then raised taxes on them up to $500 billion. We have talked about this budget duplicity, which we just heard about here today. We talked about the issue of being for a balanced budget, but then coming foursquare against the balanced budget, an amendment to the Constitution that would do nothing more than allow the issue to go to the several States. Yet, there was fear even of letting that go to the people.

I am going to mention one other, as we close out, because the administration has talked frequently about its concern over crime in our country. By anyone's observation today, you cannot separate crime from drugs. And if there is one thing laying at the foot of this administration, it is the fact that they altered dramatically the drug policies that governed from 1980 to 1992—that 12-year period that saw massive reduction in the use of drugs at all levels.

Between 1979—to give some examples, Mr. President—and 1992, drug use was cut in half in America. There is no way we will ever know the millions of families—sisters, brothers, friends, next-door neighbors—that were saved from tragic consequences because of policies that discouraged the use of drugs.

Under this administration, marijuana use among young people has increased an average of 50 percent across all age groups. Teenage drug use has risen every year under this administration. In 1992, at the beginning of the administration, 2.4 million of our youth used drugs. Today, the figure is 3.8 million—up 58 percent. This, Mr. President, is an epidemic.

Use of marijuana, ages 14 to 15, is up 200 percent since 1992. Marijuana use among eighth graders was 3.7 percent in 1992. Today, it is 7.8 percent—a 110-percent increase.

Hallucinogens, LSD and PCP, were at 5.8 percent up to 1992, and now it is 9.3 percent—up 60 percent.

There were 146 people in the office of the drug czar when the President took office. He took it down to 25 people and has only recently discussed increasing it—I am sure as a result of these epidemic numbers that I am describing to you here today.

The list goes on and on. But what has resulted, Mr. President, is that the combination of changing the policies, moving away from interdiction—those budgets went down—and moving away from law enforcement, emphasizing rehabilitation, I would have never believed, Mr. President, that those changes in policy could have such a massive and rapid response. Remember, we had a Surgeon General that was suggesting, early in this administration, that it was OK to legalize drugs.

The fact that these drug policies changed was de-emphasized, and the White House never talked any more about drugs. Some made fun of Nancy Reagan's "Just Say No," but we can use a little bit more of that now. What happened was our youth, very quickly, began to believe that drugs were no longer a problem.

The result has been that, thinking it is no longer a problem, they are more willing to experiment with drug use. The result of that is that we have recreated a drug epidemic in our country of immense proportions, and there are millions of families that are going to suffer the consequences because we have not put up the fight. Whether it is a sister, a brother, a neighbor, someone in our town, someone across the hall in the workplace, we have created millions of casualties in America.

The administration is talking more about drugs, but it is still not getting the job done. President Clinton requests 19.4 percent less funding for prevention in 1997 than he requested in 1996. So we still have a pattern that is ignoring this crisis.

Now, this crisis reverberates through our hemisphere. Our fellow countries in the hemisphere are now coming under a deluge from the drug cartel. President Zedillo of Mexico said that there is no greater threat to his Republic than the drug cartel.

This is a massive crisis that must be confronted very quickly in the balance of this decade as we move to the new century, if we are going to save millions of American casualties, from crack babies to drug use. This is the first time in my life that we have actually witnessed a war that is directed at kids—people 8 to 12 years old.

The last drug crisis focused principally on people who were 16, 17, 18, 19, and 20 and now it has moved down to 8, 9, 10, 11, and 12, and this ought to command the attention of every policymaker—a mayor, a Governor, a county commissioner, and, yes, the President of the United States.

Mr. President, I am about to yield the floor. I want to reiterate what I said when we began—that there should be a relationship between what policymakers say to our citizens and what they do. You ought not to promise tax relief and then raise taxes. You ought not say you are for a balanced budget and then fight it at every turn. You ought not to say that you are fighting to win this drug war and then turn a lot of it off, because that creates cynicism in our country. It really does. It makes people sit back and wonder about their Government. In every way that we can we ought to stress that relationship between what we run for and what we stand for and what we do. There should not be a great distance in the rhetoric and the deed. As near as possible they should match. We have emphasized here this afternoon that in all too many cases in the last 36 months they have not.

SENATOR BOB DOLE

Mr. COVERDELL. In closing, Mr. President, one of the speakers a little earlier, I think Senator BENNETT of Utah, talked about Senator DOLE and this desk. Tomorrow Senator DOLE will leave his beloved Senate. And I said after his announcement that I would never look at this desk and not see the distinguished Senator from Kansas.

So, in closing, I just want to, as a precursor for tomorrow, wish him well, wish him Godspeed, wish him a safe journey, and to be among the millions of Americans to thank him for all that he did for his State, for this Senate, and for the United States of America.

With that, Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. 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.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak as if in morning business.

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

HERBERT CLARK AND LOU HOOVER

Mr. GRASSLEY. Mr. President, a distinguished Iowan once wrote: "I prefer to think of Iowa as I saw it through the eyes of a 10-year-old boy. Those were eyes filled with the wonders of Iowa's streams and woods, of the mystery of growing crops. They saw days filled with adventure and great undertakings, with participation in good and comforting things. They saw days of stern but kindly discipline." That 10-year-old Iowa boy later became the 31st President of the United States. Herbert Clark Hoover was the first U.S. President to be born west of the Mississippi River.

President Hoover's home until he was 11 years old was in West Branch, IA. And the Hoover Presidential Library in West Branch is the place where he returned upon his death in 1964. Born into a Quaker family in 1874, he was raised in the Quaker tradition by his parents until their untimely deaths. Then, he was raised by other family members. During his formative years, he was taught the principles of honesty, hard work, simplicity, and generosity.

Herbert Hoover's life was one of great undertakings. An accomplished and successful engineer, he put his organizational skills to work during the First World War. In England at the outbreak of the war he helped, often with his own money, to get his fellow Americans back home. When Belgium was invaded and the Belgian people were in need of food, Herbert Hoover responded. He instituted food relief efforts as the head of the Belgian Relief Campaign. He organized the acquisition, delivery, and distribution of tens of thousands of tons of food. Thousands were saved from a horrible death by starvation. Herbert Clark Hoover proved himself to be one of the great humanitarians of the world.

President Woodrow Wilson subsequently appointed Herbert Hoover as Food Administrator of the United States. From this position he oversaw the Government's food conservation program for the duration of the war.

During the terms of Presidents Harding and Coolidge, Hoover served as the Secretary of Commerce. Then in the election of 1928, the people of this great country honored him by electing him their 31st President. It is important to note that during his public service, Herbert Clark Hoover did not accept a salary from the people. His reward was in his service to his fellow Americans. I wonder how many of us today are prepared to do the same.

Honesty, hard work, simplicity, and generosity—the principles that Herbert Hoover learned as a boy and practiced all of his adult life. These are principles which all of us try to teach our children. Once learned and once practiced, they can change the world.

Lou Henry Hoover, a Waterloo, IA native, was active alongside her husband. She was the first Iowan to be First Lady. Such a splendid couple they made together.

Lou Hoover received eight honorary degrees in recognition of her public service. Twice she was president of the Girl Scouts of America. While in that position, she began the Girl Scouts cookie sales program, which has become an American tradition.

Lou also promoted women's athletics, helping to found the National Amateur Athletic Federation. She served as president of the Women's Division from 1922 to 1940.

Significantly, in 1929, First Lady Lou Henry Hoover broke the White House racial barrier by entertaining the wife of Oscar DePriest, a black Congressman from Chicago.

Many Americans are cynical of those of us in public life today. They think of us as being self-serving. This is unfortunate. This is not healthy for our country. Perhaps if we look closely at the lives of men and women like Herbert and Lou Hoover and try to follow more closely in their footsteps of humanitarianism, dedication to public service, and the spirit of giving freely of themselves, we could begin to regain more of the public's trust.

Iowans proudly gave up the Hoovers to the world. And when the Hoovers gave up this world, Iowans were deeply honored that they chose to return home to Iowa. Herbert and Lou Hoover—great humanitarians of the world—exemplify the Iowa spirit.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, June 7, 1996, the Federal debt stood at $5,133,885,689,631.55.

On a per capita basis, every man, woman, and child in America owes $19,703.31 as his or her share of that debt.

PIKE-HUSKA AMERICAN LEGION AUXILIARY UNIT NO. 230

Mr. PRESSLER. Mr. President, I want to take a moment to pay tribute to the American Legion Auxiliary Unit No. 230 in Aurora, SD, for their actions to encourage democracy. The Pike-Huska Unit provided a forum for voters to meet the candidates for city council and learn more about each candidate's individual platform. As this election year evolves, we are reminded by the Pike-Huska American Legion Auxiliary of the importance of voter education and participation. I believe citizens should closely follow the voting records of their elected officials and keep up on current events. An informed electorate is central to maintaining a truly representative democracy. It is no wonder South Dakotans historically have one of the highest voter participation rates in the Nation—South Dakotans are active believers in democracy.

I ask unanimous consent that the information sent to me by the organization's secretary, Margaret Allstot, be printed in the RECORD.

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

AURORA, SD,
March 27, 1996.

Hon. LARRY PRESSLER,
U.S. Senate, Russell Office Building,
Washington, DC.

DEAR SENATOR PRESSLER: Last evening our American Legion Auxiliary, Unit 230, Pike-Huska Post, Aurora, South Dakota, sponsored an election forum for candidates who are funning for our town council. We had printed flyers notifying both the candidates and the residents of the community of this event. We asked the local Boy Scout Troop to hand distribute the flyers which they did. We asked local residents to be moderator and time-keeper for our forum. We also contacted the local radio station and newspaper to publicise this event. We served coffee and cookies at the end of the forum.

The forum was well attended and issues brought forth and discussed along with meeting the candidates, some of whom were not well known. We felt we had offered a worthwhile project for our Auxiliary Unit, for both Americanism and for Community Service.

I am proud to be a part of an organization who recognizes as its responsibility of helping citizens to be better informed to use their privilege of freedom of voting. Hence, I request that this project be placed in the CONGRESSIONAL RECORD.

Thank you,
Sincerely,

MARGARET ALLSTOT,
Secretary.

"KNOW YOUR CANDIDATES" FORUM, TUESDAY, MARCH 26, 1996

CANDIDATES FOR CITY COUNCIL

Mayor:
2 year: John Barthel, Stu Salzman.
Alderman:
Ward 1, 1 year: Dale Niskimins, Charles Tiltrum.
Ward 1, 2 year: Jon Geise.
Ward 2, 2 year: Bob Anderson, Doris Scanlon.

Come meet your candidates and learn their platforms on many key issues concerning our city government and their duties and goals.

1. Maintenance
2. Law Enforcement Contract
3. Garbage Disposal/Recycling
4. Long-term Goals
5. Special Interests/Improvements/Industry

Sponsored by the American Legion Auxiliary Unit #230, Aurora

NOTICE OF PROPOSED RULEMAKING

Mr. THURMOND. Mr. President, pursuant to section 304(b) of the Congressional Accountability Act of 1995 (2 U.S.C. sec. 1384(b)), a notice of proposed rulemaking—extension for period for comment has been submitted by the

Office of Compliance, U.S. Congress. The notice extends the period for public comment on a notice of proposed rulemaking relating to Section 220(e) of the Congressional Accountability Act, published in the CONGRESSIONAL RECORD dated May 23, 1996.

Section 304(b) requires this notice to be printed in the CONGRESSIONAL RECORD, therefore I ask unanimous consent that the notice be printed in the RECORD.

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

JUNE 7, 1996.

OFFICE OF COMPLIANCE

NOTICE OF PROPOSED RULEMAKING—EXTENSION OF PERIOD FOR COMMENT

A Notice of Proposed Rulemaking [NPR] for the proposed regulations implementing Section 220(e) of the Congressional Accountability Act of 1995, was published in the CONGRESSIONAL RECORD dated May 23, 1996. This notice is to inform interested parties that the Board of Directors of the Office of Compliance has extended the period for public comment on the NPR until July 1, 1996. Any questions about this notice may be directed to the Office of Compliance, LA 200 John Adams Building, Washington, DC 20540-1999; phone: (202)724-9250; fax:(202)426-1913.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I ask unanimous consent I have the opportunity to speak for up to 15 minutes.

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

Mr. ASHCROFT. I thank the Chair.

(The remarks of Mr. ASHCROFT pertaining to the introduction of S. 1854 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GRASSLEY. 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.

D-DAY

Mr. DOLE. Mr. President, I would like to just make reference to a statement about D-day, which I should have made a few days ago. I want to at least have it in the RECORD before I leave.

Mr. President, 52 years ago on June 6, Gen. Dwight Eisenhower made this dramatic announcement from London:

People of Western Europe: A landing was made this morning on the coast of France by troops of the allied expeditionary force . . . the hour of your liberation is approaching.

As Eisenhower made that announcement, 130,000 American and Allied troops under his command, stormed onto the beaches along the coast of Normandy, France.

On that same day—June 6, 1944—another 23,000 British and American airborne forces were parachuted or taken by glider to secure critical inland areas.

The courage and dedication exhibited by these soldiers on that day and in the weeks that followed led to the liberation of Europe and the defeat of fascism.

As we mark the 52d anniversary of D-day, we must also look to the future, and remember the lessons that World War II taught us—and holds for us still.

We learned that we cannot turn our backs on what happens in the rest of the world.

We learned that we can never again allow our military to reach low levels of readiness and supplies.

We learned that we cannot appease tyrants and despots.

We learned the critical importance of American leadership.

And, perhaps above all, we learned that while leadership may carry a heavy price—it is a price well worth paying.

Mr. President, on this, my final D-day as a U.S. Senator, I would like to pay tribute to my colleagues who along with this Senator, served their country in World War II.

That rollcall includes the names of: Senator DANIEL AKAKA, U.S. Army; Senator DALE BUMPERS, U.S. Marine Corps; Senator JOHN CHAFEE, U.S. Marine Corps; Senator JAMES EXON, U.S. Army; Senator JOHN GLENN, U.S. Marine Corps; Senator MARK HATFIELD, U.S. Navy; Senator HOWELL HEFLIN, U.S. Marine Corps; Senator JESSE HELMS, U.S. Marine Corps; Senator ERNEST HOLLINGS, U.S. Army; Senator DANIEL INOUYE, U.S. Army; Senator FRANK LAUTENBERG, U.S. Army; Senator DANIEL PATRICK MOYNIHAN, U.S. Navy Reserve; Senator CLAIBORNE PELL, U.S. Coast Guard; Senator BILL ROTH, U.S. Army; Senator TED STEVENS, U.S. Army Air Corps; Senator JOHN WARNER, U.S. Navy; and, of course, our colleague who landed a glider behind enemy lines on D-day, Senator STROM THURMOND, U.S. Army.

Mr. President, on June 6, and all the days to follow, we can best honor those who risked and gave their lives for freedom by rededicating ourselves to the promise that President Reagan made on behalf of America on the beaches of Normandy 12 years ago:

We will always remember. We will always be proud. We will always be prepared, so we may always be free.

SMALL BUSINESS AGENDA

Mr. DOLE. Mr. President, this is Small Business Week, a time when we honor the entrepreneurs and risktakers who make this country great. It is also a good time for taking stock of what we are doing to enable this Nation's small businesses to grow and prosper—especially without the Federal Government standing in the way. The administration has portrayed itself as a friend of small business, claiming numerous accomplishments. Not surprisingly, those claims are hollow. The Senate and House Small Business Committees each had oversight hearings during the last few days. These hearings were intended to examine implementation of the small business agenda, all of which were part of the final recommendations of the 1995 White House Conference on Small Business. In almost every case, on issues of paramount importance to small business, the administration has opposed its agenda by either threatening to veto legislation, by actually vetoing legislation that gets to the President's desk, and by failing to implement the legislation he has signed into law. One example of the administration's tendency to talk but not to follow through is implementation of the Paperwork Reduction Act. GAO reported yesterday that the administration had set a Government-wide goal of 10 percent reduction. EPA set a 25-percent reduction goal. The reality has been less than 1 percent reduction. The overall paperwork burden remains about the same: around 7 billion hours per year, a huge problem for small businesses which have real work to do.

The Small Business Committee cited a number of legislative initiatives which we have tried to advance. In every case, the administration has stood in the way. The Small Business Committee's report card on these issues gives the administration a failing grade.

In some cases, President Clinton actually vetoed legislation of great importance to small business. Like the Balanced Budget Act, or product liability, which limited the amount of punitive damages that may be assessed against small businesses, but where the administration sided with the trial lawyers. President Clinton vetoed legislation which would have increased the deduction for health insurance costs of the self-employed. He vetoed estate tax reform, which would have reduced the estate tax when a family-owned business passes from one generation to the next. Almost as bad, the administration has threatened to veto almost every bill small business needed. Regulatory reform, which required that every rule ensure that benefits justify costs, was veto-bait to the President. Ironically, these are requirements contained in President Clinton's own Executive order. But an Executive order lacks the enforceability of a statute, and apparently here, too, the administration did not have the courage of its convictions. Likewise, he has threatened to veto legislation that

would ensure that farmers, small landowners, or any citizen would be entitled to the constitutional right of compensation if the Government takes his property. The property rights bill would also help small business get through the judicial quagmire they face now.

President CLINTON said he would veto OSHA reform legislation. He has threatened to veto the Team Act, which would allow managers and employees to work together to resolve workplace issues. Likewise, he has threatened to veto repeal of the 1931 Davis-Bacon Act, which makes it hard for many small businesses to participate in Federal contracts.

All in all, the issues of great importance to small business have been blocked by this administration. But we will keep trying to clear the way for the real entrepreneurs who are the backbone of this Nation. We owe them all our thanks. But more importantly, we owe them real action, not just rhetoric.

APPOINTMENT BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 104–127, appoints the following individuals to the Water Rights Task Force: Sherl L. Chapman, of Idaho, and Richard K. Golb, of California.

APPOINTMENT BY THE DEMOCRATIC LEADER

The PRESIDING OFFICER. The Chair, on behalf of the Democratic leader, pursuant to Public Law 104–127, appoints Elizabeth Ann Rieke, of Colorado, to the Water Rights Task Force.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting one withdrawal and sundry nominations which were referred to the appropriate committees.

(The nominations and withdrawal received today are printed at the end of the Senate proceedings.)

MEASURES PLACED ON THE CALENDAR

The following measure was read the second time and placed on the calendar:

H.R. 3120. An act to amend title 18, United States Code, with respect to witness retaliation, witness tampering and jury tampering.

EXECUTIVE COMMUNICATION REFERRED

The following executive communication, previously referred to the Committee on Commerce, Science, and Transportation, was referred as indicated:

EC–2782. A communication from the Director for Executive Budgeting and Assistance Management, Department of Commerce, transmitting, pursuant to law, concerning grant and cooperative agreement cost principles, (RIN0605–AA10) received on May 22, 1996; to the Committee on Governmental Affairs.

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–2946. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules includes the rule entitled "The Acid Rain Program," (FRL5513–4) received on May 31, 1996; to the Committee on Environment and Public Works.

EC–2947. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the rule entitled "Hazardous Waste Treatment, Storage, and Disposal Facilities Waste Generators (FRL5509–4) received on June 3, 1996; to the Committee on Environment and Public Works.

EC–2948. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report relative to the review of potential health effects from the use of magnetic levitation for railroad transportation; to the Committee on Environment and Public Works.

EC–2949. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, a report relative to an extreme fire hazard in the State of Texas; to the Committee on Environment and Public Works.

EC–2950. A communication from the Acting Administrator of the General Services Administration, transmitting, pursuant to law, the report of informational copies of three lease prospectuses; to the Committee on Environment and Public Works.

EC–2951. A communication from the President of the United States, transmitting, pursuant to law, the report concerning the extension of waiver authority for the People's Republic of China; to the Committee on Finance.

EC–2952. A communication from the President of the United States, transmitting, pursuant to law, a report concerning Serbia and Montenegro; to the Committee on Banking, Housing, and Urban Affairs.

EC–2953. A communication from the Corporation For Public Broadcasting, pursuant to law, the report of the Office of Inspector General for the period October 1, 1995 through March 31, 1996; to the Committee on Governmental Affairs.

EC–2954. A communication from the Acting Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report relative to the International Labor Organization; to the Committee on Foreign Relations.

EC–2955. A communication from the Acting Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report relative to the United Nations and the Specialized Agencies; to the Committee on Foreign Relations.

EC–2956. A communication from the Acting Administrator of the U.S. Agency For International Development, transmitting, pursuant to law, the report of economic support fund program allocations for fiscal year 1996; to the Committee on Foreign Relations.

EC–2957. A communication from the Acting Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report relative to the Organization for Security and Cooperation in Europe; to the Committee on Foreign Relations.

EC–2958. A communication from the Under Secretary of State and the Under Secretary of Commerce, transmitting jointly, pursuant to law, a report relative to export controls; to the Committee on Foreign Relations.

EC–2959. A communication from the Acting Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report relative to the International Customs Observer Mission in Bosnia; to the Committee on Foreign Relations.

EC–2960. A communication from the Secretary of Energy, transmitting, pursuant to law, the report on the status of Exxon and Stripper Well oil overcharge funds as of September 30, 1996; to the Committee on Energy and Natural Resources.

EC–2961. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report on the Colorado River Basin Project during water year 1995; to the Committee on Energy and Natural Resources.

EC–2962. A communication from the Secretary of Energy, transmitting, pursuant to law, the report on the San Sevaine Creek Water Project; to the Committee on Energy and Natural Resources.

EC–2963. A communication from the Secretary of Energy, transmitting, pursuant to law, the report on the San Sevaine Creek Water Project; to the Committee on Energy and Natural Resources.

EC–2964. A communication from the Commissioner of the Bureau of Reclamation, Department of the Interior, transmitting, pursuant to law, the report of the financial statements of the Colorado River Basin Project for fiscal year 1994; to the Committee on Energy and Natural Resources.

EC–2965. A communication from the Commissioner of the Bureau of Reclamation, Department of the Interior, transmitting, pursuant to law, the report of the financial statements of the Colorado River Basin Project for fiscal year 1995; to the Committee on Energy and Natural Resources.

EC–2966. A communication from the Chairman of the Mississippi River Corridor Study Commission, transmitting, pursuant to law, a report relative to a Mississippi River National Heritage Corridor; to the Committee on Energy and Natural Resources.

EC–2967. A communication from the Chairman of the Surface Transportation Board, transmitting, pursuant to law, the rule entitled "Exemption from Regulation-Boxcar Traffic," received on June 3, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2968. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to

law, a rule concerning U.S. Coast Guard Vessel Traffic Services Systems, received on May 31, 1996; to the Committee on Commerce, Science, and Transportation.

EC-2969. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, a rule concerning digital devices received on May 30, 1996; to the Committee on Commerce, Science, and Transportation.

EC-2970. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report concerning the security measures at the Hellenikon International Airport; to the Committee on Commerce, Science, and Transportation.

EC-2971. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report on products used for airport pavement maintenance and rehabilitation; to the Committee on Commerce, Science, and Transportation.

EC-2972. A communication from the Acting Director of the Office of Fisheries Conservation and Management, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of three rules including a rule entitled "Groundfish of the Gulf of Alaska," received on May 29, 1996; to the Committee on Commerce, Science, and Transportation.

EC-2973. A communication from the Acting Director of the Office of Fisheries Conservation and Management, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Groundfish of the Bering Sea and Aleutian Islands Area," received on May 30, 1996; to the Committee on Commerce, Science, and Transportation.

EC-2974. A communication from the Acting Director of the Office of Fisheries Conservation and Management, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Groundfish Fishery of the Bering Sea and Aleutian Islands Area," received on May 29, 1996; to the Committee on Commerce, Science, and Transportation.

EC-2975. A communication from the Acting Director of the Office of Fisheries Conservation and Management, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Pacific Halibut Fisheries," received on May 29, 1996; to the Committee on Commerce, Science, and Transportation.

EC-2976. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of six rules including a rule entitled "Vehicle Identification Number Requirements," (RIN2127-AF69, 2127-AF46, 2137-AC66, 2115-AE46) received on June 3, 1996; to the Committee on Commerce, Science, and Transportation.

EC-2977. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of twenty-three rules including a rule entitled "Child Restraint Systems," (RIN2120-AF52, 2120-AF57, 2120-AA63, 2120-AA66, 2120-AA64) received on June 3, 1996; to the Committee on Commerce, Science, and Transportation.

EC-2978. A communication from the Program Management Officer, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Groundfish of the Gulf of Alaska," (RIN0648-AI56) received on May 29, 1996; to the Committee on Commerce, Science, and Transportation.

EC-2979. A communication from the Program Management Officer, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Foreign and Domestic Fishing," (RIN0648-AC61) received on May 20, 1996; to the Committee on Commerce, Science, and Transportation.

EC-2980. A communication from the Program Management Officer, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of three rules including a rule entitled "General Provisions for Domestic Fisheries," received on June 3, 1996; to the Committee on Commerce, Science, and Transportation.

EC-2981. A communication from the Program Management Officer, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Northeast Multispecies Fishery," (RIN0648-AI94) received on June 3, 1996; to the Committee on Commerce, Science, and Transportation.

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. FAIRCLOTH:

S. 1853. A bill to amend title 18, United States Code, to clarify the Federal jurisdiction over offenses relating to damage to religious property; to the Committee on the Judiciary.

By Mr. ASHCROFT (for Mr. DOLE (for himself, Mr. HATCH, Mr. LOTT, Mr. ASHCROFT, Mr. GRASSLEY, and Mr. INHOFE)):

S. 1854. A bill to amend Federal criminal law with respect to the prosecution of violent and repeat juvenile offenders and controlled substances, and for other purposes; to the Committee on the Judiciary.

By Mr. GRAMM (for himself and Mr. D'AMATO):

S. 1855. A bill to reduce registration fees required to be paid by issuers of securities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FAIRCLOTH:

S. 1853. A bill to amend title 18, United States Code, to clarify the Federal jurisdiction over offenses relating to damage to religious property; to the Committee on the Judiciary.

THE CHURCH ARSON PREVENTION ACT OF 1996

Mr. FAIRCLOTH. Mr. President, over the weekend in my home State of North Carolina, a small black church—the Matthew Murkland Presbyterian Church was destroyed by fire.

This is truly a terrible act. I cannot think of a more despicable act than to burn any church. Nevertheless, this is the 30th such fire for a black church in the last 18 months. In fact, there are reports of another occurring last night.

At this time, we do not know if this is a nationwide effort by some hate group, or the acts of crazed individuals. I would suspect that some of this has been organized, and that some of these are copycat crimes.

Whatever the motivation, the legislation I am introducing would clarify that to burn any church is a Federal crime. Further, this lowers the threshold of damage necessary to make it a Federal crime from $10,000 in damages to $5,000 in damages.

This makes certain that those that are doing this on an organized basis across the Nation will surely be brought to justice for the crimes they are committing.

This is the same bill that Congressmen HYDE and CONYERS have introduced in the House of Representatives.

The President has announced his support for this legislation. It is my hope that the Congress can act on this bill soon and send it to the President.

By Mr. ASHCROFT (for Mr. DOLE (for himself, Mr. HATCH, Mr. LOTT, Mr. ASHCROFT, Mr. GRASSLEY, and Mr. INHOFE)):

S. 1854. A bill to amend Federal criminal law with respect to the prosecution of violent and repeat juvenile offenders and controlled substances, and for other purposes; to the Committee on the Judiciary.

THE VIOLENT AND REPEAT JUVENILE OFFENDER REFORM ACT OF 1996

Mr. ASHCROFT. Mr. President, it seems like the latest incomprehensible tragedy is only the next newspaper away. Today we have an epidemic of juvenile crime. It means that frequently students are unable to focus on their lessons as they seek to enhance their capacity to be of service to themselves, their family, and fellow man as they are in school. They are diverted and distracted because they have concerns about their own safety. They fear they might be robbed or raped. It is not a question of someone throwing spit balls. As a matter of fact, an 8-year-old girl from St. Louis wrote me that crime is real. It has to do with weapons. It has to do with people losing their lives. Young children are afraid. Citizens are afraid to leave their homes because they fear the senseless, mindless attack of predatory youngsters who have become a major threat to the personal security and integrity of individuals in our culture.

We rejoice in the fact there has been some drop in overall crime rates. Frankly, crime rates had nowhere else to go, in general, but down. But they are coming down, and I am pleased by it. But I think it is important we not be deluded, we not be fooled. The fact that, overall, crime rates are coming down should not mask something

which should alert us and should literally prompt us into significant response, and that is that, while, overall, crime rates are going down, juvenile crime rates have been skyrocketing. So those components of the crime rate which would signal what we can expect in the future are telling us to beware, to be alert, to brace ourselves, because between 1988 and 1992, juvenile arrests for violent crime increased by 47 percent while adult violent crime arrests increased only by 19 percent. So we had a 2.5-to-1 higher increase, higher explosion in growth in juvenile crime.

Juvenile murders increased by 26 percent, forcible rapes by 41 percent, juvenile robberies by 39 percent, aggravated assaults by 27 percent—an exploding, growing, expanding threat to the safety and security and integrity of the population. Frequently, because we are talking about juveniles, we are finding these individuals are being sent back into classrooms. Teachers do not know what these individuals have done because juvenile records are most frequently sealed. Other students are not aware of the specific conduct, though they frequently know someone has been in trouble. So you get a tremendous wave of insecurity in the classroom.

I think most of us understand, when we work on legislation here, we need a secure environment. We invest substantially in a secure environment here. Yet, when we are preparing the next generation to literally lead America, we have students in our public schools, and teachers, who are having constantly to look over their shoulders, unaware, not knowing, not confident, distressed, discomfited by the fact that we have frequently sent these folks right back into our schools. And our schools are unaware.

I talked to a teacher who indicated she knew there were several people in her classroom who were being housed in a residential juvenile detention facility, sent into the school, some of them even having these electronic shackles, the bracelets they have to wear around their ankle that allows the law enforcement community to monitor their whereabouts. But these students would refuse to tell the teacher the kinds of crimes or offenses which they have been convicted of, so a teacher in the classroom looks at the student and the student says: You know I have been convicted of a crime but I am not going to tell you whether I raped someone or murdered someone or assaulted someone. You just cannot know that.

I submit to you that is not a healthy environment. But it is not just the school environment for which we must be concerned. It is the environment in which we maintain our homes. It is the streets of America, which we must literally reclaim.

I believe the Dole-Hatch bill, which I have just sent to the desk, is a much needed effort to curtail these astronomical growth numbers and to fulfill the first duty of government. We have gotten awfully expansive of government. We teach people how to raise flowers. We address a wide variety of issues—research. But the first, the fundamental duty of government, the reason for which government was initially convened, is to provide for the safety and security and the integrity, the dignity of individual human beings, so we can be free from assault, so we can have the potential of reaching the level of achievement for which God created us and for which God placed in us this potential.

I believe we have to return to that fundamental. The Dole-Hatch bill is a bill which is designed to address violent juvenile criminal activity. It is designed to sweep away the sort of idea that it is something we can ignore or simply patch over. We have to address it constructively. It will remedy misguided Federal efforts to excuse juvenile behavior because people are just juveniles. It will begin to provide a basis for accountability.

I have to say I understand there are a number of juveniles who will not become career criminals. We do not want them to. We would not make that any more likely with this bill. But I think, for very serious juvenile offenders, we have to send a serious signal to them about the nature of their activity.

President CLINTON yesterday warned of a potential wave of juvenile crime in the next 5 years. The truth of the matter is, it is not a wave, it is an explosion. The President recommended a so-called gentle combination of laws and prevention programs to deflect this onslaught of violent teens.

I have to say I believe a gentle combination will not get the job done. I think we have to begin to treat criminals as criminals. For those individuals who commit rape, armed robbery, murder, armed assault, major drug offenses, we cannot have any more gentle approaches. We have to say you are going to have to stand for trial as an adult.

The Federal Government's response, and President CLINTON'S response, his solution, is always to offer more money for social programs such as delinquency prevention, treatment, recreation. I have held hearings around my State. I know the Senator from Iowa has held hearings around his State. We have talked to juvenile officials, those who deal with the juveniles. We have talked to sheriffs. We have talked to prosecutors. We have heard them tell us how juvenile individuals who are involved in criminal acts are simply playing the system. They sometimes look forward to a juvenile detention facility. They know they can hide behind their status as juveniles, that they do not have to be really answerable for their activities.

The administration has not been active in prosecuting those who have offended the Federal laws. There have only been 233 convictions in the Clinton administration of juveniles as adults. I think for the major categories of criminal activity when juveniles are committing crimes which, if committed by adults, would be felonies, we need a serious approach.

One of the things that stunned me about the testimony of Prof. John DiIulio from Princeton, one of the leading criminologists in America, is his report that when he interviews inmates of major prisons, their main worry is about the young prisoners who are going to be sent in. They are so hardened as criminals and have been allowed to be so indiscriminate in their violence before they finally get thrown into jail that the old-time criminals are scared stiff. They are afraid of what is happening.

Those on the inside, the old-time, long-time criminal element in our Nation's prison systems, are fearful because they see what we have done by turning our heads to activity, so long as it is conducted by a juvenile, and allowing individuals to harden their approach to the safety and security and integrity of other individuals, and they are afraid. America needs to respond, and it needs to respond dramatically.

The Dole-Hatch bill, also cosponsored by Senator LOTT and myself and, I am pleased to say, Senator GRASSLEY is to be added as an original cosponsor of the bill, is a measure which would begin to focus the energy and resources of the Federal Government on this part of crime, which is exploding, this part of crime which is growing at an incredible rate: juvenile crime; violent repeat juvenile criminal behavior.

The estimated total amount of Federal appropriations used for at-risk and delinquent youth was more than $4 billion last year. Of these billions sent to the States, a very few million were to be used for investigation, prosecution, and detention. It is time we looked carefully at how we can assist States and how we can carry our share of the load in the Federal Government as it relates to actually prosecuting those individuals who are guilty of committing acts which, if committed as adults, would be clearly and simply felonies.

They threaten the lives of people, they undermine the security of their property, they destabilize and disrupt our educational process. It is something which we cannot tolerate, it is something with which we cannot be coddling, it is something with which we must be forthwith. We can do much more, and the Dole-Hatch bill is an enormous step in the right direction.

Let me briefly give you some of the things that are important about the Dole-Hatch bill which I believe make it a very promising way to address this most serious problem.

One of the difficulties in the area of juvenile laws is the fact that juvenile records frequently have been sealed. Proceedings of juveniles are closed proceedings. Records are not available. Teachers who have to deal with these individuals in schools do not know what they have on their hands.

I talked to the sheriff—and I am sure my colleague from Iowa, Senator GRASSLEY, has talked to local officials—but I talked to the sheriff in Moniteau County, MO. The biggest town in Moniteau County is California, MO. People say they are going to California in central Missouri. People do not think you are going to the west coast, they think you are going to California, MO. It is not a big town.

I asked what his No. 1 crime problem was, and he said it was juveniles coming in from out of State trying to set up a drug operation in Moniteau County and he could not call the States from which these juveniles came and get their records, because there was a big blanket of security, security for the criminal but not for the society, a blanket of nondisclosure over juvenile records. I think it is high time that when people commit felonious acts, when they are criminals, that we have an understanding of what they have done and then when they move on to another jurisdiction, we have to be able to find out what their history is.

I talked to a judge not too long ago. He said he was sentencing an 18-year-old for murder. He thought it was the individual's first offense. Inadvertently did he discover the individual was originally from the west coast and had a juvenile record that included other murders. I do not think it is fair to expect a judicial system to operate in relation to repeat offenders, repeat violent predators and to allow those repeat violent predators to have the presumption that they are first offenders when they have a rap sheet as long as from here to Chicago.

The truth is, if those people do criminal acts, those acts ought to be made available to law enforcement officials, judges, schoolteachers and school officials, not only because we will know how to take steps to protect the other students and the school environment—that would be enough of a reason—but we can do our best to change the way people operate, we can do our best to help them redirect their lives if they are not allowed to hide under a shield of juvenile laws that keep their records from being known.

A significant part of the Dole-Hatch proposal is that such records can be maintained and developed at Federal expense if such records are made available to law enforcement and school authorities, including those outside the State. The juvenile community in America is very mobile. The Bloods and the Crips are no longer focused on the seaboards of this country. I am sure they are in Oklahoma City, like they are in Kansas City and some, from time to time, are found in smaller cities of Missouri and across the United States of America.

It is fundamentally important that we not provide this blanket of security for criminal activity; that we expose to the light of day the acts of individuals whose conduct threatens the very security and integrity and dignity of the American public and also threatens substantially our ability to operate our public schools. I, for one, am loath to see us fail to protect our public education system.

Second, this measure provides States will get 50 percent more in funding if they prosecute as adults juveniles 14 or older who commit murder, rape, armed robbery, aggravated assault, and distribution of controlled substances. The funding will be substantially greater to States who decide to get serious.

I do not think it is unfair at all for the Federal Government to say we are not interested in providing resources just for social programs. If we are really worried about the threat to the integrity, to the security, to the safety of our citizenry, then for States who are really serious about protecting them, we will provide more funding. States who are serious enough to provide real prosecutions will get additional funding.

The bill establishes an Office of Juvenile Accountability to assist the States in the prosecution of offenders and in combating youth violence. To get funding, States would have to make reasonable efforts to ensure by 2002 that juvenile proceedings will be open to the public, that juvenile records will be made available to schools and law enforcement agencies, and that fingerprint records will be kept for all juvenile offenders.

The idea that we have repeat, serious predatory criminals who are not fingerprinted because they are juveniles and we do not have the capacity to follow their activities and to monitor what they are doing is an idea whose time has passed. It is time for us to understand that it is not spitballs in the hall and it is not just truancy. We have major criminal activity, and we should respond to it as such.

Reform of the Federal juvenile justice system would be included here. It would hold juveniles 13 or older accountable as adults for the commission of violent crimes, such as murder and robbery, drug trafficking, or if they have been adjudicated delinquent on three previous offenses which, if the activity had been committed by an adult, would have been felonies.

What we are really talking about here is focusing our attention on those juveniles who have been extremely disruptive and violent and who have decided that they can game or take advantage of the system, and, when they take advantage of the system, to hide under it as juveniles. We have to say there is no hiding place down here. We simply have to say very clearly, "If you're going to make a conscious decision to be involved in criminal activity, then you'll be treated as a criminal, not as a juvenile."

Note what we do not do here. We do not say that everyone's first encounter with the law, if it is for some kind of activity which is not serious, automatically puts them into the adult criminal system. Ninety percent of all the juveniles that encounter our system encounter it once. They have learned their lesson.

This system does not do anything to deal with those individuals unless they have committed murder, rape, armed robbery, armed assault, or major drug trafficking crimes. And you are pretty sure that is not a first encounter of someone with the system. So for the individuals in our juvenile justice system for whom the system has worked, this system does not affect them. But it begins to say, for those in the 10 percent that are involved in the serious, repeat, predatory, violent crimes of rape, armed robbery, armed assault, murder, major drug trafficking, those individuals are to be treated as criminals because they are involved in criminal activity.

It is my judgment that it is beyond time for us to recognize that the times have changed, that criminal activity and juvenile delinquency is not what it once was. It is a new category of offense. It demands a new category of response.

The same responses that have worked in the past will not work in the future, not unless we are willing to accept the tidal wave, this explosion of countercultural crime. It is against the culture which says crime is going down overall. It is countercultural because it is going up dramatically.

We owe it to every man, woman, and child in America to do what we can to protect their integrity for their personal safety, the safety and security of their property as well as their persons. We owe it to every schoolteacher. We owe it to every schoolchild. We owe it to individuals who are trying to prepare themselves for a future in these United States of America so they can build these United States of America rather than tear down these United States of America. We owe them schools that are safe enough in which to learn.

The Dole-Hatch bill, which addresses the core problem of violent, hard-core, repeat juvenile offenders, will do exactly that. It focuses the resources on investigation and prosecution. It does not focus the resources where we have had $4 billion spent previously, coinciding with the explosion of juvenile crime in the culture. It does not deny that effort that is being made to try to

provide the right reinforcements and support for individuals who want to stay straight, but it says that effort can no longer characterize solely what we are doing.

We must be willing to get involved in investigation, prosecution, detention, and punishment for individuals involved in predatory crimes which deprive us of our security, of our integrity and our safety. And we must treat those who choose to be criminals as criminals in order to address this serious problem.

So I am pleased to have this opportunity to submit the Dole-Hatch measure addressing this serious problem of violent, repeat, hard-core juvenile offenders and to commend the majority leader and the chairman of the Judiciary Committee for this farsighted measure, which will take serious steps to curtail this threat to the liberty which all Americans have a right to enjoy.

By Mr. GRAMM (for himself and Mr. D'AMATO):

S. 1855. A bill to reduce registration fees required to be paid by issuers of securities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE SECURITIES AND EXCHANGE COMMISSION FEE REDUCTION ACT OF 1996

• Mr. GRAMM. Mr. President, today, I am joined by Banking Committee Chairman D'AMATO in introducing the Securities and Exchange Commission Fee Reduction Act of 1996. This legislation is similar to a bill that was approved overwhelmingly by the House of Representatives earlier this year, and it should enjoy similar support in the Senate.

Today, so-called user fees collected by the Securities and Exchange Commission [SEC] will pay for the entire SEC budget nearly three times over. These fees have become transformed into a tax on investment and capital formation. The legislation that we are introducing today will reduce these excess fees in stages over a period of 5 years until the amounts collected are approximately in line with the budget of the SEC.

Mr. President, permit me to review the history of these fees, so that this bill, and its importance, can be placed in context. For many years a variety of user fees have been assessed to support the budget of the SEC. The most significant of these fees is assessed on new securities issues as they are registered with the Commission. A lesser fee is imposed on New York and American Stock Exchange trades.

From their inception, fees were kept minimal, closely related to the cost of actually running the SEC, and therefore could be called user fees, paid so that the SEC could guard the integrity of our securities markets, a clear benefit to everybody. That began to change with the 1990 budget. The slump in market activity following Black Monday in 1987 caused worry in some quarters that the money generated by existing fees might not keep pace with the growing budget of the SEC. So the registration fees were raised, temporarily. That not only made up for lost revenue, it inadvertently produced annual surpluses of up to $70 million over and above the SEC's budget.

Creating a surplus by raising a fee is a dangerous precedent. Before 1992, the SEC user fees had become a cash cow. Even so, the registration fee ratio was altered again. The surplus then jumped to $180 million and had continued to climb each year since. It will approach $400 million this year.

It it improbable that a more destructive way to raise revenues could be found. Not unlike an increase in interest rates, the registration fees increase the cost of raising equity capital, with the unavoidable result that equity investment is lower than it would otherwise be. These fees have raised the cost of entry into the equity markets.

The cost to the economy is immense. These fees tax our economy's seed capital—the money needed to create a harvest of new jobs, goods, services, economic growth, and opportunity. Clearly, the cost of these taxes imposed on new stock issues and stock trades measured in loss of economic activity must be counted in billions of dollars.

Since a tax on new issues and equity transactions must be among the most inefficient ways to raise revenues, such a tax should never be used to fund general government. That is why I oppose setting fees at a level higher than necessary to fund the SEC. The adoption of this bill will return us to this principle, which governed SEC fees prior to the change in 1990.

These excess fees have been recognized as a tax by the House Ways and Means Committee. This fact resulted in a near shutdown of the SEC 2 years ago in a dispute between the Appropriations and Ways and Means Committees over jurisdiction for tax legislation. To prevent a recurrence of that problem, a compromise was reached whereby the Ways and Means Committee will withhold its objections to such fees being raised in appropriations bills, but only while the excess fees are on track to their elimination. This bill implements that compromise, which also has the full support of the authorizing committee in the House and the SEC.

This legislation is revenue neutral, since the excess SEC fees have not been used for deficit reduction but rather as offsetting collections in appropriations bills. The fees collected for deficit reduction purposes remain unchanged.

Mr. President, this position finds a strong consensus in this Congress. The legislation adopted by the House of Representatives had the support of Republicans and Democrats and was carefully crafted in consultation with the Ways and Means, Commerce, and Appropriations Committees of the other body. I believe that the companion bill we are introducing today will find similar support here.

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. 1855

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 "Securities and Exchange Commission Fee Reduction Act of 1996".

SEC. 2. REDUCING REGISTRATION FEES.

Section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)) is amended to read as follows:

"(b) REGISTRATION FEE.—

"(1) FEE PAYMENT REQUIRED.—

"(A) IN GENERAL.—At the time of filing a registration statement, the applicant shall pay to the Commission a fee that shall be equal to the sum of the amounts (if any) determined under the rates established by paragraph (3).

"(B) PUBLICATION OF FEES.—The Commission shall publish in the Federal Register notices of the fee rates applicable under this subsection for each fiscal year.

"(C) AMOUNTS OF FEES.—In no case shall a minimum fee required by this subsection be greater than $100.

"(2) GENERAL REVENUE FEES.—

"(A) RATE.—The rate determined under this paragraph is a rate equal to—

"(i) during each fiscal year before fiscal year 2002, $200 for each $1,000,000 of the maximum aggregate price at which the subject securities are proposed to be offered; and

"(ii) during fiscal year 2002 and each succeeding fiscal year, $182 for each $1,000,000 of the maximum aggregate price at which the subject securities are proposed to be offered.

"(B) REVENUES OF TREASURY.—Fees collected during any fiscal year pursuant to this paragraph shall be deposited and credited as general revenues of the Treasury.

"(3) OFFSETTING COLLECTION FEES.—

"(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), for each $1,000,000 of the maximum aggregate price at which the subject securities are proposed to be offered, the rate determined under this paragraph is a rate equal to—

"(i) $103 during fiscal year 1997;

"(ii) $70 during fiscal year 1998;

"(iii) $38 during fiscal year 1999;

"(iv) $17 during fiscal year 2000; and

"(v) $0 during fiscal year 2001 or any succeeding fiscal year.

"(B) LIMITATION; DEPOSIT.—Except as provided in subparagraph (C), no amounts shall be collected pursuant to this paragraph for any fiscal year except to the extent provided in advance in appropriations Acts. Fees collected during any fiscal year pursuant to this paragraph shall be deposited and credited as offsetting collections in accordance with appropriations Acts.

"(C) LAPSE OF APPROPRIATIONS.—If, on the first day of a fiscal year, a regular appropriation to the Commission has not been enacted, the Commission shall continue to collect fees (as offsetting collections) under this paragraph at the rate in effect during the

preceding fiscal year, until such a regular appropriation is enacted.".

SEC. 3. TRANSACTION FEES.

(a) AMENDMENT.—Section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) is amended to read as follows:

"SEC. 31. TRANSACTION FEES.

"(a) EXCHANGE-TRADED SECURITIES.—

"(1) RATE.—Each national securities exchange shall pay to the Commission a fee at a rate equal to—

"(A) $33 for each $1,000,000 of the aggregate dollar amount of sales of securities (other than bonds, debentures, and other evidences of indebtedness) transacted on such national securities exchange during the period to which the fee relates under subsection (d); and

"(B) for fiscal year 2002 and each succeeding fiscal year, $25 for each $1,000,000 of such aggregate dollar amount of sales during the period to which the fee relates under subsection (d).

"(2) REVENUES OF TREASURY.—Fees collected pursuant to this subsection shall be deposited and collected as general revenue of the Treasury.

"(b) OFF-EXCHANGE-TRADES OF EXCHANGE-REGISTERED SECURITIES.—

"(1) RATES.—Each national securities association shall pay to the Commission a fee at a rate equal to—

"(A) $33 for each $1,000,000 of the aggregate dollar amount of sales transacted during the period to which the fee relates under subsection (d) by or through any member of such association otherwise than on a national securities exchange of securities registered on such an exchange (other than bonds, debentures, and other evidences of indebtedness); and

"(B) for fiscal year 2002 and each succeeding fiscal year, $25 for each $1,000,000 of the aggregate dollar amount of sales referral to in subparagraph (A) during the period to which the fee relates under subsection (d).

"(2) REVENUES OF TREASURY.—Fees collected pursuant to this subsection shall be deposited and collected as general revenue of the Treasury.

"(c) OFF-EXCHANGE-TRADES OF LAST-SALE-REPORTED SECURITIES.—

"(1) COVERED TRANSACTIONS.—Each national securities association shall pay to the Commission a fee at a rate equal to the dollar amount determined under paragraph (2) for each $1,000,000 of the aggregate dollar amount of sales transacted during the period to which the fee relates under subsection (d) by or through any member of such association otherwise than on a national securities exchange of securities (other than bonds, debentures, and other evidences of indebtedness) subject to prompt last sale reporting pursuant to the rules of the Commission or a registered national securities association, excluding any sales for which a fee is paid under subsection (b).

"(2) FEE RATES.—Except as provided in paragraph (4), the dollar amount determined under this paragraph is—

"(A) $12 for fiscal year 1997;

"(B) $14 for fiscal year 1998;

"(C) $17 for fiscal year 1999;

"(D) $18 for fiscal year 2000;

"(E) $20 for fiscal year 2001; and

"(F) $25 for fiscal year 2002 or for any succeeding fiscal year.

"(3) LIMITATION; DEPOSIT OF FEES.—Except as provided in paragraph (4), no amounts shall be collected pursuant to this subsection for any fiscal year beginning before October 1, 2001, except to the extent provided in advance in appropriations Acts. Fees collected during any such fiscal year pursuant to this subsection shall be deposited and credited as offsetting collections to the account providing appropriations to the Commission, except that any amounts in excess of the following amounts (and any amount collected for fiscal years beginning on or after October 1, 2001) shall be deposited and credited as general revenues of the Treasury:

"(A) $20,000,000 for fiscal year 1997.

"(B) $26,000,000 for fiscal year 1998.

"(C) $32,000,000 for fiscal year 1999.

"(D) $32,000,000 for fiscal year 2000.

"(E) $32,000,000 for fiscal year 2001.

"(F) $0 for fiscal year 2002 and any succeeding fiscal year.

"(4) LAPSE OF APPROPRIATIONS.—If, on the first day of a fiscal year, a regular appropriation to the Commission has not been enacted, the Commission shall continue to collect fees (as offsetting collections) under this subsection at the rate in effect during the preceding fiscal year, until such a regular appropriation is enacted.

"(d) DATES FOR PAYMENT OF FEES.—The fees required by subsections (a), (b), and (c) shall be paid—

"(1) on or before March 15, with respect to transactions and sales occurring during the period beginning on the preceding September 1 and ending at the close of the preceding December 31; and

"(2) on or before September 30, with respect to transactions and sales occurring during the period beginning on the preceding January 1 and ending at the close of the preceding August 31.

"(e) EXEMPTIONS.—

"(1) COMMISSION AUTHORITY.—The Commission may, by rule, exempt any sale of securities or any class of sales of securities from any fee imposed by this section, if the Commission finds that such exemption is consistent with the public interest, the equal regulation of markets and brokers and dealers, and the development of a national market system.

"(2) LOW-VOLUME TRANSACTIONS.—No fee shall be assessed under this section for transactions involving portfolios of equity securities taking place at times of day characterized by low volume and during nontraditional trading hours, as determined by the Commission.

"(f) PUBLICATION.—The Commission shall publish in the Federal Register notices of the fee rates applicable under this section for each fiscal year.".

(b) EFFECTIVE DATE; TRANSITION.—

(1) EFFECTIVE DATE.—Except as provided in paragraph (2), the amendment made by subsection (a) shall apply with respect to transactions in securities that occur on or after October 1, 1996.

(2) OFF-EXCHANGE TRADES OF LAST SALE REPORTED TRANSACTIONS.—The amendment made by subsection (a) shall apply with respect to transactions described in section 31(d)(1) of the Securities Exchange Act of 1934 (as amended by subsection (a) of this section) that occur on or after October 1, 1996.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to affect the obligation of national securities exchanges and registered brokers and dealers under section 31 of the Securities Exchange Act of 1934, as in effect on the day before the effective date of the amendment made by subsection (a), to make the payments required by such section on March 15, 1997.

SEC. 4. TIME FOR PAYMENT.

Section 4(e) of the Securities Exchange Act of 1934 (15 U.S.C. 78d(e)) is amended by inserting before the period at the end the following: ", and the Commission may also specify the time that such fee shall be determined and paid relative to the filing of any statement or document with the Commission".

SEC. 5. ELIMINATION OF UNNECESSARY FEES.

The fees authorized by the amendments made by this Act are in lieu of, and not in addition to, any fees that the Securities and Exchange Commission is authorized to impose or collect pursuant to section 9701 of title 31, United States Code.●

● Mr. D'AMATO. Mr. President, I am pleased to join my distinguished colleague and Securities Subcommittee Chairman, Senator GRAMM, in sponsoring legislation to fully and fairly fund the Securities and Exchange Commission. The Securities and Exchange Commission Fee Reduction Act of 1996 provides a long-term solution to the SEC's current funding problems.

The Securities and Exchange Commission is funded through offsetting collections to increases in its section 6(b) fees. Section 6(b) fees are paid by issuers who register their securities with the Securities and Exchange Commission. In the last several years, the section 6(b) fees assessed on issuers has resulted in fees collected by the agency that far exceeds the cost of regulation. Any fees raised over and above the Securities and Exchange Commission's budget are deposited into the General Treasury for deficit reduction. Last year, the SEC raised approximately $750 million in fees to pay for a budget of less than $300 million.

The section 6(b) fees have become a tax on capital formation. These user fees now raise enough money to fund the SEC three times. The proposed 1997 budget continues this trend by raising the statutory fee level and expanding the fee base. The 1997 budget proposal raises $776 million in fees to fund the SEC's $307 million budget.

The Securities and Exchange Commission Fee Reduction Act will stabilize the SEC's fee structure by reducing fees and increasing appropriations over a 5-year period. It will return the section 6(b) registration fees closer to the statutory level of one-fiftieth of 1 percent and it will create a more equitable fee structure by expanding current section 31 trading fees now paid only for transactions executed on securities exchanges to include transactions on the over-the-counter market. As fees are reduced over the 5-year period, direct appropriations will be used to fund the SEC.

Mr. President, the bill Senator GRAMM and I introduce today will create a permanent funding structure for the SEC that enables the agency to pay for itself. At one point several years ago, Congress considered making the SEC a self-funded agency. The fee structure in H.R. 2972 allows the SEC to be virtually self-funded, yet gives Congress greater control over the agency.

It is critical for Congress to ensure that a stable and fair funding structure exists for the agency responsible for safeguarding our preeminent capital markets. Further, fees paid by participants in the securities markets—particularly for capital formation—should bear a rational relationship to the cost of regulation.

In the words of Securities and Exchange Commission Levitt when testifying before the Commerce, State, Judiciary Appropriations Subcommittee: "In order to continue the Commission's excellent record of effective law enforcement, market oversight, and investor protection the SEC will need a long-term funding mechanism."

Mr. President, the bill we introduce today resolves the long-debated problem of how to provide the Securities and Exchange Commission with a permanent funding structure that allows the SEC to pay for itself. I commend my colleague from Texas for his leadership on this legislation and look forward to working with him to enact the Securities and Exchange Commission Fee Reduction Act of 1996.●

ADDITIONAL COSPONSORS

S. 794

At the request of Mr. LUGAR, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 794, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to facilitate the minor use of a pesticide, and for other purposes.

S. 800

At the request of Mr. COCHRAN, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 800, a bill to provide for hearing care services by audiologists to Federal civilian employees.

S. 1166

At the request of Mr. LUGAR, the name of the Senator from Michigan [Mr. ABRAHAM] was added as a cosponsor of S. 1166, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act, to improve the registration of pesticides, to provide minor use crop protection, to improve pesticide tolerances to safeguard infants and children, and for other purposes.

S. 1189

At the request of Mr. DEWINE, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of S. 1189, a bill to provide procedures for claims for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated blood products.

S. 1460

At the request of Mrs. BOXER, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 1460, a bill to amend the Marine Mammal Protection Act of 1972 to support the International Dolphin Conservation Program in the eastern tropical Pacific Ocean, and for other purposes.

S. 1505

At the request of Mr. PRESSLER, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 1505, a bill to reduce risk to public safety and the environment associated with pipeline transportation of natural gas and hazardous liquids, and for other purposes.

S. 1612

At the request of Mr. HELMS, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 1612, a bill to provide for increased mandatory minimum sentences for criminals possessing firearms, and for other purposes.

S. 1735

At the request of Mr. PRESSLER, the names of the Senator from Pennsylvania [Mr. SANTORUM], the Senator from Kentucky [Mr. MCCONNELL], and the Senator from Wisconsin [Mr. FEINGOLD] were added as cosponsors of S. 1735, a bill to establish the United States Tourism Organization as a nongovernmental entity for the purpose of promoting tourism in the United States.

S. 1831

At the request of Mr. PRESSLER, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 1831, a bill to amend title 49, United States Code, to authorize appropriations for fiscal years 1997, 1998, and 1999 for the National Transportation Safety Board, and for other purposes.

ADDITIONAL STATEMENTS

COMMEMORATING THE BIRTH OF IMRE NAGY

● Mr. D'AMATO. Mr President, I rise today to call my colleagues' attention to the 100th anniversary of the birth of Imre Nagy, the Prime Minister of Hungary during the Hungarian revolt against Soviet Communist domination. Born on June 7, 1896, Nagy was executed after a secret trial for his role in leading the revolt.

His contribution to the Hungarian people and to the cause of freedom did not end with his execution on June 16, 1958. Thirty-one years later, after his secretly interred remains were exhumed, on June 16, 1989, over 100,000 people took part in public funeral services. This was a significant step in the fall of the Soviet Empire, lending impetus to Hungary's internal liberalization.

Over the summer of 1989, Hungary began to dismantle its part of the Iron Curtain on its western border. In September 1989, Hungary opened the border for East German refugees to travel to the Federal Republic of Germany.

This action sparked the exodus of East Germans to the West, and ignited a revolution in East Germany that later spread to Czechoslovakia. It led directly to the fall of the Wall, an event most Americans never expected to see in their lifetimes, and the eventual collapse of the Soviet Union, an even more improbable event.

Imre Nagy was a dedicated Communist, but he was also a patriotic Hungarian, and original thinker, a leader, and a very brave man. He fought for the Bolshevik forces during the Russian Revolution of 1917, and participated in the Bela Kun Communist regime in Hungary in March 1919.

After the fall of that regime, he spent the inter-war years in the Soviet Union, studying and making propaganda broadcasts back to Hungary.

After the Red Army drove Nazi forces out of Hungary at the end of World War II, Nagy returned and participated in the newly established Government, eventually becoming Prime Minister on July 4, 1953.

His rise to power in Hungary coincided with the death of Josef Stalin. He attempted to liberalize the Stalinist system that had been imposed on Hungary. His program of National Communism, however, posed a grave threat to Soviet domination. He was removed from government and expelled from the Hungarian Communist Party in 1955.

However, as the only communist who had the trust of the Hungarian people, he was recalled to be Prime Minister on October 24, 1956, after the Hungarian revolt had begun. He held that position until November 4, 1956, when the Soviet Red Army crushed the revolt in bloody combat.

Nagy sought asylum in the Yugoslav Embassy in Budapest, where he remained until November 22, 1956. Then, apparently believing the promises of safe conduct issued by the Janos Kadar government, he left the safety of the Embassy only to be arrested by Soviet forces.

He was turned over to Hungarian authorities, who tried him in secret and sentenced him to death. He refused an offer of clemency and was executed on June 16, 1958.

He had made the error of taking the promises of communism at face value, when they were false and fundamentally corrupt. He paid with his life for that mistake.

The selflessness, fearless valor, dedication to the cause of freedom, and love for his country Imre Nagy displayed throughout the Hungarian revolt of 1956 helped highlight the hypocrisy and reveal the basic evil nature of Soviet-style communism. It started a fire in the hearts of Hungarians that Soviet tanks and secret police were never able to extinguish.

Imre Nagy gave his life for eternal ideals: freedom, liberty, human dignity, and selfless love of his people. He saw that evil, in the form of Soviet-style communism, triumphed because too many good people, including political leaders, did nothing. Imre Nagy dreamed of change for the better for all Hungarians. He acted upon his dreams, showing true leadership, courage, and determination.

He paid the ultimate price for his convictions, but his sacrifice was not in vain. Hungary, along with other Eastern European nations, regained its independence in 1990, and the Soviet Union itself collapsed in 1991. His executioners killed Imre Nagy's physical body, but they could not kill his spirit. In the end, freedom triumphed, and I am confident that future generations will draw inspiration and courage from his example.

For his contributions to his country and the cause of freedom, Imre Nagy deserves to be remembered, not just by all those of Hungarian descent, but by all who love freedom.•

ORDERS FOR TUESDAY, JUNE 11, 1996

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9 a.m., Tuesday, June 11; further, that immediately 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, there then be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each; I further ask unanimous consent that Senator NICKLES be in control of the time between 10 and 12 noon, with the exception of 15 minutes between 11:30 and 11:45 be reserved for Senator BYRD, and 10 minutes be reserved between 11:45 and 11:55 for Senator DASCHLE, and, further, that the majority leader be recognized at the hour of 12 noon—approximately 12 noon—and the Senate then stand in recess until the hour of 2:15 immediately following those remarks.

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

PROGRAM

Mr. DOLE. Mr. President, for the information of all Senators, on Tuesday morning there will be a period of morning business during which the Senate will consider any legislative or executive items that can be cleared. Following the 2 hours under the control of Senator NICKLES, the majority leader will be recognized. Following those remarks, the Senate will recess until the hour of 2:15 for the weekly policy conferences to meet. At 2:15, following the swearing in of Lieutenant Governor Frahm of Kansas as a U.S. Senator, the Senate will begin consideration of the budget conference report under the 10-hour time limitation. It is still hoped that much of the debate time will be yielded back so that the Senate may complete action during Tuesday's session of the Senate.

HEALTH CARE REFORM

Mr. DOLE. Mr. President, let me also indicate to my colleagues that we have just completed a very successful meeting with Republican House Members and Republican Senators on health care reform. We have now reached agreement on the Republican side. Senator KASSEBAUM, Senator ROTH, Congressman ARCHER, Congressman HASTERT, Congressman ARMEY, the Speaker, myself, Congressman KASICH, and many others have been involved in this process.

We believe that we have put together a good, solid, health reform bill that will help millions and millions of Americans. My only regret is that we cannot vote on it before I leave at 2 o'clock tomorrow. But we have the agreement. That is the important thing. I hope now that the Democrats, including the Senator from Massachusetts, Senator KENNEDY, will take a hard look at what we have been able to put together. In our view it goes a long way in ensuring portability. It does a great deal for the self-employed. It does a great deal in making health care affordable. It also will start the MSA process, medical savings accounts, which have broad appeal in this country.

We believe we are on the right track. So now it is up to the White House. It is up to the President. I hope the President will say this is good, this is close enough, maybe not everything he wanted. It is not everything we wanted, but that is the way it works when you go to conference.

So the Republicans have agreed. Now we need to appoint conferees. Hopefully our Democratic colleagues will let us do that tomorrow. They refused to let us appoint conferees. But now since the Republicans have agreed—we are the majority party—I hope there will be an effort to come together. I want to thank particularly my colleague, Senator KASSEBAUM, and also Congressman ARCHER. They both had to give up—you cannot have everything. They both gave considerable amounts in the negotiations. But I think we reached a very good agreement, I mean good in the sense for the American people.

WE ARE ON THE RIGHT TRACK

Mr. DOLE. Mr. President, this is the last time I will close the Senate. I will open the Senate tomorrow morning. I will make a statement sometime around noon tomorrow. But I want to thank all the staff and all my colleagues. And we will all be looking back at what happens in this Congress, what action was taken, what did we do for the American people, what did we do to the American people.

I believe when the record is added up, the asset side, the debit side, the assets will far outweigh the debit side. We are on the right track. We are trying to reduce the role of Government. We are trying to balance the budget, which 83 percent of the American people think we should do. We failed to pass a balanced budget amendment by two votes—two votes last week, and last March by one vote. That is not the end. And I hope that that will happen sometime, if not this year, next year.

But whether it is welfare reform or Medicaid reform or trying to save Medicare, trying to change the tax system, to downsize the IRS, and a lot of things we think should be done, my view is the American people will believe we are on the right track, as long as they are told the truth, and as long as we keep our word. If we do not tell the truth, then you cannot fault the American people for being cynical about Congress and about those of us who have been honored and privileged to serve in the Congress.

So I will keep an eye on all you people now that I am leaving. We will look back from time to time and see how Congress is responding. And I will be back from time to time as my party's nominee to visit with the leadership in the House and the Senate and many of my other friends in the Senate.

So it has been a good ride. I have certainly enjoyed my time as leader of the Republican side, as the majority leader and the minority leader. But I must say, I enjoyed more being the majority leader. There is a thing about being in the majority that is a bit better than being in the minority, particularly when as Republicans we waited so long for it to happen, 40 years. I think the Democrats agree, 40 years is a long wait. But it happened. We are proud of it. And we are proud of America.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. DOLE. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:45 p.m. adjourned until Tuesday, June 11, 1996, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate, June 10, 1996:

UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

EVERETT ALVEREZ, JR., OF MARYLAND, TO BE A MEMBER OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES FOR A TERM EXPIRING MAY 1, 1999. (REAPPOINTMENT)

DEPARTMENT OF ENERGY

VICKY A. BAILEY, OF INDIANA, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 2001. (REAPPOINTMENT)

DEPARTMENT OF STATE

WYCHE FOWLER, JR., OF GEORGIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF SAUDI ARABIA.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

REGINALD EARL JONES, OF MARYLAND, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2000, VICE ROSALIE GAULL SILBERMAN, TERM EXPIRED.

CORPORATION FOR PUBLIC BROADCASTING

HEIDI H. SCHULMAN, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2002, VICE MARTHA BUCHANAN, RESIGNED.

PUBLIC HEALTH SERVICE

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR CORPS OF THE PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS:

1. FOR APPOINTMENT:

To be assistant surgeon:

JOHN M. BALINTONA
AL-KARIM A. DHANJI
HEIDI C. ERICKSON
TRACEY A. FORD
ROCHELLE NOLTE
DAVID C. HOUGHTON
JOHN MOHS
MARK A. SHEFFLER
KIMBERLY S. STOLZ

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL IN THE U.S. AIR FORCE WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

LT. GEN. HOWELL M. ESTES III [redacted]

THE FOLLOWING-NAMED OFFICER FOR PROMOTION IN THE REGULAR AIR FORCE OF THE UNITED STATES TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be brigadier general

COL. GILBERT J. REGAN [redacted] U.S. AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE, TO THE GRADE INDICATED, UNDER TITLE 10, UNITED STATES CODE, SECTIONS 8374, 12201, AND 12212:

To be brigadier general

COL. CHRISTOPHER J. LUNA [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.

IN THE ARMY

THE FOLLOWING U.S. ARMY NATIONAL GUARD OFFICER FOR PROMOTION IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTIONS 3385, 3392 AND 12203(A):

To to brigadier general

COL. LLOYD E. KRASE [redacted]

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE U.S. MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER THE PROVISIONS OF SECTION 601(A), TITLE 10, UNITED STATES CODE:

To be lieutenant general

MAJ. GEN. PETER PACE [redacted]

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL IN THE U.S. NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10 UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. (SELECTION) CHARLES S. ABBOTT [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF ADMIRAL IN THE U.S. NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be admiral

VICE ADM. THOMAS J. LOPEZ [redacted]

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF VICE ADMIRAL IN THE U.S. NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10 U.S.C., SECTION 601:

To be vice admiral

VICE ADM. DONALD L. PILLING, [redacted]

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF VICE ADMIRAL IN THE U.S. NAVY ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10 U.S.C., SECTION 601:

To be vice admiral

VICE ADM. JOHN S. REDD [redacted]

WITHDRAWAL

Executive message transmitted by the President to the Senate on June 10, 1996, withdrawing from further Senate consideration the following nomination:

CORPORATION FOR PUBLIC BROADCASTING

HEIDI H. SCHULMAN, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2002, VICE LESLEE B. ALEXANDER, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON MAY 23, 1996.

HOUSE OF REPRESENTATIVES—*Monday, June 10, 1996*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore [Mr. HUTCHINSON].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 10, 1996.

I hereby designate the Honorable Y. TIM HUTCHINSON to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of May 12, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12, rule I, the House will stand in recess until 2 p.m.

Accordingly (at 12 o'clock and 33 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. COBLE] at 2 p.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

With all the discordant voices that are heard in our world and with all the usual pressures from every side, we long for meaning and purpose in our lives and in the lives of those we love. We question at times our own ability to see any design or scheme that would give cohesion to what we do. Yet, in every moment, O God, we can see Your path of faith and hope and love and we can acknowledge those gifts of thanksgiving and gratitude that give meaning in our very hearts and souls. With every word of praise, we celebrate Your gifts to us, O gracious God, and renew Your presence in word and deed. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from American Samoa [Mr. FALEOMAVAEGA] come forward and lead the House in the Pledge of Allegiance.

Mr. FALEOMAVAEGA led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1634. An act to amend the resolution establishing the Franklin Delano Roosevelt Memorial Commission to extend the service of certain members.

COMMUNICATION FROM CHIEF ADMINISTRATIVE OFFICER OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Chief Administrative Officer of the House of Representatives:

U.S. HOUSE OF REPRESENTATIVES,
OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER,
Washington, DC, May 24, 1996.

Re Burton v. Allard.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that the Office of Finance has been served with a subpoena issued by the Superior Court of the District of Columbia.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

SCOT M. FAULKNER.

KING KAMEHAMEHA DAY IN HAWAII

(Mr. FALEOMAVAEGA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, I have just returned from my district, and in doing so I always have to go through the State of Hawaii. Today, the State of Hawaii is celebrating Kamehameha Day, they call it every year, in honor of the great King of Hawaii, Kamehameha.

I want to share with my colleagues some very interesting tributes to this great Polynesian Hawaiian king, whose statue is right here in Statuary Hall as it was a gift from the State of Hawaii commemorating this great island ruler.

Kamehameha had to prove not only his kingship by birth, but he also had to prove his kingship by merit. His rivals were just as big as he. I do not know if my colleagues realize, Mr. Speaker, but the statue that we see here of King Kamehameha is supposed to be life size. This great King of Hawaii was almost 7 feet in stature, weighed almost 300 pounds, and can my colleagues just imagine that his rivals were just as big as he, and having a fleet of some 16,000 canoes, and the population of the Hawaiian community at that time was some 300,000 native Hawaiians that lived during his time.

Prophesies were made before Kamehameha was even born that he would be truly a king of chiefs, and that is why his name is aptly called, The Lonely One, and I ask my colleagues to go see the statue of King Kamehameha in Statuary Hall.

ANOTHER BURNING REEFER

(Mr. FUNDERBURK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FUNDERBURK. Mr. Speaker, if a Republican President had been responsible for this latest abuse of power and invasion of privacy, we would never hear the end of it, but I predict the left-wing media will try to sweep this incident under the rug. It seems the Clinton administration requested and received highly confidential FBI records of 338 former Reagan and Bush appointees. The White House calls it a bureaucratic mistake. Mr. Speaker, this creation of an enemies list demands a full investigation. I know White House officials say that in spite of ordering these files and keeping

them at the White House rather than returning them to the FBI—they did not even look at them. That's like saying they smoked marijuana, but didn't inhale. Mr. Speaker, the American public deserves better, no more excuses and coverup.

PROTECT AND PRESERVE MEDICARE

(Mr. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHRISTENSEN. Mr. speaker, Medicare is going broke. The latest trustee's report confirms what many of us have been saying for some time now: that Medicare is going broke even faster than predicted.

The Medicare trust fund lost money last year for the first time since 1972 causing the trustees to declare that the Medicare trust fund would be completely bankrupt by the year 2001. That is just 5 years away. As this chart shows based on Congressional Budget Office numbers, it was predicted to go bankrupt in the year 2001.

I refuse to allow Medicare to go bankrupt because of some political advantage. We believe that we have got to work together in a bipartisan fashion, without gimmicks, without tax increases. We need to solve this problem for the American people.

I invite my Democrat colleagues to work together for the American people in saving Medicare. It is the right thing to do; it is the right thing to do for all Americans.

IT IS TIME FOR THE WHITE HOUSE TO COME CLEAN

(Mr. POMBO asked and was given permission to address the House for 1 minute.)

Mr. POMBO. Mr. Speaker, apparently the White House is at it again. This time they raided the confidential FBI files of Republican officials, including former Secretary of State James Baker.

Let me just read from the AP story about this incident:

> But among the unanswered questions were, who at the White House knew the files has been gathered and why they were kept at the White House rather than returned to the FBI? The files, 341 of them, almost all of them former employees of Republican administrations, were stored in the White House security office's vault.

Mr. Speaker, I guess we can all breathe a little easier knowing that not every Republican was investigated. It was only 341 of them.

The White House assures us that this was only a small, innocent bureaucratic mistake. I believe that. I also believe in the Easter Bunny, and that the world is flat. Mr. Speaker, it is time for the White House to come clean.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken today after debate has concluded on all motions to suspend the rules, but not before 5 p.m. today.

REGARDING THE CHICKAMAUGA AND CHATTANOOGA NATIONAL MILITARY PARK

Mr. POMBO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 848) to increase the amount authorized to be appropriated for assistance for highway relocation regarding the Chickamauga and Chattanooga National Military Park in Georgia, as amended.

The Clerk read as follows:

H.R. 848

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

SECTION 1. INCREASE IN AUTHORIZATION OF APPROPRIATIONS.

Section 1(c) of the Act entitled "An Act to authorize and direct the National Park Service to assist the State of Georgia in relocating a highway affecting the Chickamauga and Chattanooga National Military Park in Georgia", approved December 24, 1987 (101 Stat. 1442), is amended by striking "$30,000,000" and inserting "$51,000,000".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. POMBO] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. POMBO].

Mr. POMBO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 848, legislation to increase the authorization ceiling for construction of a bypass road around Chickamauga-Chattanooga National Military Park.

In 1890, Congress designated the Chickamauga-Chattanooga National Military Park as the first national military park, in recognition of several important Civil War engagements which occurred there. Like many of the Civil War engagements, the site of this battle occurred along an important transportation corridor, in this case the route leading into Chattanooga, TN.

Mr. Speaker, there is still a high degree of conflict along that transportation corridor, U.S. Highway 27, but today the conflict is between commuter traffic using this road, and those persons who have come to the park to understand and appreciate the important events which took place there 133 years ago. In fact, 90 percent of the 17,200 vehicles using this road daily, including about 800 18-wheelers, are nonpark visitors. The heavy use of this road intrudes significantly on the historic scene, and makes it almost impossible for visitors of the park to use the road as part of the autotour route.

Several years ago, there was a proposal to expand the highway through the park to four lanes. Such a proposal would only have resulted in a greater number of vehicles going through the park. In 1987, Congress passed a law authorizing a bypass around the park in order to protect the park, and improve safety for nonpark traffic.

Unfortunately, due to the amount of rock encountered and fill required, the cost for this project has risen since the original 1987 estimate. Even with the Federal/State matching requirements, the estimated cost of the Federal Government for this road has risen to about $52 million. However there is no question this funding authorization is needed to ensure the protection of this important park.

I am pleased that Mr. DEAL has sponsored this legislation and I am glad to be able to support him today. Quite a few Members of this body, and the other body, believe that the best thing they can do for the National Park Service, or for their district, is to create a new national park area. I am pleased that Mr. DEAL has focused on taking care of an important historic park which Congress has already set aside; and as this one issue amply illustrates, there is much work to do in our existing park system. This Congress is focusing its attention on those areas rather than adding to the backlog of projects facing the Park Service, and the national deficit at the same time. I commend Mr. DEAL for his work, and encourage all my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 848 would increase the amount authorized for the Federal share of the costs of relocating Highway 27 around the Chickamauga-Chattanooga National Park from $35 million to $51.9 million. A similar version of this bill was passed by the House during the 103d Congress. We have no objection to enactment of this legislation.

The Chickamauga and Chattanooga National Military Park was established in 1890 as the first national military park. It was created to commemorate and interpret the battle of Chickamauga in northern Georgia, which took place from September 19 through 22, 1863. "Chick-Chat" was one of the bloodiest battles of the Civil War. The

park is maintained as closely as possible to its historic condition with the terrain, vegetation and historic road system that existed in 1863 largely intact.

However, one of the crucial arteries over which the battle was waged, Lafayette Road, locally known as Highway 27, is now a major commuter and commercial route.

The 3.7 miles of the highway located within the park present a significant impediment to visitor safety and enjoyment of the park, and its increasing use threatens the park's resources.

Public Law 100–211 authorized $30 million in Federal funds to assist the State of Georgia in relocating this section of the highway around the park. The Federal contribution was limited to 75 percent of the total cost of relocation, with the funding contingent upon approval by the Secretary of the Interior of the design and location of the by-pass.

Total appropriated funds stood at $25.446 through fiscal year 1995. Of that, $1.9 was rescinded from the fiscal year 95 appropriation. According to the Federal Highway Administration, the total estimated costs now stand at $69.2 million. The revised Federal share would, therefore, be $51.9 million.

H.R. 848, as reported by the Resources Committee, increases the authorized appropriation to $51.9 million. We note that the Clinton administration also supports enactment of the bill.

□ 1415

The Speaker, I urge my colleagues to support H.R. 848, the bill of the gentleman from California, and I reserve the balance of my time.

Mr. POMBO. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia [Mr. DEAL], the author of the bill.

Mr. DEAL of Georgia. Mr. Speaker, both gentlemen have adequately addressed this issue as to its purposes. I would simply like to elaborate that this is one of the oldest military parks in our country. It is on a major route that has been there for years. Unfortunately, U.S. Highway 27 goes through the middle of Chickamauga-Chattanooga National Battlefield, and when the State was in the process of widening this very important transportation corridor, which it has designs to do all way from the Tennessee border on the top of the State of Georgia all the way to the Florida border on the south, it required that, in order to expand this route, to either do so in the middle of the national military park or to attempt to bypass it. The decision was made in 1987 to build a bypass around the outskirts of the national military park, and it is for that purpose that this authorization is here today.

Mr. Speaker, the cost of the project has increased from its original estimate, and this bill is for the purpose of reaching the authorization level that is currently projected as the cost of the project. The State of Georgia has been more than willing to pay its portion, and had done so and will continue to do so.

I thank both gentlemen for their support of this legislation, and I would urge this Congress to pass this bill so this important project, around one of the most important national military battlefields, can be completed expeditiously.

Mr. Speaker, I would like to begin by thanking the Resources Committee for bringing this bill up for consideration.

H.R. 848 is a bill to increase the authorization of appropriations for the National Park Service to assist the State of Georgia in relocating a highway affecting the Chickamauga and Chattanooga National Military Park. I introduced this same bill during the 103d Congress as H.R. 3516. It passed the House by unanimous consent; however, the other body did not bring up the bill for a vote.

The Chickamauga and Chattanooga National Military Park was established in 1890 to commemorate the Civil War military engagements which took place there and to allow opportunities for future study of these historic battles. The park was administered by the War Department until 1933 when jurisdiction was transferred to the National Park Service. In addition to its inspirational and commemorative values, the park is also used for military instruction, although this military activity was substantially curtailed following its transfer to the National Park Service. Today, the Army Command General Staff continues to bring field classes here to study the military strategies used during the battles.

Specifically, this project reroutes a 3.7-mile section of U.S. Highway 27, which passes through the park by way of a 7-mile-long bypass around the western boundary. This rerouting is necessary to protect the natural and historic resources within the park from damages caused by heavy traffic.

Highway 27 is a major north-south highway through the center of the Chickamauga National Military Park connecting Chattanooga, TN to Florida. It is a well traveled commuter route between northwest Georgia and Chattanooga. On average, 16,200 vehicles pass through the park each day by way of Highway 27.

U.S. Highway 27 serves as a vital north-south link amoung the three States and its renewal is a top priority of the Georgia DOT. Highway 27 presently is undergoing construction from end to end in order to upgrade the highway for substantial commercial usage. When complete, Highway 27 will be a four-lane highway through rural areas of Georgia and will include five-lane bypass sections around urban areas with limited access.

This is an ongoing construction project. Land acquisition is mostly completed and construction contracts have already been awarded. This includes current construction on two bridge structures. A halt in funding would increase future planning and construction costs and affect the overall completion date of this project.

The original authorization was for $30 million. This bill increases the authorization by $21.9 million. The 1987 cost estimate provided by the Georgia Department of Transportation was based on aerial mapping and broad planning values. The 1993 cost estimate provided by the Federal Highway Administration is based on detailed surveys, computer designs, and geotechnical data from on-site investigation. More cut and fill work is required than was initially expected and a large quantity of rock will need to be hauled from the site. Bridge structure designs had to be changed based on geotechnical data and problems with subsurface base materials.

Let me now explain to you how this is another example of the Federal bureaucracy getting in the States way and costing more money. The Georgia Department of Transportation originally wanted to widen the portion of U.S. 27 which went through the park. The Georgia DOT maintained that this plan was the most viable and environmentally attainable choice and also provided the best transportation service. This plan was estimated to cost approximately $3.9 million. In addition, the Georgia DOT was willing to pay for this project with State funds.

However, the National Park Service would not agree to the State's plan. Instead, the Park Service advocated an alternative which would require that a bypass be built around the park. In 1987, Public Law 100–211 authorized this alternative at a cost of $30 million. This law authorized the National Park Service to assist the Georgia Department of Transportation in building the bypass around the park. The agreement between the Park Service and the Georgia DOT set up matching funds of 75 percent Federal to 25 percent State.

To date, a total of $28.046 million in Federal funds has been appropriated through fiscal year 1996. The State of Georgia has contributed around $7 million to meet their end of the agreement. Let me remind you that the original cost estimate for this project was $3 million.

I have news articles with me which show pictures of unfinished bridges. Other articles have been entitled "Road To Nowhere." This is not the kind of thing which restores the public's faith and trust in their Government. In fact, it creates the very opposite opinion.

The State of Georgia was more than willing to take on this project itself; however, the Federal Government would not allow this to occur. Therefore, the Federal Government has an obligation to Georgia to fulfill its part of the agreement.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I note also for the RECORD the gentleman from New Mexico fully supports this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. POMBO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. COBLE). The question is on the motion offered by the gentleman from California [Mr. POMBO] that the House suspend the rules and pass the bill, H.R. 848, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. POMBO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

AUTHORIZING RUNNING OF 1996 SUMMER TORCH RELAY THROUGH CAPITOL GROUNDS

Mr. GILCHREST. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 172) authorizing the 1996 Summer Olympic Torch Relay to be run through the Capitol Grounds, and for other purposes.

The Clerk read as follows:

H. CON. RES. 172

Resolved by the House of Representatives (the Senate concurring).

SECTION 1. AUTHORIZATION OF RUNNING OF 1996 SUMMER OLYMPIC TORCH RELAY THROUGH CAPITOL GROUNDS.

On June 20, 1996, or on such other date as the Speaker of the House of Representatives and the President pro tempore of the Senate may jointly designate, the 1996 Summer Olympic Torch Relay may be run through the Capitol Grounds, and the Olympic Torch may be displayed on the Capitol Grounds overnight, as part of the ceremony of the Centennial Olympic Games to be held in Atlanta, Georgia.

SEC. 2. CONDITIONS.

(a) IN GENERAL.—The event authorized by section 1 shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board. The sponsor of the event shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

(b) PROHIBITION ON DISPLAY OF ADVERTISEMENTS.—The Architect of the Capitol and the Capitol Police Board shall take such actions as may be necessary to prohibit the display of advertisements for commercial products or services during the event. Such actions shall include measures to ensure that advertisements are not displayed on any vehicle accompanying runners in the Torch Relay.

SEC. 3. STRUCTURES AND EQUIPMENT.

For the purposes of this resolution, the sponsor of the event authorized by section 1 may erect upon the Capitol Grounds, subject to the approval of the Architect of the Capitol, such structures and equipment as are necessary for the event.

SEC. 4. ADDITIONAL ARRANGEMENTS.

The Architect of the Capitol and the Capitol Police Board are authorized to make any additional arrangement that may be required to carry out the event authorized by section 1.

SEC. 5. LIMITATIONS ON REPRESENTATIONS.

A commercial sponsor of the 1996 Summer Olympic Torch Relay may not represent, either directly or indirectly, that this resolution or any activity carried out under this resolution in any way constitutes approval or endorsement by the Federal Government of the commercial sponsor or any product or service offered by the commercial sponsor.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland [Mr. GILCHREST] and the gentleman from Pennsylvania [Mr. MASCARA] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 172 authorizes the use of the Capitol Grounds for the running of the Olympic torch in conjunction with the 1996 Summer Olympics in Atlanta, GA. This torch relay is expected to take place on June 20, and while the resolution allows the torch to be kept on the Grounds overnight, the torch will not be kept there. The torch will continue its journey onward to Atlanta. There are safeguards contained in the resolution to prohibit any advertising in connection with the torch relay, and the event will be open to the public and be free of charge. The sponsors of the event will be responsible for any costs and liabilities for this event. I thank the Speaker of the House, the Honorable NEWT GINGRICH, for sponsoring this resolution, and I am sure I speak for all of my colleagues in wishing the city of Atlanta a most successful olympic event.

I support this resolution and I urge my colleagues to support the measure.

Mr. Speaker, I reserve the balance of my time.

Mr. MASCARA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on June 20, 1996 the torch which will be used to officially open the 1996 summer Olympics will pass through the Nation's Capital on its way to Atlanta for the opening ceremonies. A resolution is needed to authorize use of the Capitol Grounds due to a prohibition against open flames on the grounds. It is with special pride and an honor that the Transportation and Infrastructure Committee can join the rest of the country in welcoming all visitors to the Olympics and show our support for all the athletes who will compete.

The Olympic torch will be carried by runners who have been nominated and chosen from their communities for their outstanding volunteer activities and community service. Approximately every ½ kilometer the torch will be passed to a new runner.

The torch itself features 22 reeds gathered in the center. The reeds represent the 22 times that modern Olympics have been held. The names of the host cities, including Atlanta, are etched on a goldplated band near the base; another band near the crown features the logo for the 1996 Olympic games. A center handle of Georgia hardwood makes the torch easy to carry.

The Olympic flame first became a tradition for the modern Olympics when an Olympic flame was lit and remained burning at the entrance to the Olympic stadium throughout the 1928 Amsterdam games. The lighting of the flame captured the public's imagination and has remained a traditional ceremony for the opening ceremony for the games.

The public is invited and encouraged to attend this event, which is historic for the Capitol Grounds and for the District.

Mr. Speaker, I urge support for House Concurrent Resolution 172, and I reserve the balance of my time.

Mr. GILCHREST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Pennsylvania [Mr. MASCARA] for supporting this legislation. I think it is a worthy undertaking, and I look forward to the event in the next couple of weeks.

I also want to thank the gentleman from Minnesota [Mr. OBERSTAR], for his effort in this endeavor.

Mr. MASCARA. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. OBERSTAR], the ranking member of the full committee.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, during the afternoon of June 20, the Olympic torch, which will signal the start of the Summer Olypmic Games, will pass through the Capitol Grounds. It will have been in relay across the United States for 84 days, starting April 27 of this year in Los Angeles. Including the games, the flame will have been in play throughout the United States for over 100 days. It will travel through 42 States. It will visit 29 State capitols. It will come within a 2-hour distance of 90 percent of the population of the United States.

The flame will visit 11 pairs of cities: Rochester, MN, and Rochester, NY; Albany, GA, and Albany, NY, for example. It travels 150 miles a day, 10 miles an hour, 15 hours a day. There are numerous community celebrations and festivities all across the route, as is befitting an event of this magnitude and significance.

The United Way is the provider of community support and volunteer services for the 1996 Olympic torch relay. It is really impressive that there will be over 10,000 runners carrying the torch. It will move by numerous conveyances:

bicycle, 19-car train, horseback, canoe, steamboat, on the Great Lakes by one of our lakers, aircraft, sailboat. All will be used to carry the flame at one time or another into Atlanta.

Given that impressive array of transportation modes, it is only fitting that the Committee on Transportation and Infrastructure should be the one to manage this legislation. This is an extraordinarily historic event, one of great significance that captures the imagination of young people, now and for generations to come. It is a great honor for this committee to be a part of making this event happen and come here, not only to Washington, but to the Capitol Grounds.

I understand that the flame will pass across the Capitol Grounds between 3:30 and 4:15 p.m. on June 20. I hope all of our colleagues can be there to see it. I hope the public will come and join us, and I invite everyone to participate in this truly wonderful celebration.

I want to thank the gentleman from Maryland for the role he has played in bringing this about. He has dedicated himself to all of the legislation that comes before the Subcommittee on Public Buildings and Economic Development of the Committee on Transportation and Infrastructure with great scholarly approach, and it is very welcome. I appreciate the leadership of the gentleman from Pennsylvania [Mr. MASCARA] and the gentleman from Ohio [Mr. TRAFICANT] on this subject.

Mr. TRAFICANT. Mr. Speaker, on June 20, 1996, the torch which will be used to officially open the 1996 Summer Olympics will pass through the Nation's Capital on its way to Atlanta for the opening ceremonies. A resolution is needed to authorize use of the Capitol Grounds due to a prohibition against open flames on the Grounds. It is with special pride and an honor that the Transportation and Infrastructure Committee can join the rest of the country in welcoming all visitors to the Olympics and show our support for all the athletes who will compete.

The Olympic torch will be carried by runners who have been nominated and chosen from their communities for their outstanding volunteer activities and community service. Approximately every one-half kilometer the torch will be passed to a new runner. In my own district 13 runners participated on Monday, June 10, 1996, by carrying the torch along the shores of Lake Erie. They included Theresa Bishop, Madonna Chism, Colleen Dippolito, Thomas Grantonic, Yong Lee, Steven Meads, Kyle Obradovich, Anthony Parish, Rev. Charles Ready, Gilbert Rieger, Melissa Snyder, Greg Yurco, and John Zimomra. We are exceedingly proud of these young people.

I urge support for this resolution and thank Mr. GILCHREST for his prompt attention to this request.

Mr. MASCARA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GILCHREST. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland [Mr. GILCHREST] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 172.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING USE OF THE CAPITOL GROUNDS FOR GREATER WASHINGTON SOAP BOX DERBY

Mr. GILCHREST. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 153) authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

The Clerk read as follows:

H. CON. RES. 153

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF SOAP BOX DERBY RACES ON CAPITOL GROUNDS.

The Greater Washington Soap Box Derby Association (hereinafter in this resolution referred to as the "Association") shall be permitted to sponsor a public event, soap box derby races, on the Capitol grounds on July 13, 1996, or on such other date as the Speaker of the House of Representatives and the President pro tempore of the Senate may jointly designate.

SEC. 2. CONDITIONS.

The event to be carried out under this resolution shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board; except that the Association shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. STRUCTURES AND EQUIPMENT.

For the purposes of this resolution, the Association is authorized to erect upon the Capitol grounds, subject to the approval of the Architect of the Capitol, such stage, sound amplification devices, and other related structures and equipment as may be required for the event to be carried out under this resolution.

SEC. 4. ADDITIONAL ARRANGEMENTS.

The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements that may be required to carry out the event under this resolution.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland [Mr. GILCHREST] and the gentleman from Pennsylvania [Mr. MASCARA] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 153 would authorize the use of the Capitol Grounds for the annual running of the Greater Washington Soap Box Derby. This event is scheduled for July 13, and again will be held on Constitution Avenue. This resolution provides for the Architect of the Capitol, the Capitol Police Board, and the Greater Washington Soap Box Derby Association to negotiate the necessary arrangements in compliance with rules and regulations governing the use of the Capitol Grounds. The event will be open to the public and be free of charge.

This year marks the 55th year of the running of the Greater Washington Soap Box Derby. Participants range in age from 9 to 16. Winners from this event will compete in the national event to be held in Akron, OH, later this summer.

Participants must design and build their race cars, providing young people with an opportunity to gain valuable skills in aerodynamics and engineering. The event promotes teamwork, a sense of accomplishment, sportsmanship, and provides an opportunity for parents and children to work together for a special challenge.

I am pleased that our colleagues from Virginia Mr. WOLF, Mr. DAVIS, and Mr. MORAN, cosponsored this resolution, along with Members from Maryland, Mr. HOYER, Mr. WYNN, and Mrs. MORELLA, and the gentlelady from the District, Ms. NORTON. I note that my colleague, Mr. HOYER, has been a long time supporter of this annual event.

I support this resolution and urge my colleagues to support the measure.

□ 1430

Mr. Speaker, I reserve the balance of my time.

Mr. MASCARA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on July 13, 1996 the 55th running of the Greater Washington Soap Box Derby is scheduled to take place in Washington, DC, along Constitution Avenue. This year's event is expected to draw over 50 participants from the surrounding communities of northern Virginia, the District of Columbia, and Maryland, making the Washington race one of the largest in the country. Mr. HOYER deserves credit and our support for his continued efforts in behalf of this all volunteer event.

The race is funded through private donations, is staffed completely with community volunteers and is open to the public and all families to enjoy. Use of our beautiful Capitol Grounds has made this event a very popular local event and, in fact, in 1992 Washington, DC, was named one of the outstanding race cities.

Youngsters ages 9 through 16 build and race their own cars. They learn the principles of aerodynamics through construction, practice, and competition. In previous years, resolutions regarding this event have always enjoyed

broad bipartisan support. I thank Mr. HOYER again for his continued interest and efforts in this event, and urge support for House Concurrent Resolution 153.

Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. I thank my friend from Pennsylvania for yielding time.

Mr. Speaker, I want to first say to my very close friend and colleague from Maryland, Mr. GILCHREST, who chairs the subcommittee that is reporting these bills to the floor, I want to thank him for his efforts not only this year but in the past to shepherd this bill to the floor so that it could be passed in a timely way, so that the negotiations necessary to effect a successful running of the Soap Box Derby could be accomplished. I also want to thank my friend from Minnesota to whom I refer as the chairman in exile, the ranking member of the full committee, Mr. OBERSTAR.

Mr. Speaker, my comments would have echoed that which the gentleman from Maryland [Mr. GILCHREST] and the gentleman from Pennsylvania [Mr. MASCARA] have already said. This is to be the 55th running of the Soap Box Derby.

For those of us who have lived in the Washington metropolitan area for a long period of time, we know that for a period of time this was run on the hill on Pennsylvania Avenue just after you get to Branch Avenue if you are going out of town, before it if you are coming into town. It came a time when that was no longer feasible and appropriate, and in fact where they were not getting the attendance that was necessary to make this a successful event.

It is, I think, very appropriate that we authorize the use of Constitution Avenue under the jurisdiction of the U.S. Capitol for this purpose. Is there anything more American than the Soap Box Derby? Young people being asked to use their own talents, their own initiative, their own inventiveness in coming to grips with a problem. That is, how to get a vehicle that is not powered by a motor down a hill faster than another vehicle.

As has been stated, these young people learn a lot about aerodynamics, about engineering, and about things that will prove very valuable to them in the future. But more importantly, they learn the traits of self-reliance and competition as well as teamwork, as the gentleman from Pennsylvania [Mr. MASCARA] and the gentleman from Maryland [Mr. GILCHREST] I think both referred to, because they work with others in constructing these cars and in racing these cars.

It is also a celebration, I suggest to my colleagues, in most instances of family, because although these cars are built by the youngsters themselves, I would be surprised if they did not ask dad or even mom for some advice and counsel in the construction of these cars.

The bottom line is, I think it is very appropriate that we have this race on Capitol Hill, this race that, as the gentleman from Pennsylvania [Mr. MASCARA] has pointed out, is now one of the most successful in the United States. We will have some 55 cars in this region participating, which is a lot more people, of course, than that participating. And so I am very pleased to rise in support of this resolution.

I want to also thank in particular, and there are a number of them and I hesitate to cite one, but I will do so because it was Barry Scher. Barry Scher does governmental relations for Giant Food. Giant Food is one of the great corporations in America and one of the great corporations in the Washington metropolitan area. Giant Food unfortunately and tragically just lost its leader, Izzy Cohen. Izzy Cohen was a close and dear friend of mine, a man of unusual sensitivity to the community. Giant was not only a successful business enterprise, it was and is a successful community citizen, a full participant in the welfare and life of the Washington metropolitan community.

And it was Barry Scher, WAYNE, who many years ago said, "You know, we're sponsoring this and we've all talked and we think the best place in Washington to run this race would be on Capitol Hill. Do you think we can get approval to do that?" I said, "I can't see why we would not."

I then went to the Speaker, who at that point in time was Tom Foley, and said, "Mr. Speaker, what do you think about this?" And he said, "I think this is an excellent idea." I think it may have been Jim Howard, but am I correct, JIM? In 1989? I am not? Glenn Anderson. I went to Glenn Anderson from California and talked to him about it. He said, "Sure, this sounds like a good idea." Of course it is sort of like saying do you like apple pie. Who is going to say no?

But the fact of the matter is, ever since we have been passing this resolution, which I think first started in 1990 or 1991, in effecting this race here, it is one of the most successful because this is a terrific setting. It excites the participants, and it is what America ought to be all about.

The tragedy is, very frankly, that on the evening news the day after the race there will not be, perhaps on ABC, CBS, NBC, CNN, C-SPAN, whatever, the victors of that race. It will be some other young people who have not performed and not done the things that we would want, some perhaps more dysfunctional behavior.

It is unfortunate that we focus, Mr. Speaker, on the dysfunctional, our television does that to a fault, rather than the positive contributions that millions of young people are making in America. Many of us have been to college or high school graduations. As a matter of fact, my colleague AL WYNN spoke at an elementary school graduation this morning.

The fact of the matter is, this Soap Box Derby is participated in by young people who are a credit to themselves, to their families, their communities, and to our country.

Again, I thank the gentleman from Maryland [Mr. GILCHREST], the gentleman from Pennsylvania [Mr. MASCARA], and the members of the committee for bringing this resolution to the floor and seeking its earliest possible passage.

I want to thank Chairman GILCHREST, the ranking member Mr. TRAFICANT, the Transportation Committee, and Mr. MASCARA for their continued support of this bill which authorizes the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

For the last 5 years, I have sponsored this resolution along with regional Members and sports fans.

The resolution authorizes the Architect of the Capitol, the Capitol Police Board, and the Greater Washington Soap Box Derby Association to negotiate the necessary arrangements for carrying out the running of the Greater Washington Soap Box Derby in complete compliance with rules and regulations governing the use of Capitol Grounds.

This year marks the 55th running of the Greater Washington Soap Box Derby, and the race is slated for July 13, 1996. Participants ranging from ages 9 to 16 are expected to compete in the early summer race. They come from communities in Maryland, the District of Columbia, and Virginia.

The winners of this local event will represent the Washington metropolitan area in the national race which will be held in Akron, OH, later this year.

The soap box derby provides our young people with an opportunity to gain valuable skills such as engineering and aerodynamics. Furthermore, the derby promotes team work, a strong sense of accomplishment, sportsmanship, leadership, and responsibility. These are positive attributes which participants carry into adulthood.

The young people involved spend many months preparing for this race. The day they actually compete provides them with a sense of achievement and comradery, not only for themselves but also for their families and friends. In addition, this worthwhile event provides the participants, tourists, and local residents with a safe and enjoyable day of activities.

I again want to thank the committee for bringing the bill to the floor and I urge my colleagues to support it.

Mr. MASCARA. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. OBERSTAR], the ranking member of the full committee.

Mr. OBERSTAR. Mr. Speaker, I, too, want to again compliment the chairman of the subcommittee, Mr. GILCHREST, for his leadership in bringing forth this legislation and for his

sensitivity to its significance for young people of the greater Washington area and for young people everywhere. I think this clearly is a worthwhile family event and someday we will probably call this the Steny Hoyer Soap Box Derby Race for Mr. HOYER's leadership and advocacy of this legislation time and again.

I noted with great interest the gentleman's reference to the soap box derby being a family event. As a parent one time of a young aspiring scout when they made these matchbox cars and raced them, I sure hope that the children are doing more of the work in the soap box than the parents are.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I have three daughters, they are now all adults, but the gentleman brings to mind all of the science projects that they did that unfortunately their mother and I spent so much time at assisting them with. But we had a lot of fun and we learned a lot.

Mr. OBERSTAR. Think of all the energy wasted on the learning curve by the parents. But the children certainly learned a great deal.

At a time when our full committee is at a point of bringing to the House floor a bill in a week or so that will restrict the ability of young people to fly an airplane to avoid another tragedy as occurred in the case of the young girl whose airplane crashed, and she was not at the controls, the instructor was the pilot in control and in command of the aircraft, but we are going to be dealing with legislation to prevent that kind of tragedy, I note that this legislation makes it possible for young people of that age group to pilot something that they could appropriately handle and that they should handle and to open wider the doors of opportunity for youngsters 9 through 14 to race their homemade soap box cars.

I may be the only one in this room that can still remember what a soap box really is. Where I grew up in northern Minnesota, boxes of wood were shipped around the country that contained soap and we did in fact make cars out of these old soap boxes. They were quite sturdy pieces of wood to put a set of wheels on them and set one of the younger kids on it and push them along the street. Nothing quite so fancy, I am sure, as is going to be entered in the races here but it does bring back for me some nostalgia.

Mr. HOYER. If the gentleman will yield further, we are, however, going to strain the credibility of the public if they are to believe that we think soap boxes are for racing as opposed to giving speeches.

Mr. OBERSTAR. On that point, I thank the gentleman from Pennsylvania for yielding me the time, I compliment the gentleman from Maryland, and our dear colleague, Mr. HOYER, and urge the enactment of House Concurrent Resolution 153.

Mr. MASCARA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GILCHREST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think the statements by the gentleman from Minnesota [Mr. OBERSTAR], the gentleman from Pennsylvania [Mr. MASCARA], and the gentleman from Maryland [Mr. HOYER] certainly have hit the mark about this particular tradition. We want it to continue. I want to thank the gentleman from Maryland [Mr. HOYER] for his sense of urgency to make sure that this resolution passed the House today. This is really a family-community affair where people can work together, and I think it will set a pretty good example as we do this every year to not only help build soap-box-derby-type vehicles with your children but also help to hang out the clothes and do the dishes and paint the barn or sweep the sidewalk, all those things that people can do collectively together, to make families stronger.

Mr. Speaker, I urge that we pass this resolution.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. COBLE). The question is on the motion offered by the gentleman from Maryland [Mr. GILCHREST] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 153.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

E. BARRETT PRETTYMAN U.S. COURTHOUSE

Mr. GILCHREST. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3029) to designate the U.S. courthouse in Washington, DC, as the "E. Barrett Prettyman United States Courthouse".

The Clerk read as follows:

H.R. 3029

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

SECTION 1. DESIGNATION OF COURTHOUSE.

The United States courthouse located at 3rd Street and Constitution Avenue, Northwest, in Washington, District of Columbia, shall be designated and known as the "E. Barrett Prettyman United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "E. Barrett Prettyman United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland [Mr. GILCHREST] and the gentleman from Pennsylvania [Mr. MASCARA] each will control 20 minutes.

The Chair recognizes the gentleman from Maryland [Mr. GILCHREST].

□ 1445

Mr. GILCHREST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3029 is a bill to designate the U.S. courthouse located at the intersection of 3rd and Constitution Ave., NW., Washington, DC, as the "E. Barrett Prettyman United States Courthouse." Judge Prettyman was a native of Virginia, born in Lexington in 1896. He was the son of the Chaplain of the U.S. Senate during the Wilson administration. He attended Randolph Macon University, and Georgetown University Law School. After graduation, he worked on newspapers, and practiced law with a District firm. He served on the Federal bench for 26 years, from his appointment in 1945 until his death in 1971. During that time Judge Prettyman was regarded as one of America's leading legal scholars and was a pioneer in the areas of judicial reform. He demonstrated an ability to be fair, firm, and thorough.

As a jurist, Judge Prettyman was known for his centrist positions. His most notable opinion concluded that the State Department had the authority to ban U.S. citizens from entering certain areas of the world. His position was upheld by the Supreme Court.

Judge Prettyman participated widely in local civic matters, and served on a Presidential commission inquiry about the U-2 incident.

I am pleased to note the sponsor of the bill, our colleague, TOM DAVIS, testified before the Subcommittee on Public Buildings and Economic Development, as well as a member of the subcommittee, Ms. NORTON, a cosponsor of the bill.

I support the bill and urge my colleagues to pass the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MASCARA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Ms. NORTON and Mr. DAVIS have introduced legislation to honor the distinguished career of Federal judge E. Barrett Prettyman. He served the public on the Federal bench for 26 years, and as chief judge here in the District from 1953 to 1960. Not only was he regarded as an outstanding legal scholar but also he was a leader in judicial reform. Judge Prettyman was a strong advocate for increasing attention to the juvenile justice system here in the District.

In addition to focusing on the needs of juvenile offenders, Judge Prettyman

championed the cause of the indigent and founded a program at Georgetown Law School to better train lawyers for the indigent.

This bill honors the life and contributions of an outstanding jurist and public servant and deserves our support.

Mr. Speaker, I reserve the balance of my time.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from the District of Columbia [Ms. NORTON], a cosponsor of the bill.

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I was pleased to introduce the bill to name the U.S. District Court in the Circuit Court of Appeals building for the late Chief Judge E. Barrett Prettyman. The same bill had earlier been introduced by Senator JOHN WARNER in the Senate. I am very pleased that the chair of the Subcommittee on the District of Columbia was also a cosponsor in introducing the bill with me.

Judge Prettyman, a native of Virginia, graduated from Georgetown University Law School, where I still teach a course. He remained associated with Georgetown all of his professional life. I assure my colleagues that the university takes great pride that he is being put forward today to be honored in this manner.

Judge Prettyman served on the Federal bench for 26 years. He was Chief Judge of the United States Circuit Court from 1953 to 1960. Judge Prettyman was widely regarded as one of this country's leading legal scholars and a pioneer for judicial reform. He is particularly remembered for the way he worked to improve the efficiency of the Judiciary.

Judge Prettyman also championed the cause of the indigent and Prettyman fellows work to this day on that issue out of Georgetown University, where he established a program to better assist indigent defendants.

Naming the courts after Judge Prettyman is considered in this city, and I believe by those who know the judge's work, a fitting tribute to one of the most outstanding jurists and legal scholars to hold the bench in this city. I strongly urge my colleagues to support this measure.

Mr. MASCARA. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. OBERSTAR], the ranking member of the full committee.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding me this time. Again I want to compliment our subcommittee chairman, the gentleman from Maryland, Mr. GILCHREST, for taking the leadership and moving this legislation and especially the District delegate, the gentlewoman from the District of Columbia, ELEANOR HOLMES NORTON, for sponsoring this legislation in honor of Judge E. Barrett Prettyman.

His career and times of service have already been well stated by previous speakers. I just want to say that for me this is a very touching moment. Judge Prettyman has been an inspiration to generations of young attorneys, aspiring young men and women who sought a career in the service of the law and in service of the public, and because he was such an inspiration himself, it is very appropriate that we dedicate a place to carry his name so that as many young people in the future walk into that building and see that name, they will be inspired as we are by the words of Marshall and Webster that sit above this Chamber.

There should always be a person who serves as a role model for career of public service, for giving of oneself to the needs and the purposes of the broad public good as Judge E. Barrett Prettyman did during his career of service to the District of Columbia, but in a larger sense to the service of the law and of all Americans.

Mr. Speaker, I urge the passage of this legislation.

Mr. MASCARA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GILCHREST. Mr. Speaker, I yield myself such time as I may consume to thank the gentlewoman from the District of Columbia [Ms. NORTON] for her effort in this legislation and the gentleman from Pennsylvania [Mr. MASCARA], and again the gentleman from Minnesota [Mr. OBERSTAR] for his valued words for an esteemed jurist, and I urge my colleagues to vote for the legislation.

Mr. Speaker, I have no further speakers at this time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. COBLE). The question is on the motion offered by the gentleman from Maryland [Mr. GILCHREST] that the House suspend the rules and pass the bill, H.R. 3029.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SAMMY L. DAVIS FEDERAL BUILDING

Mr. GILCHREST. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3186) to designate the Federal building located at 1655 Woodson Road in Overland, MO, as the "Sammy L. Davis Federal Building."

The Clerk read as follows:

H.R. 3186

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

SECTION 1. DESIGNATION.

The Federal building located at 1655 Woodson Road in Overland, Missouri, shall be known and designated as the "Sammy L. Davis 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 "Sammy L. Davis Federal Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland [Mr. GILCHREST] and the gentleman from Pennsylvania [Mr. MASCARA] each will control 20 minutes.

The Chair recognizes the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3186 is a bill to designate the Federal building in Overland, MO, as the "Sammy L. Davis Federal Building." Sammy Davis is a citizen who distinguished himself in the face of mortal danger. In November 1967, while stationed in Cai Lay, Vietnam, as a cannoneer with the 9th Infantry Division, then Private First Class Davis participated in a fierce ground attack. He personally directed fire at enemy positions with a machinegun, to allow cover for his guncrew to position artillery for direct fire. When his comrades were killed manning this artillery piece, Private First Class Davis took up a position on the howitzer and fired at point blank range into enemy positions. After being injured by a mortar attack, he then rescued his wounded comrades who were trapped across a river, by floating an air mattress to the banks of the far side and pulled three men to safety. He continued his efforts despite wounds suffered during this attack, and joined another howitzer crew and fired upon enemy positions until that force broke contact and fled. His efforts and valor resulted in his receiving the Congressional Medal of Honor. Mr. Davis is currently retired, due to disability.

The building being named in honor of Mr. Davis is the U.S. Army Publications Distribution Center, which serves as the center for distribution of technical and supply publications, recruiting materials, forms and testing material, and classified and accountable publications.

Mr. Speaker, young Mr. Davis, with his faith, had the courage to do what he did, and because of his courage he gives us renewed hope on a fairly regular basis that the dedication to this country is always worth it.

Mr. Speaker, I support this bill and urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MASCARA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support H.R. 3186 introduced by Mr. CLAY of Missouri to recognize the volunteer work, the community service, and the heroic acts of Mr. Sammy L. Davis.

As a young man in Vietnam, Mr. Davis risked his life under fire, to aid his fallen comrades. For his efforts he was awarded the Congressional Medal of Honor. In his later life and career, Mr. Davis remained devoted to examining and lecturing on issues concerning POW's and other matters of importance to veterans.

It is fitting and proper to join Mr. CLAY in honoring Mr. Davis by designating the Federal building in Overland, MO As the "Sammy L. Davis Federal Building".

Mr. Speaker, I reserve the balance of my time.

Mr. MASCARA. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. OBERSTAR], the ranking member of the full committee.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding me this time. It is not often that we have the privilege in this Chamber to recognize in a very appropriate way a Congressional Medal of Honor winner, a true hero. These are people whose recognition is usually given posthumously because they have made the ultimate sacrifice.

But in the case of Sammy L. Davis, he is among us, not only among us but he is using his, in a sense, platform, his great distinction that he won at extraordinary risk to himself, to serve the needs of the community in the broadest possible sense. A motivational speaker, he talks about the plight of prisoners of war; talks about other issues of interest to veterans. He has given himself a purpose and a career in life greater than any that could have been imagined for him.

□ 1500

And having the distinction of being one of these truly special people whom our country has recognized with its highest distinction, he merits very special recognition.

I salute the gentleman from Missouri [Mr. CLAY], our colleague, for having introduced this legislation, for urging the designation of the Federal building in Overland, MO, in honor of Sammy L. Davis. It is indeed appropriate, and it is a modest step that we can take to honor this hero.

There is nothing, however, that we can do, not naming and no words, that can ever hope to reach the height that he has achieved in his own service in Vietnam in the defense of the life of others.

I urge the enactment of this legislation.

Mr. MASCARA. Mr. Speaker, having no further requests for time, I yield back the balance of my time.

Mr. GILCHREST. Mr. Speaker, once again, I thank the gentleman from Pennsylvania [Mr. MASCARA] for his effort and the gentleman from Minnesota [Mr. OBERSTAR] for his eloquent words. Some 25 years ago, the Vietnam war divided this country, but it is people like Mr. Davis who have strengthened the Union in their efforts since then.

Mr. Speaker, I urge my colleagues to vote for this legislation, and I thank Mr. Davis for his contribution to this country.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. COBLE). The question is on the motion offered by the gentleman from Maryland [Mr. GILCHREST] that the House suspend the rules and pass the bill, H.R. 3186.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

WILLIAM J. NEALON UNITED STATES COURTHOUSE

Mr. GILCHREST. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3364), to designate a United States courthouse in Scranton, PA, as the "William J. Nealon United States Courthouse", as amended.

The Clerk read as follows:

H.R. 3364

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

SECTION 1. DESIGNATION.

The Federal building and United States courthouse located at 235 North Washington Avenue in Scranton, Pennsylvania, shall be known and designated as the "William J. Nealon Federal Building and United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the "William J. Nealon Federal Building and United States Courthouse".

Amend the title so as to read: "A bill to designate the Federal building and United States courthouse located at 235 North Washington Avenue in Scranton, Pennsylvania, as the 'William J. Nealon Federal Building and United States Courthouse'."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland [Mr. GILCHREST] and the gentleman from Pennsylvania [Mr. MASCARA] each will control 20 minutes.

The Chair recognizes the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3364, as amended, is a bill to designate the Federal building and United States Courthouse in Scranton, PA as the "William J. Nealon Federal Building and United States Courthouse." Judge Nealon is a noted jurist, who is a native of Scranton, PA. He was born in Scranton, attended local schools, and was graduated from Villanova and received his law degree from Catholic University. President Kennedy appointed Judge Nealon to the Federal bench in 1962 after 2 years service on the Lackawanna County Court of Common Pleas. He became the youngest Federal judge in the country at that time. Judge Nealon has served as chief judge for the Middle District of Pennsylvania from 1976 to 1989. In 1983, Judge Nealon was honored as the outstanding Federal trial judge in the United States by the Association of Trial Lawyers of America.

Judge Nealon currently serves as a senior judge and remains active in civic affairs in Scranton. He and his wife are the proud parents of 10 children and 26 grandchildren.

This bill has the support of the community of Scranton, and its able Congressman, Congressman JOE MCDADE, who took the time to appear before the Subcommittee on Public Buildings and Economic Development in support of this legislation. I support the bill and urge my colleagues to support its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. MASCARA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Judge William J. Nealon is not only an outstanding jurist, a committed community leader, a marine, and devoted father of 10 children but also he has made significant social contributions to local colleges, hospitals, and youth organizations. This bill has overwhelming support by various judicial organizations, the local newspaper, Senator SPECTER and Senator SANTORUM, and the mayor of Scranton.

It is most fitting and proper to honor the distinguished career of Judge William J. Nealon by designating the Federal Building and United States Courthouse in Scranton, PA, in his honor.

I urge support for H.R. 3364.

Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. OBERSTAR], the ranking member of the full committee.

Mr. OBERSTAR. Mr. Speaker, again, I greatly appreciate the Chair of our subcommittee moving this legislation to honor Judge William J. Nealon and the gentleman from Pennsylvania [Mr. MCDADE] for sponsoring the legislation. It has received the strong support on both sides of the aisle in our committee because of the person who we are recognizing in this very unique way.

Appointed to the Federal bench by President Kennedy, he was the youngest Federal judge in the country at the time, but he comes from an absolutely impeccable background which was very well expressed by Chairman GILCHREST.

The bill has overwhelming bipartisan support and has widespread endorsement of the Pennsylvania Bar Association, Northeastern Pennsylvania Trial

Lawyers Association, numerous civic and charitable organizations. It is wonderful that a person could spend so much time on the Federal bench and be so widely and warmly acclaimed.

It is a very special way in which we can pay tribute to years of dedication to the law and to service of the public by dedicating a building to the honor of Judge William J. Nealon.

For me, coming from northern Minnesota, where for years we shipped iron ore and taconite to the steel mills of Pennsylvania, Scranton was a name much revered and respected and beloved. So, I take a very special pleasure in participating in moving this legislation through subcommittee, full committee and now through the floor linking our two regions of the country through this very unique and distinguished judge. I urge the passage of the legislation.

Mr. MASCARA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GILCHREST. Mr. Speaker, I again thank the gentleman from Pennsylvania [Mr. MASCARA] and the gentleman from Minnesota [Mr. OBERSTAR] for their support in this legislation, and I also thank the gentleman from Pennsylvania [Mr. MCDADE], and I hope this honors the people of Scranton, PA, in the most positive way.

Mr. MCDADE. Mr. Speaker, I urge my colleagues to support H.R. 3364, a bill to name the U.S. Courthouse and Federal building in Scranton, PA, after Senior Judge William J. Nealon.

I want to express my gratitude to Public Buildings and Economic Development Subcommittee Chairman WAYNE GILCHREST and ranking Democrat JIM TRAFICANT for their leadership in moving this bill through the committee and on to the House floor.

To my colleagues who may not be familiar with Judge Nealon, I want to say that I introduced this legislation because Judge Nealon is an extraordinary public servant who richly deserves this fitting tribute.

Judge Nealon has served the middle district of Pennsylvania for the past 34 years, longer than any judge in the history of the district since its inception in 1901. He currently serves as a senior judge, after serving as chief judge of the court from 1976 to 1989. President Kennedy appointed Judge Nealon as the U.S. District Judge for the middle district of Pennsylvania on December 15, 1962, making him at that time the youngest Federal judge in the country.

Judge Nealon was honored in 1983 by the Association of Trial Lawyers of America as the Outstanding Federal Trial Judge in the United States. In 1979, he received the Distinguished Judicial Service Award from the Pennsylvania Trial Lawyers Association and has been honored as an outstanding trial judge by the Pennsylvania Defense Institute.

The people of northeastern Pennsylvania have been enriched by Judge Nealon's long record of community service. He has served as a volunteer for numerous educational, medical, youth, and human services organizations. He and his wife, Jean, are the parents of 10 children and 26 grandchildren.

Designation of the courthouse and Federal building, which is currently undergoing a major expansion and renovation, is an appropriate honor for Judge Nealon, a man who has distinguished himself in the Federal judiciary and in his community. He is a man who truly personifies integrity, fairness, good citizenship, and possesses an unyielding commitment to his profession, community, and family.

I urge passage of H.R. 3364.

Mr. GILCHREST. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland [Mr. GILCHREST] that the House suspend the rules and pass the bill, H.R. 3364, as amended.

The question was taken.

Mr. GILCHREST. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

ROMAN L. HRUSKA UNITED STATES COURTHOUSE

Mr. GILCHREST. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3400) to designate the U.S. courthouse to be constructed at a site on 18th Street between Dodge and Douglas Streets in Omaha, NE, as the Roman L. Hruska United States Courthouse, as amended.

The Clerk read as follows:

H.R. 3400

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

SECTION 1. DESIGNATION.

The Federal building and United States courthouse to be constructed at a site on 18th Street between Dodge and Douglas Streets in Omaha, Nebraska, shall be known and designated as the "Roman L. Hruska Federal Building and United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the "Roman L. Hruska Federal Building and United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland [Mr. GILCHREST] and the gentleman from Pennsylvania [Mr. MASCARA] each will control 20 minutes.

The Chair recognizes the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Roman Hruska was born in David City, NE in 1903. He attended local schools, and was graduated from the University of Nebraska Omaha campus, and Creighton Law School. He commenced the practice of law in Omaha, and for 8 years served on the Douglas County Board of Commissioners. In 1952 he was elected to the 83d Congress, and in 1954 was elected to the U.S. Senate to serve the unexpired term of Senator Hugh Butler. Senator Hruska served with distinction in the Senate until his retirement in 1976. During his service in the Senate, he rose to be ranking member of the Judiciary Committee, where he reviewed more than 300 nominees for the Federal bench, including nominees to the Supreme Court.

Following his retirement from the Senate, Senator Hruska continued his public service on educational, and civic boards, including service as regent at the University of Omaha. He honors his Czech heritage as vice president and general counsel of the Western Bohemian Fraternal Association, and continues to serve as counsel to the law firm of Kutak, Rock, in Omaha.

This bill has the support of the city of Omaha, and the congressional delegation. Congressman BARRETT, a cosponsor of the bill, appeared before the subcommittee on Public Buildings and Economic Development in support of the bill, and brought statements from other members, and former members Charles Thone and Hal Daub, the current Mayor of Omaha.

I support this bill and I urge my colleagues to pass the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MASCARA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is fitting and proper to honor the career and public service of Senator Roman L. Hruska by designating the Federal building and courthouse under construction in Omaha, NE as the Roman L. Hruska Federal Building and United States Courthouse.

Senator Hruska's distinguished career spanned 24 years, including 2 years of service, from 1952–54, in the House of Representatives where he was known for his steady, unpretentious style and diligent hard work.

While on the Senate Judiciary Committee Senator Hruska became an early advocate of examining the causes and prevention of violence in American society. Determination and attention to detail became the hallmarks of his legislative work.

H.R. 3400 deserves our support and I urge passage of this bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. OBERSTAR], the ranking member of the full committee.

Mr. OBERSTAR. Mr. Speaker, I compliment Chairman GILCHREST and our ranking member of the subcommittee, Mr. TRAFICANT, on bringing this legislation forward to bring tribute to a former colleague of ours in the House

and a former U.S. Senator, Roman Hruska, who had a truly distinguished career both here and in the other body. He was a person most respected for his public integrity and for the great dignity that he brought to the office of U.S. Senator.

It has already been mentioned in the course of previous debate, his unpretentious style, his diligent hard work, his focus on causes and prevention of violence in American society, but he did it all with great dignity and great seriousness of purpose. Not a show horse as we say, but a workhorse, and a very serious workhorse who can be a model for others coming after him and those now serving in both the House and the Senate.

It is entirely fitting and appropriate to designate this Federal building and courthouse now under construction in Omaha, NE, in honor of Senator Roman L. Hruska.

Mr. MASCARA. Mr. Speaker, I would like to acknowledge the diligence and hard work of the gentleman from Maryland [Mr. GILCHREST] and the gentleman from Ohio [Mr. TRAFICANT], our ranking member, both of whom who have been in assistance to me in my new assignment to the Subcommittee on Public Buildings and Economic Develop.

Mr. Speaker, having no further requests for time, I yield back the balance of my time.

Mr. GILCHREST. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska [Mr. BARRETT].

□ 1515

Mr. BARRETT of Nebraska. Mr. Speaker, I am pleased to be here today to support H.R. 3400, a bill a name the new U.S. courthouse in Omaha, NE, after Roman Hruska—a great Nebraskan, public servant, and personal friend.

Roman Hruska got his start in public service in his local county's board of commissioners. He then served in the House of Representatives, representing Nebraska's second district. And after serving only 1 year in the House, he was elected to fill a vacancy in the Senate. Senator Hruska served in the Senate from 1954 to 1976, 22 years.

It was during Senator Hruska's tenure in the Senate that he influenced the Nation's judiciary system. As the ranking member on the Senate Judiciary Committee, Senator Hruska had the opportunity to serve on special commissions to revise the Federal appellate court system, reform the Federal criminal code, and to study the causes and prevention of violence.

On a personal level, it was Roman Hruska who encouraged me to enter public service. He was influential in my decision to seek the chairmanship of the Nebraska Republican Party, and later to represent a district in the Nebraska legislature. And after 12 years in the State legislature, I was ready to go home. However, Roman was there, once again, to urge me to run for my current seat in the House of Representatives. He has been a mentor to me, not only by his words, but also by his actions. His reputation for hard work and integrity was earned, and is widely recognized by many Nebraskans.

Senator Hruska, through his work and dedication to an effective judiciary has influenced many Nebraskans in all walks of life. And in the words of Omaha's current mayor, "There is an abundance of Nebraskan legal professionals whose lives have been profoundly affected by Senator Hruska, and whose career choices have been inspired by him."

Realizing Congress does not lightly select names to designate Federal buildings, I think H.R. 3400 would honor an influential Nebraskan and inspire us all to seek the same goals of integrity and honesty in our lives. I urge my colleagues to support this bill.

Mr. GILCHREST. Mr. Speaker, I want to thank the gentleman from Minnesota [Mr. OBERSTAR], the gentleman from Ohio [Mr. TRAFICANT], and the gentleman from Pennsylvania [Mr. MASCARA] for their able assistance in naming this Federal building and courthouse after such a distinguished jurist and fine American. I want to thank the gentleman from Nebraska [Mr. BARRETT] for his contribution to this legislation.

Mr. BEREUTER. Mr. Speaker, this Member is pleased to be an original cosponsor of H.R. 3400, legislation to designate the new courthouse in Omaha as the Roman L. Hruska U.S. Courthouse and urges his colleagues to support this bill.

It is most appropriate that the new Omaha courthouse be named after Senator Hruska since he is highly respected for his expertise in judicial policy matters. During his long and distinguished career he served his State and his country in several capacities. While he is a native of David City in the First Congressional District, he began his public service career in Omaha on the Douglas County Board of Commissioners—serving as its chairman. Later he was elected to the House of Representatives in 1952, and then to the Senate where he served from 1954 to 1976. He was the ranking Republican on the Senate Judiciary Committee. He also was the chairman of a Presidential commission to revise the Federal appellate court system. Additionally, he served on commissions to reform the Federal criminal code and to study the causes and prevention of violence.

Mr. Speaker, for the foregoing reasons and many others, naming the new courthouse after Senator Roman Hruska would serve as a continuing tribute to his lifetime of service to Nebraska and his devotion to improving the judicial system. This Member strongly urges the passage of H.R. 3400.

Mr. GILCHREST. Mr. Speaker, I urge my colleagues to vote for the bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. COBLE). The question is on the motion offered by the gentleman from Maryland [Mr. GILCHREST] that the House suspend the rules and pass the bill, H.R. 3400, as amended.

The question was taken.

Mr. GILCHREST. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that Members have 5 legislative days in which to revise and extend their remarks on the bills and resolutions just debated: House Concurrent Resolution 153, House Concurrent Resolution 172, H.R. 3029, H.R. 3186, H.R. 3364, as amended, and H.R. 3400, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

IDEA IMPROVEMENT ACT OF 1996

Mr. GOODLING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3268) to amend the Individuals with Disabilities Education Act, to reauthorize and make improvements to that Act, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3268

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 "IDEA Improvement Act of 1996".

TITLE I—AMENDMENTS TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT

SEC. 101. AMENDMENTS TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

Parts A through D of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) are amended to read as follows:

"PART A—GENERAL PROVISIONS

"SEC. 601. SHORT TITLE; TABLE OF CONTENTS; FINDINGS; PURPOSES.

"(a) SHORT TITLE.—This title may be cited as the 'Individuals with Disabilities Education Act'.

"(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

"PART A—GENERAL PROVISIONS

"Sec. 601. Short title; table of contents; findings; purposes.
"Sec. 602. Definitions.
"Sec. 603. Office of Special Education Programs.
"Sec. 604. Abrogation of State sovereign immunity.
"Sec. 605. Requirements for prescribing regulations.
"Sec. 606. Employment of individuals with disabilities.

"PART B—ASSISTANCE FOR EDUCATION OF ALL CHILDREN WITH DISABILITIES
"Sec. 611. Authorization; allotment; use of funds; authorization of appropriations.
"Sec. 612. State requirements.
"Sec. 613. Local educational agency requirements.
"Sec. 614. Evaluations, reevaluations, individualized education programs, and educational placements.
"Sec. 615. Procedural safeguards.
"Sec. 616. Withholding and judicial review.
"Sec. 617. Administration.
"Sec. 618. Program information.
"Sec. 619. Preschool grants.
"PART C—INFANTS AND TODDLERS WITH DISABILITIES
"Sec. 631. Findings and policy.
"Sec. 632. Definitions.
"Sec. 633. General authority.
"Sec. 634. Eligibility.
"Sec. 635. Requirements for Statewide system.
"Sec. 636. Individualized family service plan.
"Sec. 637. State application and assurances.
"Sec. 638. Uses of funds.
"Sec. 639. Procedural safeguards.
"Sec. 640. Payor of last resort.
"Sec. 641. State interagency coordinating council.
"Sec. 642. Federal administration.
"Sec. 643. Allocation of funds.
"Sec. 644. Authorization of appropriations.
"PART D—NATIONAL ACTIVITIES TO IMPROVE EDUCATION OF CHILDREN WITH DISABILITIES
"Sec. 651. Purpose of part.
"Sec. 652. Eligibility for financial assistance.
"Sec. 653. Comprehensive plan.
"Sec. 654. Peer review.
"Sec. 655. Eligible applicants.
"Sec. 656. Applicant and recipient responsibilities.
"Sec. 657. Indirect costs.
"Sec. 658. Program evaluation.
"SUBPART 1—NATIONAL RESEARCH AND IMPROVEMENT ACTIVITIES
"Sec. 661. General authority to make awards.
"Sec. 662. Priorities.
"Sec. 663. National assessment.
"Sec. 664. Authorization of appropriations.
"SUBPART 2—PROFESSIONAL DEVELOPMENT
"Sec. 671. Purpose.
"Sec. 672. Finding.
"Sec. 673. National activities.
"Sec. 674. Professional development for personnel serving low-incidence populations.
"Sec. 675. Leadership personnel.
"Sec. 676. Service obligation.
"Sec. 677. Outreach.
"SUBPART 3—STATE PROGRAM IMPROVEMENT GRANTS FOR CHILDREN WITH DISABILITIES
"Sec. 681. Purpose.
"Sec. 682. Eligibility and collaborative process.
"Sec. 683. State improvement plans.
"Sec. 684. Use of funds.
"Sec. 685. Minimum State allotments.
"Sec. 686. Authorization of appropriations.
"SUBPART 4—PARENT TRAINING
"Sec. 691. Grants for parent training and information centers.
"Sec. 692. Technical assistance for parent training and information centers.
"Sec. 693. Authorization of appropriations.

"(c) FINDINGS.—The Congress finds the following:

"(1) Disability is a natural part of the human experience and in no way diminishes the right of individuals to participate in or contribute to society. Improving educational results for children with disabilities is an essential element of our national policy of ensuring equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities.

"(2) Before the date of the enactment of the Education for All Handicapped Children Act of 1975 (Public Law 94–142)—

"(A) the special educational needs of children with disabilities were not being fully met;

"(B) more than one-half of the children with disabilities in the United States did not receive appropriate educational services that would enable such children to have full equality of opportunity;

"(C) 1,000,000 of the children with disabilities in the United States were excluded entirely from the public school system and did not go through the educational process with their peers;

"(D) there were many children with disabilities throughout the United States participating in regular school programs whose disabilities prevented such children from having a successful educational experience because their disabilities were undetected; and

"(E) because of the lack of adequate services within the public school system, families were often forced to find services outside the public school system, often at great distance from their residence and at their own expense.

"(3) Since the enactment and implementation of the Education for All Handicapped Children Act of 1975, this Act has been successful in ensuring children with disabilities and the families of such children access to a free appropriate public education and in improving educational results for children with disabilities.

"(4) However, the implementation of this Act has been impeded by low expectations, and an insufficient focus on applying replicable research on proven methods of teaching and learning for children with disabilities.

"(5) 20 years of research and experience has demonstrated that the education of children with disabilities can be made more effective by—

"(A) having high expectations for such children and ensuring their access in the general curriculum to the maximum extent possible;

"(B) ensuring that families of such children have meaningful opportunities to participate in the education of their children at school and at home;

"(C) coordinating this Act with other local, educational service agency, State, and Federal school improvement efforts in order to ensure that such children benefit from such efforts and that special education can become a service for such children rather than a place where they are sent;

"(D) providing appropriate special education and related services and aids and supports in the regular classroom to such children, whenever appropriate;

"(E) supporting high-quality, intensive professional development for all personnel who work with such children in order to ensure that they have the skills and knowledge necessary to enable them—

"(i) to meet developmental goals and, to the maximum extent possible, those challenging expectations that have been established for all children; and

"(ii) to be prepared to lead productive, independent, adult lives, to the maximum extent possible;

"(F) providing incentives for whole-school approaches and early intervention to reduce the need to label children as disabled in order to address their learning needs; and

"(G) focusing resources on teaching and learning while reducing paperwork and requirements that do not assist in improving educational results.

"(6) While States, local educational agencies, and educational service agencies are responsible for providing an education for all children with disabilities, it is in the national interest that the Federal Government have a role in assisting State and local efforts to educate children with disabilities in order to improve results for such children and to ensure equal protection of the law.

"(7)(A) The Federal Government must be responsive to the growing needs of an increasingly more diverse society. A more equitable allocation of resources is essential for the Federal Government to meet its responsibility to provide an equal educational opportunity for all individuals.

"(B) America's racial profile is rapidly changing. Between 1980 and 1990, the rate of increase in the population for white Americans was 6 percent, while the rate of increase for racial and ethnic minorities was much higher: 53 percent for Hispanics, 13.2 percent for African-Americans, and 107.8 percent for Asians.

"(C) By the year 2000, this Nation will have 275,000,000 people, nearly one of every three of whom will be either African-American, Hispanic, Asian-American, or American Indian.

"(D) Taken together as a group, minority children are comprising an ever larger percentage of public school students. Large city school populations are overwhelmingly minority, e.g., for fall 1993, the figure for Miami was 84 percent; Chicago, 89 percent; Philadelphia, 78 percent; Baltimore, 84 percent; Houston, 88 percent; and Los Angeles, 88 percent.

"(E) Recruitment efforts within special education at the level of preservice, continuing education, and practice must focus on bringing larger numbers of minorities into the profession in order to provide appropriate practitioner knowledge, role models, and sufficient manpower to address the clearly changing demography of special education.

"(F) The limited English proficient population is the fastest growing in our Nation, and the growth is occurring in many parts of our Nation. In the Nation's 2 largest school districts, limited English students make up almost half of all students initially entering school at the kindergarten level. Studies have documented apparent discrepancies in the levels of referral and placement of limited English proficient children in special education. The Department of Education has found that services provided to limited English proficient students often do not respond primarily to the pupil's academic needs. These trends pose special challenges for special education in the referral, assessment, and services for our Nation's students from non-English language backgrounds.

"(8)(A) Greater efforts are needed to prevent the intensification of problems connected with mislabeling and high dropout

rates among minority children with disabilities.

"(B) More minority children continue to be served in special education than would be expected from the percentage of minority students in the general school population.

"(C) Poor African-American children are 3.5 times more likely to be identified by their teacher as mentally retarded than their white counterpart.

"(D) Although African-Americans represent 12 percent of elementary and secondary enrollments, they constitute 28 percent of total enrollments in special education.

"(E) The drop out rate is 68 percent higher for minorities than for whites.

"(F) More than 50 percent of minority students in large cities drop out of school.

"(9)(A) The opportunity for full participation in awards for grants and contracts; boards of organizations receiving funds under this Act; and peer review panels; and training of professionals in the area of special education by minority individuals, organizations, and historically Black colleges and universities is essential if we are to obtain greater success in the education of minority children with disabilities.

"(B) In 1989, of the 661,000 college and university professors, 4.6 percent were African-American and 3.1 percent were Hispanic. Of the 3,600,000 teachers, prekindergarten through high school, 9.4 percent were African-American and 3.9 percent were Hispanic.

"(C) Students from minority groups comprise more than 50 percent of K–12 public school enrollment in seven States yet minority enrollment in teacher training programs is less than 15 percent in all but six States.

"(D) As the number of African-American and Hispanic students in special education increases, the number of minority teachers and related service personnel produced in our colleges and universities continues to decrease.

"(E) Ten years ago, 12.5 percent of the United States teaching force in public elementary and secondary schools were members of a minority group. Minorities comprised 21.3 percent of the national population at that time and were clearly underrepresented then among employed teachers. Today, the elementary and secondary teaching force is 3 to 5 percent minority, while one-third of the students in public schools are minority children.

"(F) As recently as 1991, Historically Black Colleges and Universities enrolled 44 percent of the African-American teacher trainees in the Nation. However, in 1993, Historically Black Colleges and Universities received only 4 percent of the discretionary funds for special education and related services personnel training under this Act.

"(G) While African-American students constitute 28 percent of total enrollment in special education, only 11.2 percent of individuals enrolled in preservice training programs for special education are African-American.

"(H) In 1986–87, of the degrees conferred in education at the B.A., M.A., and Ph.D levels, only 6, 8, and 8 percent, respectively, were awarded to African-American or Hispanic students.

"(10) Minorities and underserved persons are socially disadvantaged because of the lack of opportunities in training and educational programs, undergirded by the practices in the private sector that impede their full participation in the mainstream of society.

"(d) PURPOSES.—The purposes of this title are—

"(1) to ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for employment and independent living;

"(2) to ensure that the rights of children with disabilities and parents of such children are protected;

"(3) to assist States, localities, education service agencies, and Federal agencies to provide for the education of all children with disabilities; and

"(4) to assess, and ensure the effectiveness of, efforts to educate children with disabilities.

"SEC. 602. DEFINITIONS.

"As used in this title:

"(1) ASSISTIVE TECHNOLOGY DEVICE.—The term 'assistive technology device' means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of a child with a disability.

"(2) ASSISTIVE TECHNOLOGY SERVICE.—The term 'assistive technology service' means any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device. Such term includes—

"(A) the evaluation of the needs of such child, including a functional evaluation of the child in the child's customary environment;

"(B) purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by such child;

"(C) selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing of assistive technology devices;

"(D) coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;

"(E) training or technical assistance for such child, or, where appropriate, the family of such child; and

"(F) training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of such child.

"(3) CHILD WITH A DISABILITY.—

"(A) IN GENERAL.—The term 'child with a disability' means a child—

"(i) with mental retardation, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), serious emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities; and

"(ii) who, by reason thereof, needs special education and related services.

"(B) CHILD AGED 3 TO 9.—The term 'child with a disability' for a child aged 3 to 9, inclusive, may, at the discretion of the State and the local educational agency, include a child—

"(i) experiencing developmental delays, as defined by the State and as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development; and

"(ii) who, by reason thereof, needs special education and related services.

"(4) EDUCATIONAL SERVICE AGENCY.—The term 'educational service agency'—

"(A) means a regional public multiservice agency—

"(i) authorized by State law to develop, manage, and provide services or programs to local educational agencies; and

"(ii) recognized as an administrative agency for purposes of the provision of special education and related services provided within public elementary and secondary schools of the State; and

"(B) includes any other public institution or agency having administrative control and direction over a public elementary or secondary school.

"(5) ELEMENTARY SCHOOL.—The term 'elementary school' means a day or residential school which provides elementary education, as determined under State law, policy, or procedure.

"(6) EQUIPMENT.—The term 'equipment' includes—

"(A) machinery, utilities, and built-in equipment and any necessary enclosures or structures to house such machinery, utilities, or equipment; and

"(B) all other items necessary for the functioning of a particular facility as a facility for the provision of educational services, including items such as instructional equipment and necessary furniture, printed, published, and audio-visual instructional materials, telecommunications, sensory, and other technological aids and devices, and books, periodicals, documents, and other related materials.

"(7) EXCESS COSTS.—The term 'excess costs' means those costs which are in excess of the average annual per student expenditure in a local educational agency during the preceding school year for an elementary or secondary school student, as may be appropriate, and which shall be computed after deducting—

"(A) amounts received—

"(i) under part B of this title;

"(ii) under part A of title I of the Elementary and Secondary Education Act of 1965; or

"(iii) under part A of title VII of such Act; and

"(B) any State or local funds expended for programs that would qualify for assistance under any such part.

"(8) FREE APPROPRIATE PUBLIC EDUCATION.—The term 'free appropriate public education' means special education and related services that—

"(A) have been provided at public expense, under public supervision and direction, and without charge;

"(B) meet the standards of the State educational agency;

"(C) include an appropriate preschool, elementary, or secondary school education in the State involved; and

"(D) are provided in conformity with the individualized education program required under section 614(d).

"(9) INDIAN.—The term 'Indian' means an individual who is a member of an Indian tribe.

"(10) INDIAN TRIBE.—The term 'Indian tribe' means any Federal or State Indian tribe, band, rancheria, pueblo, colony, or community, including any Alaskan native village or regional village corporation (as defined in or established under the Alaska Native Claims Settlement Act).

"(11) INDIVIDUALIZED EDUCATION PROGRAM.—The term 'individualized education program' or 'IEP' means a written statement for each child with a disability that is developed, reviewed, and revised in accordance with section 614(d) and that includes—

"(A) a statement of the child's present levels of educational performance, including—

"(i) how the child's disability affects the child's involvement and progress in the general curriculum; or

"(ii) for preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;

"(B) a statement of measurable annual goals, including benchmarks or short-term objectives, related to—

"(i) meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general curriculum; and

"(ii) meeting each of the child's other educational needs that result from the child's disability;

"(C) a statement of how the classroom was adapted before the student was referred for identification as a child with a disability;

"(D) a justification of the extent, if any, to which the child will not be educated with nondisabled children;

"(E) a statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child, and any program modifications or support for school personnel necessary for the child—

"(i) to progress toward the attainment of the annual goals described in subparagraph (B); and

"(ii) to be involved and progress in the general curriculum in accordance with subparagraph (A) and to participate in extracurricular and other nonacademic activities;

"(F)(i) a statement of any individual modifications in the administration of State or districtwide assessments of student achievement that are needed in order for the child to participate in such assessment; and

"(ii) if the individualized education program team determines that the child will not participate in a particular State or districtwide assessment of student achievement (or part of such an assessment), a statement of—

"(I) why that assessment is not appropriate for the child; and

"(II) how the child will be assessed;

"(G) the projected date for the beginning of the services and modifications described in subparagraph (E), and the anticipated frequency, location, and duration of those services and modifications;

"(H)(i) beginning at age 14, and updated annually, a statement of the transition service needs of the child under the applicable components of the child's IEP that focuses on the child's courses of study (such as participation in advanced-placement courses or a vocational education or school-to-work program);

"(ii) beginning at age 16 (or younger, if determined appropriate by the IEP Team), a statement of needed transition services for the child, including, when appropriate, a statement of the interagency responsibilities or any needed linkages; and

"(iii) beginning at least one year before the child reaches the age of majority under State law, a statement that the child has been informed of his or her rights under this title, if any, that will transfer to the child on reaching the age of majority under section 615(m); and

"(I) a statement of—

"(i) how the child's progress toward the annual goals described in subparagraph (B) will be measured; and

"(ii) how the child's parents will be regularly informed (by such means as periodic report cards), at least as often as parents are informed of their nondisabled children's progress, of—

"(I) their child's progress toward the annual goals described in subparagraph (B); and

"(II) the extent to which that progress is sufficient to enable the child to achieve the objectives by the end of the year.

"(12) INDIVIDUALIZED EDUCATION PROGRAM TEAM.—The term 'individualized education program team' or 'IEP Team' means a group of individuals composed of—

"(A) the parents of a child with a disability;

"(B) at least one regular education teacher of such child (if the child is, or may be, participating in the regular education environment);

"(C) at least one special education teacher, or where appropriate, at least one special education provider of such child;

"(D) a representative of the local educational agency who—

"(i) is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;

"(ii) is knowledgeable about the general curriculum; and

"(iii) is knowledgeable about the availability of resources of the local educational agency;

"(E) whenever appropriate, the child with a disability; and

"(F) at the discretion of the parent or the agency, other individuals who have special expertise or knowledge regarding the abilities and disability or disabilities of the child, including, as appropriate, related services personnel who are or who will be working with the child.

"(13) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education'—

"(A) has the meaning given that term in section 1201(a) of the Higher Education Act of 1965; and

"(B) also includes any community college receiving funding from the Secretary of the Interior under the Tribally Controlled Community College Assistance Act of 1978.

"(14) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' means—

"(A) a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for a combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools;

"(B) any other public institution or agency having administrative control and direction of a public elementary or secondary school; or

"(C) an educational service agency.

"(15) NATIVE LANGUAGE.—The term 'native language', when used with reference to an individual of limited English proficiency, means the language normally used by the individual, or in the case of a child, the language normally used by the parents of the child, and includes American Sign Language.

"(16) NONPROFIT.—The term 'nonprofit' as applied to a school, agency, organization, or institution means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

"(17) PARENT.—The term 'parent' includes a legal guardian or surrogate parent.

"(18) PARENT ORGANIZATION.—The term 'parent organization' means a private nonprofit organization (but not including an institution of higher education) that—

"(A) has a board of directors—

"(i) the majority of whom are parents of children with disabilities;

"(ii) that includes—

"(I) individuals working in the fields of special education, related services, and early intervention; and

"(II) individuals with disabilities; and

"(iii) the parent and professional members of which are broadly representative of the population to be served; or

"(B)(i) represents the interests of individuals with disabilities and has established a special governing committee which meets the requirements of subparagraph (A); and

"(ii) has a memorandum of understanding between the special governing committee and the board of directors of the organization which clearly outlines the relationship between the board and the committee and the decisionmaking responsibilities and authority of each.

"(19) PARENT TRAINING AND INFORMATION CENTER.—The term 'parent training and information center' means a center that—

"(A) provides training and information that meets the training and information needs of parents of children with disabilities living in the area served by the center; and

"(B) assists parents—

"(i) to better understand the nature of their children's disabilities and their educational and developmental needs;

"(ii) to communicate effectively with personnel responsible for providing special education, early intervention, and related services;

"(iii) to participate in decisionmaking processes and the development of the IEP;

"(iv) to obtain appropriate information about the range of options, programs, services, and resources available to assist children with disabilities and their families;

"(v) to understand the programs under this title for the education of, and the provision of early intervention services to, children with disabilities; and

"(vi) to participate in school reform activities.

"(20) RELATED SERVICES.—The term 'related services' means transportation, and such developmental, corrective, and other supportive services (including speech-language pathology and audiology services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, social work services, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services, except that such medical services shall be for diagnostic and evaluation purposes only) as may be required to assist a child with a disability to benefit from special education, and includes the early identification and assessment of disabling conditions in children.

"(21) SECONDARY SCHOOL.—The term 'secondary school' means a day or residential school which provides secondary education, as determined under State law, policy, or procedure, except that it does not include any education provided beyond grade 12.

"(22) SECRETARY.—The term 'Secretary' means the Secretary of Education.

"(23) SPECIAL EDUCATION.—The term 'special education' means specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability, including—

"(A) instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and

"(B) instruction in physical education.

"(24) SPECIFIC LEARNING DISABILITY.—

"(A) IN GENERAL.—The term 'specific learning disability' means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations.

"(B) DISORDERS INCLUDED.—Such term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

"(C) DISORDERS NOT INCLUDED.—Such term does not include a learning problem that is primarily the result of visual, hearing, or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

"(25) STATE.—The term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the territories.

"(26) STATE EDUCATIONAL AGENCY.—The term 'State educational agency' means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

"(27) SUPPLEMENTARY AIDS AND SERVICES.—The term 'supplementary aids and services' means, aids, services, and other supports that are provided in regular education classes or other education-related settings to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate in accordance with section 612(a)(4).

"(28) TERRITORY.—The term 'territory' means American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands.

"(29) TRANSITION SERVICES.—The term 'transition services' means a coordinated set of activities for a child with a disability that—

"(A) are designed within an outcome-oriented process, which promotes movement from school to post-school activities, including post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;

"(B) are based upon the individual child's needs, taking into account the child's preferences and interests; and

"(C) include instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation.

"SEC. 603. OFFICE OF SPECIAL EDUCATION PROGRAMS.

"(a) ESTABLISHMENT.—There shall be, within the Office of Special Education and Rehabilitative Services in the Department of Education, an Office of Special Education Programs which shall be the principal agency in such Department for administering and carrying out this title and other programs and activities concerning the education and training of children with disabilities.

"(b) DIRECTOR.—The Office established under subsection (a) shall be headed by a Director who shall be selected by the Secretary and shall report directly to the Assistant Secretary for Special Education and Rehabilitative Services.

"(c) VOLUNTARY AND UNCOMPENSATED SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Secretary is authorized to accept voluntary and uncompensated services in furtherance of the purposes of this title.

"SEC. 604. ABROGATION OF STATE SOVEREIGN IMMUNITY.

"(a) IN GENERAL.—A State shall not be immune under the eleventh amendment to the Constitution of the United States from suit in Federal court for a violation of this title.

"(b) REMEDIES.—In a suit against a State for a violation of this title, remedies (including remedies both at law and in equity) are available for such a violation to the same extent as such remedies are available for such a violation in the suit against any public entity other than a State.

"(c) EFFECTIVE DATE.—The provisions of subsections (a) and (b) apply with respect to violations that occur in whole or part after the date of the enactment of the Education of the Handicapped Act Amendments of 1990.

"SEC. 605. REQUIREMENTS FOR PRESCRIBING REGULATIONS.

"(a) PUBLIC-COMMENT PERIOD.—The Secretary shall provide a public-comment period of at least 90 days on any regulation proposed under part B or part C of this title on which an opportunity for public comment is otherwise required by law.

"(b) PROTECTIONS PROVIDED TO CHILDREN.—The Secretary may not implement, or publish in final form, any regulation prescribed pursuant to this title which would procedurally or substantively lessen the protections provided to children with disabilities under this title, as embodied in regulations in effect on July 20, 1983 (particularly as such protections relate to parental consent to initial evaluation or initial placement in special education, least restrictive environment, related services, timeliness, attendance of evaluation personnel at individualized education program meetings, or qualifications of personnel), except to the extent that such regulation reflects the clear and unequivocal intent of the Congress in legislation.

"(c) CORRESPONDENCE FROM DEPARTMENT OF EDUCATION DESCRIBING INTERPRETATIONS OF THIS PART.—

"(1) IN GENERAL.—The Secretary shall, on a quarterly basis, publish in the Federal Register, and widely disseminate to interested entities through various additional forms of communication, a list of correspondence from the Department of Education received by individuals during the previous quarter that describes the interpretations of the Department of Education of this Act or the regulations implemented pursuant to this Act.

"(2) ADDITIONAL INFORMATION.—For each item of correspondence published in a list under paragraph (1), the Secretary shall identify the topic addressed by the correspondence and shall include such other summary information as the Secretary determines to be appropriate.

"(3) RESTRICTIONS ON USE OF CORRESPONDENCE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), an item of correspondence published and disseminated under paragraph (1) may not be used in the following:

"(i) An administrative or due process action commenced under section 615.

"(ii) A compliance review or other action relating to a State educational agency conducted by the Department of Education.

"(iii) A compliance review or other action relating to a local educational agency or other agency conducted by a State educational agency.

"(B) EXCEPTIONS.—A restriction on the use of an item of correspondence under subparagraph (A) shall not apply if the item of correspondence—

"(i) is directly related to the particular fact situation, practice, or policy at issue under clause (i) or (iii) of subparagraph (A);

"(ii)(I) was originally directed to one of the parties to the action under subparagraph (A)(i); or

"(II) was originally directed to the particular local educational agency or other agency under subparagraph (A)(iii); or

"(iii) was originally directed to the particular State educational agency under subparagraph (A)(ii).

"SEC. 606. EMPLOYMENT OF INDIVIDUALS WITH DISABILITIES.

"The Secretary shall assure that each recipient of assistance under this Act shall make positive efforts to employ and advance in employment qualified individuals with disabilities in programs assisted under this Act.

"PART B—ASSISTANCE FOR EDUCATION OF ALL CHILDREN WITH DISABILITIES

"SEC. 611. AUTHORIZATION; ALLOTMENT; USE OF FUNDS; AUTHORIZATION OF APPROPRIATIONS.

"(a) AUTHORIZATION.—The Secretary of Education shall provide grants to States and provide amounts to the Secretary of the Interior for the purpose of providing special education and related services to children with disabilities in accordance with this part.

"(b) ALLOTMENT AMONG STATES.—

"(1) RESERVATION FOR THE TERRITORIES.—

"(A) IN GENERAL.—Of the amount appropriated pursuant to subsection (e) to carry out this part for a fiscal year, the Secretary shall allot not more than one percent among the territories in accordance with this paragraph.

"(B) BASIS FOR ALLOTMENT.—The Secretary shall allot to each territory an amount that bears the same proportion to the amount appropriated pursuant to subsection (e) for a fiscal year as the number of individuals aged 3 to 21, inclusive, residing in such territory bears to the aggregate number of such individuals residing in all such territories.

"(C) PROHIBITION ON CONSOLIDATION OF GRANTS.—Section 501 of Public Law 95-134 (48 U.S.C. 1469a; relating to the consolidation of one or more grants provided to certain territories) shall not apply with respect to amounts provided to a territory under a grant under this part.

"(2) SECRETARY OF THE INTERIOR.—Of the amount appropriated pursuant to subsection (e) to carry out this part for a fiscal year, the Secretary shall provide to the Secretary of the Interior an amount equal to 1.226 percent to carry out subsection (d) (relating to special education and related services for Indian children with disabilities).

"(3) STATES.—

"(A) IN GENERAL.—After determining the amount to be allotted to the territories under paragraph (1) and the amount to be provided to the Secretary of the Interior under paragraph (2) for a fiscal year, the Secretary shall allot the remaining amount to the remaining States in accordance with this paragraph.

"(B) BASIS FOR ALLOTMENT.—Except as provided in subparagraph (D), the Secretary shall allot to each State an amount equal to the sum of the following amounts:

"(i) The amount equal to—

"(I) 85 percent of the remaining amount described in subparagraph (A); multiplied by

"(II) the child population percentage of the State (as determined under subparagraph (C)(i)).

"(ii) The amount equal to—

"(I) 15 percent of the remaining amount described in subparagraph (A); multiplied by

"(II) the child poverty percentage of the State (as determined under subparagraph (C)(ii)).

"(C) DETERMINATION OF CHILD POPULATION PERCENTAGE AND CHILD POVERTY PERCENTAGE.—

"(i) CHILD POPULATION PERCENTAGE.—The child population percentage shall be determined by comparing—

"(I) the number of children aged 3 to 21, inclusive, in the State who are of the same age as children with disabilities for whom the State ensures the availability of a free appropriate public education; to

"(II) the number of such children in the remaining States.

"(ii) CHILD POVERTY PERCENTAGE.—The child poverty percentage shall be determined by comparing—

"(I) the number of children aged 3 to 21, inclusive, in the State living in poverty who are of the same age as children with disabilities for whom the State ensures the availability of a free appropriate public education; to

"(II) the number of such children in the remaining States.

"(D) TRANSITION FORMULA.—For each of the fiscal years 1997 through 2005, the Secretary shall allot the remaining amount to the remaining States in accordance with the following:

"(i) FISCAL YEAR 1997.—For fiscal year 1997, the Secretary shall allot to each remaining State the sum of—

"(I) 10 percent multiplied by the amount determined for such State under subparagraph (B); and

"(II) 90 percent multiplied by the amount determined for such State under subparagraph (E).

"(ii) FISCAL YEAR 1998.—For fiscal year 1998, the Secretary shall allot to each remaining State the sum of—

"(I) 20 percent multiplied by the amount determined for such State under subparagraph (B); and

"(II) 80 percent multiplied by the amount determined for such State under subparagraph (E).

"(iii) FISCAL YEAR 1999.—For fiscal year 1999, the Secretary shall allot to each remaining State the sum of—

"(I) 30 percent multiplied by the amount determined for such State under subparagraph (B); and

"(II) 70 percent multiplied by the amount determined for such State under subparagraph (E).

"(iv) FISCAL YEAR 2000.—For fiscal year 2000, the Secretary shall allot to each remaining State the sum of—

"(I) 40 percent multiplied by the amount determined for such State under subparagraph (B); and

"(II) 60 percent multiplied by the amount determined for such State under subparagraph (E).

"(v) FISCAL YEAR 2001.—For fiscal year 2001, the Secretary shall allot to each remaining State the sum of—

"(I) 50 percent multiplied by the amount determined for such State under subparagraph (B); and

"(II) 50 percent multiplied by the amount determined for such State under subparagraph (E).

"(vi) FISCAL YEAR 2002.—For fiscal year 2002, the Secretary shall allot to each remaining State the sum of—

"(I) 60 percent multiplied by the amount determined for such State under subparagraph (B); and

"(II) 40 percent multiplied by the amount determined for such State under subparagraph (E).

"(vii) FISCAL YEAR 2003.—For fiscal year 2003, the Secretary shall allot to each remaining State the sum of—

"(I) 70 percent multiplied by the amount determined for such State under subparagraph (B); and

"(II) 30 percent multiplied by the amount determined for such State under subparagraph (E).

"(viii) FISCAL YEAR 2004.—For fiscal year 2004, the Secretary shall allot to each remaining State the sum of—

"(I) 80 percent multiplied by the amount determined for such State under subparagraph (B); and

"(II) 20 percent multiplied by the amount determined for such State under subparagraph (E).

"(ix) FISCAL YEAR 2005.—For fiscal year 2005, the Secretary shall allot to each remaining State the sum of—

"(I) 90 percent multiplied by the amount determined for such State under subparagraph (B); and

"(II) 10 percent multiplied by the amount determined for such State under subparagraph (E).

"(E) BASE AMOUNT FOR 1996.—

"(i) IN GENERAL.—Subject to clause (ii), the amount determined under this subparagraph for a State is the amount that bears the same proportion to the remaining amount (described in subparagraph (A)) for the fiscal year under subparagraph (D) as the amount received by the State under this section for fiscal year 1996 bears to the aggregate of the amounts received by the remaining States (described in subparagraph (A)) under this section for fiscal year 1996.

"(ii) REDUCTION IN AMOUNT.—If the State received an amount under this section for fiscal year 1996 on the basis of children aged 3 to 5, inclusive, in such State, but the State does not make a free appropriate public education available to all children with disabilities aged 3 to 5, inclusive, in the State at the time a determination is made under subparagraph (C), the Secretary shall reduce, on a proportional basis, the amount under clause (i) for purposes of allotting amounts under such subparagraph.

"(F) INCREASE IN ALLOTMENT AMOUNT DURING TRANSITION YEARS.—

"(i) IN GENERAL.— For each of the fiscal years 1997 through 2005, if the amount determined for a State under subparagraph (D) is an amount that is less than the amount received by the State under this section for fiscal year 1996 and—

"(I) the amount of the difference between such two amounts is less than an amount equal to 10 percent of the amount received by the State for fiscal year 1996, then the amount allotted to the State for the fiscal year shall be equal to the amount received by the State for fiscal year 1996; or

"(II) the amount of the difference between such two amounts is equal to or greater than an amount equal to 10 percent of the amount received by the State for fiscal year 1996, then the amount allotted to the State for the fiscal year shall be equal to the sum of (aa) the amount determined for the State under subparagraph (D), and (bb) the amount equal to 10 percent of the amount received by the State for fiscal year 1996.

"(ii) ADJUSTMENT.—If amounts are allotted to one or more States under clause (i) for a fiscal year, the Secretary shall reduce, on a proportional basis, the amounts allotted to the remaining States for which the amount determined under subparagraph (D) is an amount that is greater than the amount received by such States under this section for fiscal year 1996.

"(G) MINIMUM ALLOTMENT.—For each fiscal year for which one of the conditions of subparagraph (F) is met (or such subparagraph does not apply) and subject to the availability of appropriations, for fiscal year 1997 and each subsequent fiscal year, the amount allotted to each remaining State (described in subparagraph (A)) shall not be less than an amount equal to one-third of one percent of the remaining amount (described in subparagraph (A)) for the fiscal year.

"(H) MAXIMUM ALLOTMENT.—

"(i) IN GENERAL.—For fiscal year 1997 and each subsequent fiscal year, the amount allotted to each remaining State (described in subparagraph (A)) under this paragraph shall not be more than an amount equal to

"(I) the sum of—

"(aa) the number of children with disabilities in the State, aged 6 through 21, who are receiving special education and related services, as determined under clause (ii); and

"(bb) if the State is eligible for a grant under section 619, the number of such children in the State, aged 3 through 5; multiplied by

"(II) 40 percent of the average per-pupil expenditure in public elementary and secondary schools in the United States.

"(ii) DETERMINATION OF NUMBER OF CHILDREN.—The number of children with disabilities receiving special education and related services in any fiscal year shall be equal to the number of such children receiving special education and related services on December 1 of the fiscal year preceding the fiscal year for which the determination is made.

"(iii) AVERAGE PER PUPIL EXPENDITURE.—For purposes of clause (i)(II), the term 'average per pupil expenditure', in the United States, means the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which the computation is made (or, if satisfactory data for such year are not available at the time of computation, then during the most recent preceding fiscal year for which satisfactory data are available) of all local educational agencies in the United States (which, for purposes of this subparagraph, means the fifty States and the District of Columbia), as the case may be, plus any direct expenditures by the State for operation of such agencies (without regard to the source of funds from which either of such expenditures are made), divided by the aggregate number of children in average daily attendance to whom such agencies provided free public education during such preceding year.

"(4) SPECIAL RULE WITH RESPECT TO PUERTO RICO.—

"(A) IN GENERAL.—Except as provided subparagraph (B) and notwithstanding paragraph (3), the amount allotted to Puerto Rico for a fiscal year shall bear the same or lower proportion to the remaining amount (described in paragraph (3)(A)) as the amount received by Puerto Rico under this section for fiscal year 1996 bears to the aggregate of the amounts received by the remaining States (as described in paragraph (3)(A)) under this section for fiscal year 1996.

"(B) INCREASE IN ALLOTMENT AMOUNT DURING CERTAIN FISCAL YEARS.—For each fiscal year for which the minimum allotment requirement under paragraph (3)(G) is met, the

amount allotted to Puerto Rico for that fiscal year shall be equal to—

"(i) subject to clause (ii), the sum of—

"(I) the amount determined for Puerto Rico under subparagraph (A); and

"(II) the amount equal to 10 percent of such amount determined for Puerto Rico under subparagraph (A); or

"(ii) if the amount determined for Puerto Rico under clause (i) is greater than the amount determined for Puerto Rico under paragraph (3), the amount determined for Puerto Rico under paragraph (3).

"(C) ADJUSTMENT IN AMOUNTS TO REMAINING STATES.—If the amount allotted to Puerto Rico for a fiscal year is determined under subparagraph (A) or (B)(i), the Secretary shall reallot to the remaining States (as described in paragraph (3)(A)), on a proportional basis, any amount not otherwise allotted to Puerto Rico.

"(5) USE OF MOST RECENT POPULATION DATA.—For the purpose of providing grants under this part, the Secretary shall use the most recent population data and data on children aged 3 to 21, inclusive, living in poverty that are available and satisfactory to the Secretary.

"(c) USE OF FUNDS BY STATE.—

"(1) RESERVATION FOR STATE ACTIVITIES.—

"(A) IN GENERAL.—Subject to subparagraph (D), a State may reserve not more than 25 percent of the amount allotted to the State under paragraph (1) or (3) of subsection (b) for a fiscal year for administration and other State-level activities in accordance with subparagraphs (B) and (C).

"(B) STATE ADMINISTRATION.—

"(i) IN GENERAL.—For the purpose of administering programs under this part, including the coordination of activities under this part with, and providing technical assistance to, other programs that provide services to children with disabilities—

"(I) each territory may use up to 3 percent of the amount allotted to the territory for a fiscal year, or $35,000, whichever is greater; and

"(II) each remaining State may use up to 3 percent of the amount allotted to the State for a fiscal year, or $450,000, whichever is greater.

"(ii) USE OF AMOUNTS FOR ADMINISTRATION OF PART C.—If the State educational agency is the lead agency for the State under part C, amounts described in clause (i) may also be used for the administration of part C.

"(C) OTHER STATE-LEVEL ACTIVITIES.—A State shall use any amounts reserved under subparagraph (A) for a fiscal year that are not used for administration under subparagraph (B) for such fiscal year—

"(i) for support and direct services, including technical assistance and personnel development and training;

"(ii) for administrative costs of monitoring and complaint investigation, but only to the extent that such costs exceed the costs incurred for those activities during fiscal year 1985;

"(iii) to establish and implement the mediation process required by section 615(d), including providing for the costs of mediators and support personnel;

"(iv) to assist local educational agencies in meeting personnel shortages;

"(v) to develop a State improvement plan under part D;

"(vi) for activities at the State and local levels to meet the performance goals established by the State under section 612(a)(14) and to support implementation of the State improvement plan under part D if the State receives funds under that part; or

"(vii) to supplement other amounts used to develop and implement a Statewide coordinated services system designed to improve results for children and families, including children with disabilities and their families, but not to exceed one percent of the amount received by the State under this section (such system shall be coordinated with and, to the extent appropriate, build on the system of coordinated services developed by the State under part C).

"(D) REPORT ON USE OF AMOUNTS.—The State shall, as part of the information required to be submitted under section 612, submit a description of—

"(i) how amounts reserved under subparagraph (A) will be used to meet the requirements of this part;

"(ii) how such amounts will be allocated among the activities described in subparagraphs (B) and (C) to meet State priorities based on input from local educational agencies; and

"(iii) what percentage of such amounts, if any, will be distributed to local educational agencies by formula.

"(2) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES AND CERTAIN STATE AGENCIES.—

"(A) IN GENERAL.—The State shall provide at least 75 percent of the amount received under a grant for a fiscal year to local educational agencies in the State that have established their eligibility under section 613, and to State agencies that received funds under section 614A(a) (as such section was in effect on the day before the date of the enactment of the IDEA Improvement Act of 1996) for fiscal year 1996 and have established their eligibility under section 613, for use in accordance with this part.

"(B) METHODS OF DISTRIBUTION.—A State may provide amounts under subparagraph (A) to local educational agencies and State agencies described under such subparagraph on the basis of—

"(i) school-age population;

"(ii) school enrollment;

"(iii) numbers of children with disabilities receiving a free appropriate public education;

"(iv) allocations for previous fiscal years;

"(v) any two or more of the factors described in clauses (i) through (iv); or

"(vi) poverty, in combination with one or more of the factors described in clauses (i) through (iv).

"(C) FORMER CHAPTER 1 STATE AGENCIES.—

"(i) IN GENERAL.—To the extent necessary for each of the fiscal years 1997, 1998, and 1999, the State shall use amounts that are available under paragraph (1)(A) to ensure that each State agency that received amounts in fiscal year 1994 under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (as such subpart was in effect on the day before the date of the enactment of the Improving America's Schools Act of 1994) receives, from the combination of funds under paragraph (1)(A) and funds provided under subparagraph (A), an amount equal to—

"(I) the number of children with disabilities, aged 6 to 21, inclusive, to whom the agency was providing special education and related services on December 1 of the fiscal year for which the funds were appropriated, subject to the methods of distribution under subparagraph (B); multiplied by

"(II) the per-child amount provided under such subpart for fiscal year 1994.

"(ii) ADDITIONAL USE OF AMOUNTS.—The State may use amounts described in clause (i) to ensure that each local educational agency that received fiscal year 1994 funds under that subpart for children who had transferred from a State-operated or State-supported school or program assisted under that subpart receives, from the combination of funds available under paragraph (1)(A) and funds provided under subparagraph (A), an amount for each such child, aged 3 to 21, inclusive, to whom the agency was providing special education and related services on December 1 of the fiscal year for which the funds were appropriated, equal to the per-child amount the agency received under that subpart for fiscal year 1994.

"(iii) DETERMINATION OF NUMBER OF CHILDREN.—The number of children counted under clause (i)(I) shall not exceed the number of children aged 3 to 21, inclusive, for whom the agency received amounts in fiscal year 1994 under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (as such subpart was in effect on the day before the date of the enactment of the Improving America's Schools Act of 1994).

"(D) REALLOCATION OF AMOUNTS.—If a State educational agency determines that a local educational agency is adequately providing a free appropriate public education to all children with disabilities residing in the area served by that agency with State and local funds, the State educational agency may reallocate any portion of amounts received under a grant under this part that are not needed by that local agency to other local educational agencies in the State that are not adequately providing special education and related services to all children with disabilities residing in the areas they serve.

"(d) USE OF AMOUNTS BY SECRETARY OF THE INTERIOR.—

"(1) PROVISION OF AMOUNTS FOR ASSISTANCE.—

"(A) IN GENERAL.—The Secretary of Education shall provide amounts to the Secretary of the Interior to meet the need for assistance for the education of children with disabilities on reservations aged 5 to 21, inclusive, enrolled in elementary and secondary schools for Indian children operated or funded by the Secretary of the Interior. The amount of such payment for any fiscal year shall be equal to 80 percent of the amount allotted under subsection (b)(2) for that fiscal year.

"(B) CALCULATION OF NUMBER OF CHILDREN.—In the case of Indian students ages 3 to 5, inclusive, who are enrolled in programs affiliated with Bureau of Indian Affairs (hereafter in this subsection referred to as 'BIA') schools and that are required by the States in which such schools are located to attain or maintain State accreditation, and which schools have such accreditation prior to the date of enactment of the Individuals with Disabilities Education Act Amendments of 1991, the school shall be allowed to count those children for the purpose of distribution of the funds provided under this paragraph to the Secretary of the Interior. The Secretary of the Interior shall be responsible for meeting all of the requirements of this part for these children, in accordance with paragraph (2).

"(C) ADDITIONAL REQUIREMENT.—With respect to all other children aged 3 to 21, inclusive, on reservations, the State educational agency shall be responsible for ensuring that all of the requirements of this part are implemented.

"(2) SUBMISSION OF INFORMATION.—The Secretary of Education may provide the Secretary of the Interior amounts under paragraph (1) for a fiscal year only if the Secretary of the Interior submits to the Secretary of Education information that—

"(A) demonstrates that the Department of the Interior meets the appropriate requirements, as determined by the Secretary of Education, of sections 612 (including monitoring and evaluation activities) and 613;

"(B) includes a description of how the Secretary of the Interior will coordinate the provision of services under this part with local educational agencies, tribes and tribal organizations, and other private and Federal service providers;

"(C) includes an assurance that there are public hearings, adequate notice of such hearings, and an opportunity for comment afforded to members of tribes, tribal governing bodies, and affected local school boards before the adoption of the policies, programs, and procedures described in subparagraph (A);

"(D) includes an assurance that the Secretary of the Interior will provide such information as the Secretary of Education may require to comply with section 618;

"(E) includes an assurance that the Secretary of the Interior and the Secretary of Health and Human Services have entered into a memorandum of agreement, to be provided to the Secretary of Education, for the coordination of services, resources, and personnel between their respective Federal, State, and local offices and with State and local educational agencies and other entities to facilitate the provision of services to Indian children with disabilities residing on or near reservations (such agreement shall provide for the apportionment of responsibilities and costs including, but not limited to, child find, evaluation, diagnosis, remediation or therapeutic measures, and (where appropriate) equipment and medical or personal supplies as needed for a child to remain in school or a program); and

"(F) includes an assurance that the Department of the Interior will cooperate with the Department of Education in its exercise of monitoring and oversight of this application, and any agreements entered into between the Secretary of the Interior and other entities under this part, and will fulfill its duties under this part.

Section 616(a) shall apply to the information described in this paragraph.

"(3) PAYMENTS FOR EDUCATION AND SERVICES FOR INDIAN CHILDREN WITH DISABILITIES AGED 3 TO 5.—

"(A) IN GENERAL.—With funds appropriated under subsection (e), the Secretary of Education shall make payments to the Secretary of the Interior to be distributed to tribes or tribal organizations (as defined under section 4 of the Indian Self-Determination and Education Assistance Act) or consortia of the above to provide for the coordination of assistance for special education and related services for children with disabilities aged 3 to 5, inclusive, on reservations served by elementary and secondary schools for Indian children operated or funded by the Department of the Interior. The amount of such payments under subparagraph (B) for any fiscal year shall be equal to 20 percent of the amount allotted under subsection (b)(2).

"(B) DISTRIBUTION OF FUNDS.—The Secretary of the Interior shall distribute the total amount of the payment under subparagraph (A) by allocating to each tribe or tribal organization an amount based on the number of children with disabilities, ages 3 to 5, inclusive, residing on reservations as reported annually divided by the total of such children served by all tribes or tribal organizations.

"(C) SUBMISSION OF INFORMATION.—To receive a payment under this paragraph, the tribe or tribal organization shall submit such figures to the Secretary of the Interior as required to determine the amounts to be allocated under subparagraph (B). This information shall be compiled and submitted to the Secretary of Education.

"(D) USE OF FUNDS.—The funds received by a tribe or tribal organization shall be used to assist in child find, screening, and other procedures for the early identification of children aged 3 to 5, inclusive, parent training, and the provision of direct services. These activities may be carried out directly or through contracts or cooperative agreements with the BIA, local educational agencies, and other public or private nonprofit organizations. The tribe or tribal organization is encouraged to involve Indian parents in the development and implementation of these activities. The above entities shall, as appropriate, make referrals to local, State, or Federal entities for the provision of services or further diagnosis.

"(E) BIENNIAL REPORT.—To be eligible to receive a grant pursuant to subparagraph (A), the tribe or tribal organization shall provide to the Secretary of the Interior a biennial report of activities undertaken under this paragraph, including the number of contracts and cooperative agreements entered into, the number of children contacted and receiving services for each year and the estimated number of children needing services during the 2 years following the one in which the report is made. The Secretary of the Interior shall include a summary of this information on a biennial basis in the report to the Secretary of Education required under this subsection. The Secretary of Education may require any additional information from the Secretary of the Interior.

"(F) PROHIBITIONS.—None of the funds allocated under this paragraph may be used by the Secretary of the Interior for administrative purposes, including child count and the provision of technical assistance.

"(4) PLAN FOR COORDINATION OF SERVICES.—The Secretary of the Interior shall develop and implement a plan for the coordination of services for all Indian children with disabilities residing on reservations covered under this Act. Such plan shall provide for the coordination of services benefiting these children from whatever source, including tribes, the Indian Health Service, other BIA divisions, and other Federal agencies. In developing such a plan, the Secretary of the Interior shall consult with all interested and involved parties. It shall be based upon the needs of the children and the system best suited for meeting those needs, and may involve the establishment of cooperative agreements between the BIA, other Federal agencies, and other entities. Such plan shall also be distributed upon request to States, State and local educational agencies, and other agencies providing services to infants, toddlers, children, and youth with disabilities, to tribes, and to other interested parties.

"(5) ESTABLISHMENT OF ADVISORY BOARD.—To meet the requirements of section 612(a)(18), the Secretary of the Interior shall establish, not later than 6 months after the date of the enactment of the IDEA Improvement Act of 1996, under the Bureau of Indian Affairs (BIA), an advisory board composed of individuals involved in or concerned with the education and provision of services to Indian infants, toddlers, children, and youth with disabilities, including Indians with disabilities, Indian parents or guardians of such children, teachers, service providers, State and local educational officials, representatives of tribes or tribal organizations, representatives from State Interagency Coordinating Councils in States having reservations, and other members representing the various divisions and entities of the BIA. The chairperson shall be selected by the Secretary of the Interior. The advisory board shall—

"(A) assist in the coordination of services within BIA and with other local, State, and Federal agencies in the provision of education for infants, toddlers, children, and youth with disabilities;

"(B) advise and assist the Secretary of the Interior in the performance of the Secretary's responsibilities described in this subsection;

"(C) develop and recommend policies concerning effective inter- and intra-agency collaboration, including modifications to regulations, and the elimination of barriers to inter- and intra-agency programs and activities;

"(D) provide assistance and disseminate information on best practices, effective program coordination strategies, and recommendations for improved educational programming for Indian infants, toddlers, children, and youth with disabilities; and

"(E) provide assistance in the preparation of information required under paragraph (2)(D).

"(6) ANNUAL REPORTS.—

"(A) IN GENERAL.—The advisory board established under paragraph (5) shall prepare and submit to the Secretary of the Interior and to the Congress an annual report containing a description of the activities of the advisory board for the preceding year.

"(B) AVAILABILITY.—The Secretary of the Interior shall make available to the Secretary of Education the report described in subparagraph (A).

"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this part (except for section 619; relating to preschool grants), there are authorized to be appropriated to the Secretary such sums as may be necessary.

"SEC. 612. STATE REQUIREMENTS.

"(a) IN GENERAL.—A State shall be eligible to receive a grant under this part for a fiscal year if, except as provided in subsection (c), the State submits to the Secretary information that demonstrates to the satisfaction of the Secretary that the State has in effect policies and procedures to ensure that it meets each of the following requirements:

"(1) FREE APPROPRIATE PUBLIC EDUCATION.—

"(A) IN GENERAL.—A free appropriate public education is available to all children with disabilities residing in the State between the ages of 3 and 21, inclusive.

"(B) LIMITATION.—Subparagraph (A) shall not apply with respect to children with disabilities aged 3 to 5 and children with disabilities aged 18 to 21 to the extent that such application to those children would be inconsistent with State law or practice, or the order of any court, relating to the provision of public education to children in such age ranges.

"(2) CHILD FIND.—All children with disabilities residing in the State, including children with disabilities attending private schools, regardless of the severity of such disabilities, and who are in need of special education and

related services, are identified, located, and evaluated and that a practical method is developed and implemented to determine which children with disabilities are currently receiving needed special education and related services.

"(3) INDIVIDUALIZED EDUCATION PROGRAM.—An individualized education program, or an individualized family service plan that meets the requirements of section 636(d), is developed, reviewed, and revised for each child with a disability in accordance with section 614(d).

"(4) LEAST RESTRICTIVE ENVIRONMENT.—

"(A) IN GENERAL.—To the maximum extent appropriate—

"(i) children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled; and

"(ii) special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child means that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

"(B) ADDITIONAL REQUIREMENT.—

"(i) IN GENERAL.—The State's method of distributing funds shall not result in placements that violate the requirements of subparagraph (A).

"(ii) EXCEPTION.—If the State does not have policies and procedures to ensure compliance with clause (i), the State shall provide the Secretary an assurance that it will revise the funding mechanism as soon as feasible to ensure that such mechanism does not result in such placements.

"(5) PROCEDURAL SAFEGUARDS.—

"(A) IN GENERAL.—Children with disabilities and their parents are afforded the procedural safeguards required by section 615.

"(B) ADDITIONAL PROCEDURAL SAFEGUARDS.—Procedures to assure that testing and evaluation materials and procedures utilized for the purposes of evaluation and placement of children with disabilities will be selected and administered so as not to be racially or culturally discriminatory. Such materials or procedures shall be provided and administered in the child's native language or mode of communication, unless it clearly is not feasible to do so, and no single procedure shall be the sole criterion for determining an appropriate educational program for a child.

"(6) EVALUATION.—Children with disabilities are evaluated in accordance with subsections (a) through (c) of section 614.

"(7) CONFIDENTIALITY.—Agencies in the State comply with section 617(c) (relating to the confidentiality of records and information).

"(8) TRANSITION FROM PART C TO PRESCHOOL PROGRAMS.—Children participating in early-intervention programs assisted under part C, and who will participate in preschool programs assisted under this part, experience a smooth transition to those preschool programs in a manner consistent with section 637(a)(7). By the third birthday of such a child, an individualized education program or, if consistent with sections 614(d)(1)(B) and 636(d), an individualized family service plan, has been developed and is being implemented for the child. The local educational agency will participate in transition planning conferences by the designated lead agency under section 637(a)(7).

"(9) CHILDREN IN PRIVATE SCHOOLS.—

"(A) IN GENERAL.—To the extent consistent with the number and location of children with disabilities in the State who are enrolled in private elementary and secondary schools, provision is made for the participation of such children in the program assisted or carried out under this part by providing for such children special education and related services, except if the Secretary has arranged for services to such children under subsection (f).

"(B) CHILDREN PLACED IN, OR REFERRED TO, PRIVATE SCHOOLS BY PUBLIC AGENCIES.—

"(i) IN GENERAL.—Children with disabilities in private schools and facilities are provided special education and related services, in accordance with an individualized education program, at no cost to their parents, if they are placed in, or referred to, such schools or facilities by the State or a local educational agency in order to comply with this part or with any other provision of law requiring the provision of special education and related services to all children with disabilities in the State.

"(ii) ADDITIONAL REQUIREMENTS.—In all cases described in clause (i)—

"(I) children with disabilities are placed in, or referred to, only those private schools and facilities that the State educational agency determines meet standards that apply to State and local educational agencies; and

"(II) children served in such private schools or facilities retain access to a free appropriate public education in accordance with this part.

"(C) PAYMENT FOR EDUCATION OF CHILDREN PLACED IN PRIVATE SCHOOLS WITHOUT CONSENT OF OR REFERRAL BY THE PUBLIC AGENCY.—

"(i) IN GENERAL.—If the parents of a child with a disability that had previously received special education and related services under the authority of a public agency have enrolled their child in a private elementary or secondary school without the consent of or referral by the public agency, as a result of mediation described in section 615(d), or as a result of a decision rendered under the procedural safeguards of section 615, the public agency may be required to reimburse the parents for the cost of the enrollment, except that the cost of the reimbursement may be reduced or denied—

"(I) if, at least 10 school days prior to the removal of the child from the public school, the parents did not give a written statement of their concerns to the public agency and notice that they intend to place their child in a private school at public expense;

"(II) if, prior to the removal of the child from the public school, the parents did not make the child available for an initial assessment and evaluation by the local educational agency prior to enrollment in the private school; or

"(III) at the discretion of the judge.

"(ii) EXCEPTION.—Notwithstanding the notice requirement in clause (i)(I), the cost of the reimbursement may not be reduced or denied for failure to provide such notice if—

"(I) the parent is illiterate or cannot write in English;

"(II) compliance with clause (i)(I) would likely result in physical or serious emotional harm to the child;

"(III) the school prevented the parent from providing such notice; or

"(IV) the parent had not received notice, pursuant to section 615(d), of the notice requirement in clause (i)(I).

"(10) STATE EDUCATIONAL AGENCY RESPONSIBLE FOR GENERAL SUPERVISION.—

"(A) IN GENERAL.—The State educational agency is responsible for ensuring that—

"(i) the requirements of this part are met; and

"(ii) all educational programs for children with disabilities in the State, including all such programs administered by any other State or local agency—

"(I) are under the general supervision of individuals in the State who are responsible for educational programs for children with disabilities; and

"(II) meet the educational standards of the State educational agency.

"(B) LIMITATION.—Subparagraph (A) shall not limit the responsibility of agencies in the State other than the State educational agency to provide, or pay for some or all of the costs of, a free appropriate public education for any child with a disability in the State.

"(11) OBLIGATIONS RELATED TO AND METHODS OF ENSURING SERVICES.—

"(A) ESTABLISHING RESPONSIBILITY FOR SERVICES.—The Chief Executive Officer or designee of the officer shall ensure that an interagency agreement or other mechanism for interagency coordination is in effect between each public agency described in subparagraph (B) and the appropriate educational agency within the State, in order to ensure that all services described in subparagraph (B)(i) that are needed to ensure a free appropriate public education are provided, including the provision of such services during the pendency of any dispute under clause (iii). Such agreement or mechanism shall include the following:

"(i) AGENCY FINANCIAL RESPONSIBILITY.—An identification of, or a method for defining, the financial responsibility of each agency for providing services described in subparagraph (B)(i) to ensure a free appropriate public education to children with disabilities provided that the financial responsibility of each public agency described in subparagraph (B), including the State Medicaid agency and other public insurers of children with disabilities, shall precede the financial responsibility of the local education agency (or the State agency responsible for developing the child's IEP).

"(ii) CONDITIONS AND TERMS OF REIMBURSEMENT.—The conditions, terms, and procedures under which a local educational agency shall be reimbursed by other agencies.

"(iii) INTERAGENCY DISPUTES.—Procedures for resolving interagency disputes (including procedures under which local education agencies may initiate proceedings) under the agreement or other mechanism to secure reimbursement from other agencies or otherwise implement the provisions of the agreement or mechanism.

"(iv) COORDINATION OF SERVICES PROCEDURES.—Policies and procedures for agencies to determine and identify the interagency coordination responsibilities of each agency to promote the coordination and timely and appropriate delivery of services described in subparagraph (B)(i).

"(B) OBLIGATION OF PUBLIC AGENCY.—

"(i) IN GENERAL.—If any public agency other than an educational agency is otherwise obligated under Federal or State law, or assigned responsibility under State policy or pursuant to subparagraph (A), to provide or pay for any services that are also considered special education or related services (such as, but not limited to, services described in sections 602(1) relating to assistive technology devices, 602(2) relating to assistive technology services, 602(20) relating to related services, 602(27) related to supplementary aids and services, and 602(29) relating to transition services) that are necessary for ensuring a free appropriate public education to children with disabilities within the

State, such public agency shall fulfill that obligation or responsibility, either directly or through contract or other arrangement.

"(ii) REIMBURSEMENT FOR SERVICES BY PUBLIC AGENCY.—If a public agency other than an educational agency fails to provide or pay for the special education and related services described in clause (i), the local educational agency (or State agency responsibility for developing the child's IEP) shall provide or pay for such services to the child. Such local education agency or State agency may then claim reimbursement for the services from the public agency that failed to provide or pay for such services and such public agency shall reimburse the local education agency or State agency pursuant to the terms of the interagency agreement described in subparagraph (A)(i) according to the procedures established in such agreement pursuant to subparagraph (A)(ii).

"(C) SPECIAL RULE.—The requirements of subparagraph (A) may be met through—

"(i) State statute or regulation;

"(ii) signed agreements between respective agency officials that clearly identify the responsibilities of each agency relating to the provision of services; or

"(iii) other appropriate methods as determined by the Chief Executive Officer or designee of the officer.

"(12) PROCEDURAL REQUIREMENTS RELATING TO LOCAL EDUCATIONAL AGENCY ELIGIBILITY.—The State educational agency will not make a final determination that a local educational agency is not eligible for assistance under this part without first affording that agency reasonable notice and an opportunity for a hearing.

"(13) COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT.—The State has established and implemented, consistent with the purposes of this title and section 635(a)(7), a comprehensive system of personnel development that is designed to ensure an adequate supply of qualified special education and related services personnel necessary to carry out this part, including—

"(A) a statewide, coordinated personnel-development plan that meets the personnel development requirements of a State improvement plan under section 683; or

"(B) a personnel-development plan, developed in consultation with parents of children with disabilities, State and local educational agencies, institutions of higher education, and professional associations that—

"(i) addresses current and projected needs for special education and related services personnel throughout the State;

"(ii) addresses the need for the pre-service and in-service preparation of personnel throughout the State, including regular education personnel, to provide educational services to children with disabilities;

"(iii) includes a system or procedures for recruiting, preparing, and retaining qualified personnel, including personnel with disabilities and personnel from groups that are underrepresented in the field of special education and related services; and

"(iv) is integrated, to the maximum extent possible, with other professional development plans and activities.

"(14) PERSONNEL STANDARDS.—

"(A) IN GENERAL.—The State educational agency has established and maintains standards to ensure that personnel necessary to carry out this part are appropriately and adequately prepared and trained.

"(B) STANDARDS DESCRIBED.—Such standards shall—

"(i) be consistent with any State-approved or State-recognized certification, licensing, registration, or other comparable requirements that apply to the professional discipline in which those personnel are providing special education or related services;

"(ii) to the extent the standards described in subparagraph (A) are not based on the highest requirements in the State applicable to a specific profession or discipline, the State is taking steps to require retraining or hiring of personnel that meet appropriate professional requirements in the State; and

"(iii) allow paraprofessionals and assistants who are appropriately trained and supervised, in accordance with State law, regulations, or written policy, in meeting the requirements of this part to be used to assist in the provision of special education and related services to children with disabilities under this part.

"(C) EXCEPTION.—If the State determines that, within a geographic area of the State there is a shortage of an appropriate number and type of personnel to provide the special education and related services to children with disabilities within such area, and the appropriate public agency has taken steps to recruit and hire such personnel, the State may, subject to public comment and review, temporarily suspend the standards of subparagraph (B)(ii)—

"(i) consistent with State law, for the purpose of recruiting and hiring for such shortage areas the most qualified available individuals who are making progress in applicable coursework; and

"(ii) for a period not to exceed 3 years.

"(15) PERFORMANCE GOALS AND INDICATORS.—The State—

"(A) has established goals for the performance of children with disabilities in the State that—

"(i) will promote the purposes of this title, as stated in section 601(d); and

"(ii) are consistent, to the maximum extent appropriate, with other goals and standards established by the State;

"(B) has established performance indicators the State will use to assess progress toward achieving those goals that, at a minimum, address the performance of children with disabilities on assessments, drop-out rates, and graduation rates;

"(C) will, every two years, report to the Secretary and the public on the progress of the State, and of children with disabilities in the State, toward meeting the goals established under subparagraph (A); and

"(D) based on its assessment of that progress, will revise its State improvement plan under part D as may be needed to improve its performance, if the State receives assistance under such part.

"(16) PARTICIPATION IN ASSESSMENTS.—

"(A) IN GENERAL.—Children with disabilities are included in general State and district-wide assessment programs, with appropriate accommodations, where necessary. As appropriate, the State or local educational agency—

"(i) develops guidelines for the participation of children with disabilities in alternate assessments for those children who cannot participate in State and district-wide assessment programs; and

"(ii) develops and, beginning not later than July 1, 1999, conducts those alternate assessments.

"(B) REPORTS.—The State educational agency makes available to the public, and reports to the public with the same frequency and in the same detail as it reports on the assessment of nondisabled children, the following:

"(i) The number of children with disabilities participating in regular assessments.

"(ii) The number of those children participating in alternate assessments.

"(iii) The performance of those children on regular assessments (beginning not later than July 1, 1997) and on alternate assessments (not later than July 1, 1999), if doing so would be statistically sound and would not result in the disclosure of performance results identifiable to individual children.

"(17) SUPPLEMENTATION OF STATE, LOCAL, AND OTHER FEDERAL FUNDS.—

"(A) IN GENERAL.—The State ensures that amounts provided under a grant to the State under this part, except as provided in subparagraph (B), will be used to supplement State, local, and other Federal funds (including funds not under the direct control of State or local educational agencies) expended for special education and related services, and not to supplant those funds.

"(B) WAIVER.—The Secretary may waive, in whole or in part, the requirements of subparagraph (A) if the Secretary determines that the State has provided clear evidence that all children with disabilities in the State have available a free appropriate public education or that, such a waiver would allow the State to improve the delivery of special education and related services to children with disabilities in the State.

"(18) PUBLIC PARTICIPATION.—Prior to the adoption of any policies and procedures needed to comply with this section (including any amendments to such policies and procedures), the State ensures that there are public hearings, adequate notice of the hearings, and an opportunity for comment available to the general public, including individuals with disabilities and parents of children with disabilities.

"(19) STATE ADVISORY PANEL.—

"(A) IN GENERAL.—The State has established and maintains an advisory panel for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the State.

"(B) MEMBERSHIP.—Such advisory panel shall consist of members appointed by the Governor, or any other official authorized under State law to make such appointments, that is representative of the State population and that is composed of individuals involved in, or concerned with, the education of children with disabilities, including—

"(i) parents of children with disabilities;

"(ii) individuals with disabilities;

"(iii) teachers;

"(iv) representatives of institutions of higher education that prepare special education and related services personnel;

"(v) State and local education officials;

"(vi) administrators of programs for children with disabilities;

"(vii) representatives of other State agencies involved in the financing or delivery of related services to children with disabilities;

"(viii) at least one representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities; and

"(ix) representatives from the State juvenile and adult corrections agencies.

"(C) SPECIAL RULE.—A majority of the members of the panel shall be individuals with disabilities or parents of children with disabilities.

"(D) DUTIES.—The advisory panel shall—

"(i) advise the State educational agency of unmet needs within the State in the education of children with disabilities;

"(ii) comment publicly on any rules or regulations proposed by the State regarding—

"(I) the education of children with disabilities; and

"(II) the procedures for distribution of amounts received by the State under a grant under this part;

"(iii) advise the State educational agency in developing evaluations and reporting on data to the Secretary under section 618;

"(iv) advise the State educational agency in developing corrective action plans to address findings identified in Federal monitoring reports under this part; and

"(v) advise the State educational agency in developing and implementing policies relating to the coordination of services for children with disabilities.

"(b) STATE EDUCATIONAL AGENCY AS PROVIDER OF FREE APPROPRIATE PUBLIC EDUCATION OR DIRECT SERVICES.—If the State educational agency provides free appropriate public education to children with disabilities, or provides direct services to such children, such agency—

"(1) shall comply with any additional requirements of section 613(a), as if such agency were a local educational agency; and

"(2) may use amounts that are otherwise available to such agency under this part to serve those children without regard to section 613(a)(2)(A)(i) (relating to excess costs).

"(c) EXCEPTION FOR PRIOR STATE PLANS.—

"(1) IN GENERAL.—If a State has on file with the Secretary policies and procedures that demonstrate that such State meets any requirement of subsection (a), including any policies and procedures filed under this part as in effect before the date of the enactment of the IDEA Improvement Act of 1996, the Secretary shall consider such State to have met such requirement for purposes of receiving a grant under this part.

"(2) MODIFICATIONS MADE BY STATE.—Subject to paragraph (3), an application submitted by a State in accordance with this section shall remain in effect until the State submits to the Secretary such modifications as the State deems necessary. This section shall apply to a modification to an application to the same extent and in the same manner as this section applies to the original plan.

"(3) MODIFICATIONS REQUIRED BY THE SECRETARY.—The Secretary may require a State to amend its application at any time as a result of the Secretary's compliance reviews under parts B and C. The Secretary shall reduce or shall not provide any further payments to the State educational agency until the Secretary is satisfied that the State educational agency is complying with that requirement.

"(d) APPROVAL BY THE SECRETARY.—

"(1) IN GENERAL.—If the Secretary determines that a State is eligible to receive a grant under this part, the Secretary shall notify the State of that determination.

"(2) NOTICE AND HEARING.—The Secretary shall not make a final determination that a State is not eligible to receive a grant under this part until after providing the State—

"(A) with reasonable notice; and

"(B) with an opportunity for a hearing.

"(e) ASSISTANCE UNDER OTHER FEDERAL PROGRAMS.—Nothing in this title permits a State to reduce medical and other assistance available, or to alter eligibility, under titles V and XIX of the Social Security Act with respect to the provision of a free appropriate public education for children with disabilities within the State.

"(f) BY-PASS FOR CHILDREN IN PRIVATE SCHOOLS.—

"(1) IN GENERAL.—If, on the date of enactment of the Education of the Handicapped Act Amendments of 1983, a State educational agency is prohibited by law from providing for the participation in special programs of children with disabilities enrolled in private elementary and secondary schools as required by subsection (a)(9), the Secretary shall, notwithstanding such provision of law, arrange for the provision of services to such children through arrangements which shall be subject to the requirements of such subsection.

"(2) PAYMENTS.—

"(A) DETERMINATION OF AMOUNTS.—If the Secretary arranges for services pursuant to this subsection, the Secretary, after consultation with the appropriate public and private school officials, shall pay to the provider of such services for a fiscal year an amount per child that does not exceed the amount determined by dividing—

"(i) the total amount received by the State under this part for such fiscal year; by

"(ii) the number of children with disabilities served in the prior year, as reported to the Secretary by the State under section 618.

"(B) WITHHOLDING OF CERTAIN AMOUNTS.—Pending final resolution of any investigation or complaint that could result in a determination under this subsection, the Secretary may withhold from the allocation of the affected State educational agency the amount the Secretary estimates would be necessary to pay the cost of services described in subparagraph (A).

"(C) PERIOD OF PAYMENTS.—The period under which payments are made under subparagraph (A) shall continue until the Secretary determines that there will no longer be any failure or inability on the part of the State educational agency to meet the requirements of subsection (a)(9).

"(3) NOTICE AND HEARING.—

"(A) IN GENERAL.—The Secretary shall not take any final action under this subsection until the State educational agency affected by such action has had an opportunity, for at least 45 days after receiving written notice thereof, to submit written objections and to appear before the Secretary or the Secretary's designee to show cause why such action should not be taken.

"(B) REVIEW OF ACTION.—If a State educational agency is dissatisfied with the Secretary's final action after a proceeding under subparagraph (A), such agency may, not later than 60 days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which the Secretary based the Secretary's action, as provided in section 2112 of title 28, United States Code.

"(C) REVIEW OF FINDINGS OF FACT.—The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify the Secretary's previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(D) JURISDICTION OF COURT OF APPEALS; REVIEW BY UNITED STATES SUPREME COURT.—Upon the filing of a petition under subparagraph (B), the United States court of appeals shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"SEC. 613. LOCAL EDUCATIONAL AGENCY REQUIREMENTS.

"(a) IN GENERAL.—A local educational agency shall be eligible for assistance under this part for any fiscal year if, except as provided in subsection (b), such agency submits to the State educational agency information that demonstrates to the satisfaction of the State educational agency the following:

"(1) CONSISTENCY WITH STATE POLICIES.—The local educational agency, in providing for the education of children with disabilities within its jurisdiction, has in effect policies, procedures, and programs that are consistent with the State policies and procedures established under section 612.

"(2) USE OF AMOUNTS.—

"(A) IN GENERAL.—Amounts provided to the local educational agency under this part—

"(i) shall be used only to pay the excess costs of providing special education and related services to children with disabilities;

"(ii) shall be used to supplement State, local, and other Federal funds and not to supplant such funds;

"(iii) except as provided in subparagraph (B), may not be used to reduce the level of expenditures for the education of children with disabilities made by the local educational agency from State or local funds below the level of those expenditures for the preceding fiscal year;

"(iv) may be used, notwithstanding clause (i) or any other provision of this part, for the costs of special education and related services provided in a regular class or other education related setting to a child with a disability in accordance with the child's individualized education program, even if one or more nondisabled children benefit from those services; and

"(v) may be used, in accordance with subsection (f) and notwithstanding clause (i) or any other provision of this part, to develop and implement a coordinated services system.

"(B) EXCEPTION.—Notwithstanding the restriction in subparagraph (A)(iii), a local education agency may reduce the level of expenditures where such reduction is attributable to—

"(i) the departure, by retirement or otherwise, of special education personnel;

"(ii) a decrease in the enrollment of children with disabilities;

"(iii) the termination of the obligation of the agency, consistent with this part, to provide a program of special education to a particular child with a disability that is an exceptionally costly program, as determined by the State educational agency, because the child—

"(I) has left the jurisdiction of the agency;

"(II) has reached the age at which the obligation of the agency to provide a free appropriate public education to the child has terminated; or

"(III) no longer needs such program of special education; or

"(iv) the termination of costly expenditures for long-term purchases, such as the acquisition of equipment or the construction of school facilities.

"(3) INFORMATION FOR STATE EDUCATIONAL AGENCY.—The local educational agency shall provide the State educational agency with information necessary to enable the State

educational agency to carry out its duties under this part, including, with respect to paragraphs (14) and (15) of section 612(a), information relating to the performance of children with disabilities participating in programs carried out under this part.

"(4) PUBLIC INFORMATION.—The local educational agency shall make available to parents of children with disabilities and to the general public all documents relating to the eligibility of such agency under this part.

"(b) EXCEPTION FOR PRIOR LOCAL PLANS.—

"(1) IN GENERAL.—If a local educational agency or State agency has on file with the State educational agency policies and procedures that demonstrate that such local educational agency, or such State agency, as the case may be, meets any requirement of subsection (a), including any policies and procedures filed under this part as in effect before the date of the enactment of IDEA Improvement Act of 1996, the State educational agency shall consider such local educational agency or State agency, as the case may be, to have met such requirement for purposes of receiving assistance under this part.

"(2) MODIFICATION MADE BY LOCAL EDUCATIONAL AGENCY.—Subject to paragraph (3), an application submitted by a local educational agency in accordance with this section shall remain in effect until the such agency submits to the State educational agency such modifications as the local educational agency deems necessary.

"(3) MODIFICATIONS REQUIRED BY STATE EDUCATIONAL AGENCY.—The State educational agency may require a local educational agency to amend its application at anytime as a result of the compliance reviews of the State educational agency under parts B and C. This paragraph shall apply to a modification to an application to the same extent and in the same manner as this section applies to the original plan.

"(c) NOTIFICATION OF LOCAL EDUCATIONAL AGENCY OR STATE AGENCY IN CASE OF INELIGIBILITY.—If the State educational agency determines that a local educational agency or State agency is not eligible under this section, the State educational agency shall notify such local educational agency or State agency, as the case may be, of that determination and shall provide such local educational agency or State agency with reasonable notice and an opportunity for a hearing.

"(d) LOCAL EDUCATIONAL AGENCY COMPLIANCE.—

"(1) IN GENERAL.—If the State educational agency, after reasonable notice and an opportunity for a hearing, finds that a local educational agency or State agency that has been determined to be eligible under this section is failing to comply with any requirement described in subsection (a), the State educational agency shall reduce or shall not provide any further payments to the local educational agency or State agency until the State educational agency is satisfied that the local educational agency or State agency, as the case may be, is complying with that requirement.

"(2) ADDITIONAL REQUIREMENT.—Any State agency or local educational agency in receipt of a notice described in paragraph (1) shall, by means of public notice, take such measures as may be necessary to bring the pendency of an action pursuant to this subsection to the attention of the public within the jurisdiction of such agency.

"(3) CONSIDERATION.—In carrying out its responsibilities under paragraph (1), the State educational agency shall consider any decision made in a hearing held under section 615 that is adverse to the local educational agency or State agency involved in that decision.

"(e) JOINT ESTABLISHMENT OF ELIGIBILITY.—

"(1) IN GENERAL.—A State educational agency may require a local educational agency to establish its eligibility jointly with another local educational agency if the State educational agency determines that the local educational agency would be ineligible under this section because the local educational agency would not be able to establish and maintain programs of sufficient size and scope to effectively meet the needs of children with disabilities.

"(2) AMOUNT OF PAYMENTS.—If a State educational agency requires the joint establishment of eligibility under paragraph (1), the total amount of funds made available to the affected local educational agencies shall be equal to the sum of the payments that each such local educational agency would have received under section 611(c) if such agencies were eligible for such payments.

"(3) REQUIREMENTS.—Local educational agencies that establish joint eligibility under this subsection shall—

"(A) adopt policies and procedures that are consistent with the State's policies and procedures under section 612(a); and

"(B) be jointly responsible for implementing programs that receive assistance under this part.

"(4) REQUIREMENTS FOR EDUCATIONAL SERVICE AGENCIES.—

"(A) IN GENERAL.—If an educational service agency is required by State law to carry out programs under this part, the joint responsibilities given to local educational agencies under this subsection shall—

"(i) not apply to the administration and disbursement of any payments received by that educational service agency; and

"(ii) be carried out only by that educational service agency.

"(B) ADDITIONAL REQUIREMENT.—Notwithstanding any other provision of this subsection, an educational service agency shall provide for the education of children with disabilities in the least restrictive environment, as required by section 612(a)(4).

"(f) COORDINATED SERVICES SYSTEM.—

"(1) IN GENERAL.—A local educational agency may not use more than 5 percent of the amount such agency receives under this part for any fiscal year, in combination with other amounts (which shall include amounts other than education funds), to develop and implement a coordinated services system designed to improve results for children and families, including children with disabilities and their families.

"(2) ACTIVITIES.—In implementing a coordinated services system under this subsection, a local educational agency may carry out activities which include—

"(A) improving the effectiveness and efficiency of service delivery, including developing strategies that promote accountability for results;

"(B) service coordination and case management that facilitates the linkage of individualized education programs under this part and individualized family service plans under part C with individualized service plans under multiple Federal and State programs, such as title I of the Rehabilitation Act of 1973 (vocational rehabilitation), title XIX of the Social Security Act (Medicaid), and title XVI of the Social Security Act (supplemental security income);

"(C) developing and implementing interagency financing strategies for the provision of education, health, mental health, and social services, including transition services and related services under this title; and

"(D) interagency personnel development for individuals working on coordinated services.

"(3) COORDINATION WITH CERTAIN PROJECTS UNDER ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—If a local educational agency is carrying out a coordinated services project under title XI of the Elementary and Secondary Education Act of 1965 and a coordinated services project under this part in the same schools, such agency shall use amounts under this subsection in accordance with the requirements of that title.

"(g) DIRECT SERVICES BY THE STATE EDUCATIONAL AGENCY.—

"(1) IN GENERAL.—A State educational agency shall use the payments that would otherwise have been available to a local educational agency or to a State agency to provide special education and related services directly to children with disabilities residing in the area served by that local agency, or for whom that State agency is responsible, if the State educational agency determines that the local education agency or State agency, as the case may be—

"(A) has not provided the information needed to establish the eligibility of such agency under this section;

"(B) is unable to establish and maintain programs of free appropriate public education that meet the requirements of subsection (a);

"(C) is unable or unwilling to be consolidated with one or more local educational agencies in order to establish and maintain such programs; or

"(D) has one or more children with disabilities who can best be served by a regional or State program or service delivery system designed to meet the needs of such children.

"(2) MANNER AND LOCATION OF EDUCATION AND SERVICES.—The State educational agency may provide special education and related services under paragraph (1) in such manner and at such locations (including regional or State centers) as the State agency considers appropriate. Such education and services shall be provided in accordance with this part.

"(h) STATE AGENCY ELIGIBILITY.—Any State agency that desires to receive a subgrant for any fiscal year under section 611(c) shall demonstrate to the satisfaction of the State educational agency that—

"(1) all children with disabilities who are participating in programs and projects funded under this part receive a free appropriate public education, and that those children and their parents are provided all the rights and procedural safeguards described in this part; and

"(2) the agency meets such other conditions of this section as the Secretary determines to be appropriate.

"SEC. 614. EVALUATIONS, REEVALUATIONS, INDIVIDUALIZED EDUCATION PROGRAMS, AND EDUCATIONAL PLACEMENTS.

"(a) EVALUATIONS AND REEVALUATIONS.—

"(1) INITIAL EVALUATIONS.—

"(A) IN GENERAL.—A State educational agency, other State agency, or local educational agency shall conduct an initial evaluation, in accordance with this paragraph and subsection (b), before the initial provision of special education and related services to a child with a disability under this part.

"(B) PROCEDURES.—Such initial evaluation shall consist of procedures—

"(i) to determine whether a child is a child with a disability (as defined in section 602(3)); and

"(ii) to determine the educational needs of such child.

"(C) PARENTAL CONSENT.—

"(i) IN GENERAL.—The agency proposing to conduct an initial evaluation to determine if the child qualifies as a child with a disability as defined in section 602(3)(A) or 602(3)(B) shall obtain an informed consent from the parent of such child before the evaluation is conducted. Parental consent for evaluation shall not be construed as consent for placement for receipt of special education and related services.

"(ii) REFUSAL.—If the parents of such child refuse consent for the evaluation, the agency may continue to pursue an evaluation by utilizing the mediation and due process procedures under section 615(e).

"(2) REEVALUATIONS.—A local educational agency shall ensure that a reevaluation of each child with a disability is conducted—

"(A) if conditions warrant a reevaluation or if the child's parent or teacher requests a reevaluation, but at least once every 3 years; and

"(B) in accordance with subsections (b) and (c).

"(b) EVALUATION PROCEDURES.—

"(1) NOTICE.—The local educational agency shall provide notice to the parents of a child with a disability, in accordance with subsections (b)(3), (b)(4), and (c) of section 615, that describes any evaluation procedures such agency proposes to conduct.

"(2) CONDUCT OF EVALUATION.—In conducting the evaluation, the local educational agency shall—

"(A) use a variety of assessment tools and strategies to gather relevant functional and developmental information, including information provided by the parent, that may assist in determining whether the child is a child with a disability and the content of the child's individualized education program, including information related to enabling the child to be involved in and progress in the general curriculum or, for preschool children, to participate in appropriate activities;

"(B) not use any single procedure as the sole criterion for determining whether a child is a child with a disability or determining an appropriate educational program for the child; and

"(C) use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

"(3) ADDITIONAL REQUIREMENTS.—Each local educational agency shall ensure that—

"(A) tests and other evaluation materials used to assess a child under this section—

"(i) are selected and administered so as not to be discriminatory on a racial or cultural basis; and

"(ii) are provided and administered in the child's native language or other mode of communication, unless it is clearly not feasible to do so; and

"(B) any standardized tests that are given to the child—

"(i) have been validated for the specific purpose for which they are used;

"(ii) are administered by qualified personnel; and

"(iii) are administered in accordance with any instructions provided by the producer of such tests; and

"(C) the child is assessed in all areas of suspected disability.

"(4) DETERMINATION OF ELIGIBILITY.—Upon completion of administration of tests and other evaluation materials—

"(A) the determination of whether the child is a child with a disability as defined in section 602(3) or section 602(3)(B) will be made by a team of qualified professionals and the parent of the child in accordance with paragraph (5); and

"(B) a copy of the evaluation report and the documentation of determination of eligibility will be given to the parent.

"(5) SPECIAL RULE FOR ELIGIBILITY DETERMINATION.—In making a determination of eligibility under paragraph (4)(A), a child shall not be determined to be a child with a disability based on any of the following:

"(A) Lack of instruction, including instruction in reading or math.

"(B) Limited English proficiency.

"(C) Cultural or environmental factors.

"(D) Economic disadvantage.

"(c) REEVALUATION PROCEDURES.—

"(1) IN GENERAL.—As part of any reevaluation to assess a child under this section, the individualized education program team and other qualified professionals, as appropriate, shall—

"(A) review existing evaluation data on the child, including current classroom-based assessments and teacher and related services providers observation; and

"(B) on the basis of that review and input from the child's parents, identify what additional data, if any, are needed to determine—

"(i) whether the child continues to have a disability, as described in section 602(3)(A)(i) or section 602(3)(B);

"(ii) the child's present levels of performance and educational needs; and

"(iii)(I) whether the child continues to need special education and related services; and

"(II) if so, any additions or modifications to the special education and related services to enable the child to meet the objectives set out in the individualized education program of the child and to participate, as appropriate, in the general curriculum.

"(2) TESTS AND OTHER EVALUATION MATERIALS.—The local educational agency shall administer such tests and other evaluation materials as may be needed to produce the data identified by the IEP Team under paragraph (1)(B).

"(3) REQUIREMENTS IF ADDITIONAL DATA NOT NEEDED.—If the IEP Team and other qualified professionals, as appropriate, determines that no additional data are needed to determine whether the child continues to be a child with a disability, the local educational agency—

"(A) shall notify the child's parents of—

"(i) that determination and the reasons for it; and

"(ii) the right of such parents to request an assessment to determine whether the child continues to be a child with a disability; and

"(B) shall not be required to conduct such an assessment unless requested to by the child's parents.

"(d) INDIVIDUALIZED EDUCATION PROGRAMS.—

"(1) REQUIREMENT THAT PROGRAM BE IN EFFECT.—

"(A) IN GENERAL.—At the beginning of each school year, each local educational agency, or State educational agency, as the case may be, shall have in effect, for each child with a disability in its jurisdiction, an individualized education program, as defined in section 602(11).

"(B) PROGRAM FOR CHILD AGED 3 TO 5.—In the case of a child with a disability aged 3 to 5, inclusive, an individualized family service plan that contains the material described in section 636, and that is developed in accordance with this section, may serve as the IEP of the child if using that plan as the IEP is—

"(i) consistent with State policy; and

"(ii) agreed to by the agency and the child's parents.

"(2) DEVELOPMENT OF IEP.—

"(A) IN GENERAL.—An individualized education program team shall develop the IEP described in paragraph (1). In developing such IEP, the IEP Team, subject to subparagraph (B), shall—

"(i) consider the child's strengths and the parents' concerns for enhancing their child's education;

"(ii) consider the results of the initial evaluation or most recent reevaluation;

"(iii) in the case of a child whose behavior impedes his or her learning or that of others, consider, when appropriate, strategies, including positive behavior management interventions and strategies to help the child behave in an appropriate and responsible manner conducive to learning;

"(iv) in the case of a child with limited English proficiency, consider the language needs of the child as such needs relate to the child's IEP;

"(v) in the case of a child who is blind or visually impaired, provide for instruction in braille and the use of braille unless all members of the IEP Team concur that, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in braille or the use of braille), instruction in braille or the use of braille is not appropriate for the child;

"(vi) consider the communication needs of the child, and in the case of a child who is deaf, hard-of-hearing, blind, or communicatively disabled, consider the language and communication needs of the child; and

"(vii) consider whether the child requires assistive technology services or devices.

"(B) REQUIREMENT WITH RESPECT TO REGULAR EDUCATION TEACHER.—The regular education teacher of the child, as a member of the IEP Team, shall, to the extent appropriate, participate in the development of the IEP of the child, including the determination of appropriate positive behavior-management interventions and strategies consistent with subparagraph (A)(iii) of this paragraph, and the determination of supplementary aids and services, program modifications, and support for school personnel consistent with section 602(11)(E).

"(3) REVIEW AND REVISION OF IEP.—

"(A) IN GENERAL.—The local educational agency shall ensure that, subject to subparagraph (C), the IEP Team—

"(i) reviews each IEP at least once a year to determine whether the annual goals for the child are being achieved; and

"(ii) revises the IEP to address—

"(I) any lack of expected progress toward the annual goals and in the general curriculum, where appropriate;

"(II) the results of any reevaluation conducted under this section;

"(III) information about the child provided to, or by, the parents, as described in section 602(11)(F)(ii); or

"(IV) the child's anticipated needs as otherwise appropriate.

"(B) CERTAIN CHILDREN WITH DISABILITIES.—

"(i) IN GENERAL.—In the case of a child with a disability who has demonstrated a pattern of behavior that significantly impairs the education of the child, or the education of the classmates of the child, and the ability of the teacher of the child to teach, if such teacher initiates or requests an IEP

meeting, then the appropriate authority shall convene an IEP meeting to review the child's educational program, related services, supplementary aids and services, and placement.

"(ii) REVIEW OF IEP.—In carrying out a review of the IEP of the child, the IEP Team shall determine—

"(I) the appropriateness of the current IEP of the child;

"(II) whether or not special education and related services have been appropriately provided to the child;

"(III) whether or not other supplementary aids or services, including teacher training, are needed to address the behavior of the child; and

"(IV) subject to clauses (iii) and (iv), whether or not the placement of the child should be changed.

"(iii) DETERMINATION OF CHANGE IN PLACEMENT.—Prior to proposing a change in the placement of the child, the IEP Team shall first consider and then document the following:

"(I) The cumulative record over a reasonable period of time describing the frequent behaviors exhibited by the child that significantly impairs the education of the child, the education of the classmates of the child, and the ability of the teacher of the child to teach.

"(II) Documentation of the efforts made to address the behavior of the child, the use of supplementary services or strategies (including the use of behavior management plans) that have been implemented over a reasonable period of time and have failed to address the behavior of the child in a manner that would enable the child to remain in the current educational placement of the child without significantly impairing the education of the child, the education of the classmates of the child, and the ability of the teacher of the child to teach.

"(III) The training made available to the teacher or teachers of the child.

"(iv) EXPEDITED DUE PROCESS HEARING.—If the IEP Team determines that a change in placement of the child is appropriate, and the parents of the child disagree with such determination, then either party may request an expedited due process hearing in accordance with section 615(f)(2).

"(C) REQUIREMENT WITH RESPECT TO REGULAR EDUCATION TEACHER.—The regular education teacher of the child, as a member of the IEP Team, shall, to the extent appropriate, participate in the review and revision of the IEP of the child.

"(4) FAILURE TO MEET TRANSITION OBJECTIVES.—If a participating agency, other than the local educational agency, fails to provide the transition services described in the IEP in accordance with section 602(11)(F)(ii), the local educational agency shall reconvene the IEP Team to identify alternative strategies to meet the transition objectives for the child set out in that program.

"(5) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed—

"(A) to decrease the amount of information that a parent receives concerning the progress of the child of such parent; or

"(B) to increase the amount of paperwork for the teachers, related services personnel, and administrators of such child.

"(e) EDUCATIONAL PLACEMENTS.—Each local educational agency or State educational agency shall ensure that the parents of each child with a disability are members of any group that makes decisions on the educational placement of their child.

"SEC. 615. PROCEDURAL SAFEGUARDS.

"(a) ESTABLISHMENT OF PROCEDURES.—Any State educational agency or local educational agency that receives assistance under this part shall establish and maintain procedures in accordance with this section to assure that children with disabilities and their parents are guaranteed procedural safeguards with respect to the provision of free appropriate public education by such agencies.

"(b) TYPES OF PROCEDURES.—The procedures required by this section shall include—

"(1) an opportunity for the parents of a child with a disability to examine all records relating to such child and to participate in meetings with respect to the identification, evaluation, and educational placement of the child, and the provision of a free appropriate public education to such child, and to obtain an independent educational evaluation of the child;

"(2) procedures to protect the rights of the child whenever the parents of the child are not known, the agency cannot, after reasonable efforts, locate the parents, or the child is a ward of the State, including the assignment of an individual (who shall not be an employee of the State educational agency, the local educational agency, or any other agency that is involved in the education or care of the child) to act as a surrogate for the parents;

"(3) written prior notice to the parents of the child whenever such agency—

"(A) proposes to initiate or change; or

"(B) refuses to initiate or change;

the identification, evaluation, or educational placement of the child, in accordance with subsection (c), or the provision of a free appropriate public education to the child;

"(4) procedures designed to assure that the notice required by paragraph (3) is in the native language of the parents, unless it clearly is not feasible to do so;

"(5) an opportunity for mediation in accordance with subsection (e);

"(6) an opportunity to present complaints with respect to any matter relating to the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to such child;

"(7) procedures that require the parent of a child with a disability, or the attorney representing the child, to provide notice (which shall remain confidential)—

"(A) to the State educational agency or local educational agency, as the case may be, in the complaint filed under paragraph (6); and

"(B) that shall include—

"(i) the name of the child, the address of the residence of the child, and the name of the school at which the child is attending;

"(ii) a description of the nature of the problem of the child relating to such proposed initiation or change, including facts relating to such problem; and

"(iii) the proposed resolution of the problem; and

"(8) procedures that require the State educational agency to develop a model form to assist parents in filing a complaint in accordance with paragraph (7).

"(c) CONTENT OF PRIOR WRITTEN NOTICE.—The notice required by subsection (b)(3) shall include—

"(1) a description of the action proposed or refused by the agency;

"(2) an explanation of why the agency proposes or refuses to take the action;

"(3) a description of any other options that the agency considered and the reasons why those options were rejected;

"(4) a description of each evaluation procedure, test, record, or report the agency used as a basis for the proposed or refused action;

"(5) a description of any other factors that are relevant to the agency's proposal or refusal; and

"(6) a statement that the parents of a child with a disability have protection under the procedural safeguards of this title and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained.

"(d) PROCEDURAL SAFEGUARDS NOTICE.—

"(1) IN GENERAL.—A copy of the procedural safeguards available to the parents of a child with a disability shall be given to the parents, at a minimum—

"(A) upon initial referral for evaluation;

"(B) upon each notification of an individualized education program meeting and upon reevaluation of the child; and

"(C) upon registration of a complaint under subsection (b)(6).

"(2) CONTENTS.—The procedural safeguards notice shall include a full explanation of the procedural safeguards written in the native language of the parents, unless not feasible to do so, and written in an easily understandable manner, available under this section and under regulations promulgated by the Secretary relating to—

"(A) independent educational evaluation;

"(B) prior written notice;

"(C) parental consent;

"(D) access to educational records;

"(E) opportunity to present complaints;

"(F) the child's placement during pendency of due process proceedings;

"(G) procedures for students who are subject to placement in an interim alternative educational setting;

"(H) requirements for unilateral placement by parents of children in private schools at public expense;

"(I) mediation;

"(J) due process hearings, including requirements for disclosure of evaluation results and recommendations;

"(K) State-level appeals (if applicable in that State);

"(L) civil actions; and

"(M) attorney's fees.

"(e) MEDIATION.—

"(1) IN GENERAL.—Any State educational agency or local educational agency that receives assistance under this part shall ensure that procedures are established and implemented to allow parties to disputes involving the provision of free appropriate public education to children with disabilities by any such State educational agency or local educational agency to resolve such disputes through a mediation process.

"(2) REQUIREMENTS.—Such procedures shall meet the following requirements:

"(A) The procedures shall ensure that the mediation process—

"(i) is voluntary on the part of the parents and may be terminated by either party after a good faith effort has been made by the party terminating the mediation process; and

"(ii) is conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

"(B) The State shall maintain a list of individuals who are qualified mediators and knowledgeable in laws and regulations relating to the provision of special education and related services.

"(C) The State shall bear the cost of the mediation process.

"(D) Each session in the mediation process shall be scheduled in a timely manner and

shall be held in a location that is convenient to the parties to the dispute.

"(E) An agreement reached by the parties to the dispute in the mediation process shall be set forth in a written mediation agreement.

"(F) Discussions that occur during the mediation process shall be confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings, and the parties to the mediation process may be required to sign a confidentiality pledge prior to the commencement of such process.

"(G) The State shall determine whether or not attorneys may attend or otherwise participate in the mediation process after offering the opportunity for parents and representatives of school districts to participate in the mediation process prior to any due process filing without attorneys present.

"(f) IMPARTIAL DUE PROCESS HEARING.—

"(1) IN GENERAL.—Whenever a complaint has been received under section 614(d)(3)(B), or subsection (b)(6) or (k) of this section, the parents involved in such complaint shall have an opportunity for an impartial due process hearing which shall be conducted by the State educational agency or by the local educational agency, as determined by State law or by the State educational agency.

"(2) DISCLOSURE OF EVALUATIONS AND RECOMMENDATIONS.—

"(A) IN GENERAL.—At least 10 school days prior to a hearing conducted pursuant to paragraph (1), each party shall disclose to all other parties all evaluations and recommendations based on the offering party's evaluations which the party intends to use at the hearing.

"(B) PROHIBITION.—Any party which fails to meet the requirement of subparagraph (A) shall be barred from introducing such evaluations and recommendations at such hearing.

"(3) LIMITATION ON CONDUCT OF HEARING.—A hearing conducted pursuant to paragraph (1) may not be conducted by an employee of the State educational agency or the local educational agency involved in the education or care of the child.

"(4) ADDITIONAL REQUIREMENTS WITH RESPECT TO HEARINGS FOR CERTAIN CHILDREN WITH DISABILITIES.—A hearing conducted pursuant to paragraph (1) that is based upon a complaint received under section 614(d)(3)(B) shall, in addition to the requirements contained in this subsection, comply with the following additional requirements:

"(A) In determining whether or not the decision by the IEP Team to change the placement of the child is justified and appropriate, the hearing officer shall, at a minimum, review the information under clause (iii) of such section.

"(B) The child shall remain in the current educational placement of the child until the hearing officer reaches a final decision under this subsection.

"(C) The hearing officer shall make a determination of findings and reach a final decision not later than 20 days after the first day of the hearing, or, at the discretion of the hearing officer, not later than 30 days after such first day of the hearing.

"(D) The placement of the child, including the placement of the child during any due process or judicial proceeding, shall be determined in accordance with the final decision of the hearing officer under this subsection, unless the parents and the State or local educational agency agree otherwise.

"(g) APPEAL.—If the hearing required by subsection (f) is conducted by a local educational agency, any party aggrieved by the findings and decision rendered in such a hearing may appeal such findings and decision to the State educational agency. Such agency shall conduct an impartial review of such decision. The officer conducting such review shall make an independent decision upon completion of such review.

"(h) SAFEGUARDS.—Any party to a hearing conducted pursuant to subsection (f), or an appeal conducted pursuant to subsection (g), shall be accorded—

"(1) the right to be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities;

"(2) the right to present evidence and confront, cross-examine, and compel the attendance of witnesses;

"(3) the right to a written, or, at the option of the parents, electronic verbatim record of such hearing; and

"(4) the right to written, or, at the option of the parents, electronic findings of fact and decisions (which findings and decisions shall be made available to the public consistent with the requirements of section 617(c) (relating to the confidentiality of data, information, and records) and shall also be transmitted to the advisory panel established pursuant to section 612(a)(18)).

"(i) ADMINISTRATIVE PROCEDURES.—

"(1) IN GENERAL.—A decision made in a hearing conducted pursuant to subsection (f) shall be final, except that any party involved in such hearing may appeal such decision under the provisions of subsection (g) and paragraph (2) of this subsection.

"(2) RIGHT TO BRING CIVIL ACTION.—

"(A) IN GENERAL.—Any party aggrieved by the findings and decision made under subsection (f) who does not have the right to an appeal under subsection (g), and any party aggrieved by the findings and decision under this subsection, shall have the right to bring a civil action with respect to the complaint presented pursuant to this section, which action may be brought in any State court of competent jurisdiction or in a district court of the United States without regard to the amount in controversy.

"(B) ADDITIONAL REQUIREMENTS.—In any action brought under this paragraph the court—

"(i) shall receive the records of the administrative proceedings;

"(ii) shall hear additional evidence at the request of a party; and

"(iii) basing its decision on the preponderance of the evidence, shall grant such relief as the court determines is appropriate.

"(3) JURISDICTION OF DISTRICT COURTS; ATTORNEYS' FEES.—

"(A) IN GENERAL.—The district courts of the United States shall have jurisdiction of actions brought under this section without regard to the amount in controversy.

"(B) AWARD OF ATTORNEYS' FEES.—In any action or proceeding brought under this section, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to the parents of a child or youth with a disability who is the prevailing party.

"(C) DETERMINATION OF AMOUNT OF ATTORNEYS' FEES.—Fees awarded under this paragraph shall be based on rates prevailing in the community in which the action or proceeding arose for the kind and quality of services furnished. No bonus or multiplier may be used in calculating the fees awarded under this subsection.

"(D) PROHIBITION OF ATTORNEYS' FEES AND RELATED COSTS FOR CERTAIN SERVICES.—(i) Attorneys' fees may not be awarded and related costs may not be reimbursed in any action or proceeding under this subsection for services performed subsequent to the time of a written offer of settlement to a parent if—

"(I) the offer is made within the time prescribed by Rule 68 of the Federal Rules of Civil Procedure or, in the case of an administrative proceeding, at any time more than ten days before the proceeding begins;

"(II) the offer is not accepted within 10 days; and

"(III) the court or administrative hearing officer finds that the relief finally obtained by the parents is not more favorable to the parents than the offer of settlement.

"(ii) Attorneys' fees may not be awarded relating to any meeting of the IEP Team unless such meeting is convened as a result of a judicial action or proceeding.

"(E) EXCEPTION TO PROHIBITION ON ATTORNEYS' FEES AND RELATED COSTS.—Notwithstanding subparagraph (D), an award of attorneys' fees and related costs may be made to a parent who is the prevailing party and who was substantially justified in rejecting the settlement offer.

"(F) REDUCTION IN AMOUNT OF ATTORNEYS' FEES.—Except as provided in subparagraph (G), whenever the court finds that—

"(i) the parent, during the course of the action or proceeding, unreasonably protracted the final resolution of the controversy;

"(ii) the amount of the attorneys' fees otherwise authorized to be awarded unreasonably exceeds the hourly rate prevailing in the community for similar services by attorneys of reasonably comparable skill and experience;

"(iii) the time spent and legal services furnished were excessive considering the nature of the action or proceeding;

"(iv) the attorney representing the parent did not provide to the school district the appropriate information in the due process complaint in accordance with subsection (b)(7); or

"(v) the amount of attorneys' fees requested is not consistent with the extent of the success of the parents;

the court shall reduce, accordingly, the amount of the attorneys' fees awarded under this subsection.

"(G) EXCEPTION TO REDUCTION IN AMOUNT OF ATTORNEYS' FEES.—The provisions of subparagraph (F) shall not apply in any action or proceeding if the court finds that the State or local educational agency unreasonably protracted the final resolution of the action or proceeding or there was a violation of this section.

"(j) MAINTENANCE OF CURRENT EDUCATIONAL PLACEMENT.—Except as provided in subsection (k), during the pendency of any proceedings conducted pursuant to this section, unless the State or local educational agency and the parents otherwise agree, the child shall remain in the then current educational placement of such child, or, if applying for initial admission to a public school, shall, with the consent of the parents, be placed in the public school program until all such proceedings have been completed.

"(k) PLACEMENT IN ALTERNATIVE EDUCATIONAL SETTING.—

"(1) AUTHORITY OF SCHOOL PERSONNEL.—School personnel under this section may, to the same extent as a court, order a change in the placement of a child with a disability—

"(A) to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 school days (to the extent such alternatives would be applied to children without disabilities); and

"(B) to an appropriate interim alternative educational setting for the same amount of

time that a child without a disability would be subject to discipline, but for not more than an additional 45 school days if—

"(i) the child carries a weapon to school or to a school function under the jurisdiction of a State or a local educational agency;

"(ii) the child possesses or uses illegal drugs or sells or solicits the sale of medications or illegal drugs while at school or a school function under the jurisdiction of a State or local educational agency; or

"(iii) the child causes serious injury while at school or at a school function under the jurisdiction of a State or a local educational agency.

"(2) AUTHORITY OF HEARING OFFICER.—A hearing officer under this section may, to the same extent as a court, order a change in the placement of a child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if—

"(A) the maintenance of the current placement of such child is substantially likely to result in injury to the child or to others; and

"(B) the hearing officer—

"(i) determines that the public agency has demonstrated by substantial evidence that the requirement of subparagraph (A) has been met;

"(ii) considers the appropriateness of the child's current placement; and

"(iii) considers whether the public agency has made reasonable efforts to minimize the risk of harm including the use of supplementary aids and services.

"(3) DETERMINATION OF SETTING.—The alternative educational setting described in paragraph (1) or paragraph (2) shall be determined by the individualized education program team.

"(4) MANIFESTATION DETERMINATION REVIEW.—

"(A) IN GENERAL.—If a change in placement or disciplinary proceeding, including expulsion, is contemplated as a result of an action described in paragraph (1) or paragraph (2)—

"(i) not later than 3 school days after the date on which such action has been taken the parents shall be notified of such action; and

"(ii) not later than 15 school days after the date on which such action has been taken a review shall be conducted of the relationship between the child's disability and the behavior described in paragraph (1).

"(B) INDIVIDUALS TO CARRY OUT REVIEW.—A review described in subparagraph (A) shall be conducted by the IEP Team and other qualified personnel.

"(C) CONDUCT OF REVIEW.—

"(i) IN GENERAL.—In carrying out a review described in subparagraph (A), the individuals described in subparagraph (B) shall consider appropriate factors, including—

"(I) the appropriateness of the child's placement;

"(II) the consistency of the implementation of the child's entire IEP, including the technical soundness of the behavior strategies used;

"(III) evaluation and diagnostic results, which may include any such results supplied by the parents or guardian of the child; and

"(IV) observations of the child.

"(ii) ADDITIONAL REQUIREMENTS.—The IEP Team may determine that the behavior of the child was not a manifestation of such child's disability only if the IEP Team first determines that the disability—

"(I) did not impair the ability of the child to understand the impact and consequences of the behavior; and

"(II) did not impair the ability of the child to control the behavior.

"(5) DETERMINATION THAT BEHAVIOR WAS MANIFESTATION OF DISABILITY.—If the result of the review described in paragraph (4) is a determination that the behavior of the child with a disability was a manifestation of such child's disability and the parents of such child agree with such determination, the educational placement of such child may be changed. If the parents do not agree with such determination or with such changed educational placement, an immediate appeal may be made to a hearing officer to determine whether the child's placement should be changed. Any party aggrieved by the determination of the hearing officer may initiate a due process hearing as described in subsection (f).

"(6) DETERMINATION THAT BEHAVIOR WAS NOT MANIFESTATION OF DISABILITY.—

"(A) IN GENERAL.—If the result of the review described in paragraph (4) is a determination that the behavior of the child with a disability was not a manifestation of such child's disability, the relevant disciplinary procedures applicable to children without disabilities may be applied in the same manner in which they would be applied to children without disabilities. If the parents do not agree with such application, a due process hearing, as described in subsection (f), may be initiated. Any determination under paragraph (4) that a child's behavior was not a manifestation of a disability shall be reviewed by a hearing officer under subsection (f), whether or not the child's parents request a hearing, before educational services to the child may be terminated under this paragraph. During the pendency of such due process procedures, the child shall continue to receive educational services in the alternative educational setting.

"(B) SPECIAL RULE.—Where application of the relevant disciplinary procedures in subparagraph (A) would result in the expulsion of the child without the receipt of educational services, the child may be expelled only if—

"(i) the child carries a weapon to school or to a school function under the jurisdiction of a State or local educational agency; or

"(ii) the child possesses or uses illegal drugs or sells or solicits the sale of medications or illegal drugs while at school or a school function under the jurisdiction of a State or local educational agency.

"(7) EXPEDITED HEARING.—The State or local educational agency shall arrange for an expedited hearing in any case described in this subsection when requested by the parent.

"(8) ADDITIONAL REQUIREMENTS.—

"(A) MAINTENANCE OF ALTERNATIVE EDUCATIONAL SETTING.— If the parent of a child described in this section requests a hearing pursuant to subsection (f), the child shall remain in the alternative educational setting in which such child was placed during the pendency of any proceedings under this subsection, unless the parents and the State or local educational agency agree otherwise.

"(B) PROTECTIONS FOR CHILDREN NOT YET ELIGIBLE FOR SPECIAL EDUCATION AND RELATED SERVICES.—

"(i) IN GENERAL.—A child who has not been determined to be eligible for special education and related services under this part and who has engaged in behavior that violated any rule or code of conduct of the local educational agency, including any behavior described in paragraph (1), may assert any of the protections provided for in this part if the local educational agency had knowledge (as determined in accordance with this subparagraph) that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred.

"(ii) BASIS OF KNOWLEDGE.—A local educational agency shall be deemed to have knowledge that a child is a child with a disability if—

"(I) the parent of the child has expressed concern in writing (unless the parent is illiterate or has a disability that prevents compliance with the requirements contained in this subclause) to personnel of the appropriate educational agency that the child is in need of special education and related services;

"(II) the behavior of the child demonstrates the need for such services;

"(III) the parent of the child has requested an evaluation of the child pursuant to section 614; or

"(IV) the teacher of the child, or other personnel of the local educational agency, has expressed concern about the behavior of the child to the director of special education of such agency or to other personnel of the agency.

"(iii) CONDITIONS THAT APPLY IF NO BASIS OF KNOWLEDGE.—

"(I) IN GENERAL.—If a local educational agency does not have knowledge that a child is a child with a disability (in accordance with clause (ii)) prior to taking disciplinary measures against the child, the child may be subjected to the same disciplinary measures as measures applied to children without disabilities, who engaged in comparable behaviors consistent with paragraph (2).

"(II) LIMITATIONS.—If a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures under paragraph (1), the evaluation shall be conducted in an expedited manner. If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the agency and information provided by the parents, the agency shall provide special education and related services in accordance with the provisions of this part, except that, pending the results of the evaluation, the child shall remain in the educational placement determined by school authorities.

"(C) REFERRAL TO AND ACTION BY LAW ENFORCEMENT AND JUDICIAL AUTHORITIES.—Nothing in this part shall be construed to prohibit an agency from reporting a crime committed by a child with a disability to appropriate authorities or to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

"(9) DEFINITIONS.—For purposes of this subsection, the following definitions apply:

"(A) ILLEGAL DRUG.—The term 'illegal drug'—

"(i) means a controlled substance within the meaning of any of paragraphs (1) through (5) of section 202 of the Controlled Substances Act (21 U.S.C 812); but

"(ii) does not include a controlled substance within the meaning of paragraphs (1) through (5) of section 202 of such Act if—

"(I) such controlled substance is legally possessed or used under the supervision of a licensed health care professional; or

"(II) such controlled substance is legally possessed or used under any other authority under such Act or under any other provision of Federal law.

"(B) SERIOUS INJURY.—The term 'serious injury' means an injury that involves substantial risk of death, extreme physical pain,

obvious or protracted disfigurement, loss of the use of bodily members or organs, broken bones, or significant endangerment to an individual's emotional health or safety that is the result of a physical or verbal assault.

"(C) WEAPON.—The term 'weapon' has the meaning given the term 'dangerous weapon' under paragraph (2) of the first subsection (g) of section 930 of title 18, United States Code.

"(l) RULE OF CONSTRUCTION.—Nothing in this part shall be construed to restrict or limit the rights, procedures, and remedies available under the Constitution, the Americans with Disabilities Act, title V of the Rehabilitation Act of 1973, or other Federal laws protecting the rights of children with disabilities, except that before the filing of a civil action under such laws seeking relief that is also available under this part, the procedures under subsections (f) and (g) shall be exhausted to the same extent as would be required had the action been brought under this part.

"(m) TRANSFER OF PARENTAL RIGHTS AT AGE OF MAJORITY.—

"(1) IN GENERAL.—A State that receives amounts from a grant under this part may provide that, when a child with a disability reaches the age of majority under State law (except for a child with a disability who has been determined to be incompetent under State law)—

"(A) the public agency shall provide any notice required by this section to both the individual and the parents;

"(B) all other rights accorded to parents under this part transfer to the child;

"(C) the agency shall notify the individual and the parents of the transfer of rights; and

"(D) all rights accorded to parents under this part transfer to children who are incarcerated in an adult or juvenile Federal, State, or local correctional institution.

"(2) SPECIAL RULE.—If, under State law, a child with a disability who has reached the age of majority under State law is determined not to have the ability to provide informed consent with respect to the educational program of the child, the State shall establish procedures for appointing the parent of the child, or another appropriate individual, to represent the educational interests of the child throughout the period of eligibility of the child under this part.

"SEC. 616. WITHHOLDING AND JUDICIAL REVIEW.

"(a) WITHHOLDING OF PAYMENTS.—

"(1) IN GENERAL.—Whenever the Secretary, after reasonable notice and opportunity for hearing to the State educational agency involved (and to any local educational agency or State agency affected by any failure described in subparagraph (B)), finds—

"(A) that there has been a failure by the State to comply substantially with any provision of this part; or

"(B) that there is a failure to comply with any condition of a local educational agency's or State agency's eligibility under this part;

the Secretary shall, after notifying the State educational agency, withhold any further payments to the State under this part.

"(2) NATURE OF WITHHOLDING.—If the Secretary withholds further payments under paragraph (1), the Secretary may determine that such withholding will be limited to programs or projects, or portions thereof, affected by the failure, or that the State educational agency shall not make further payments under this part to specified local educational agencies or State agencies affected by the failure. Until the Secretary is satisfied that there is no longer any failure to comply with the provisions of this part, as specified in subparagraph (A) or (B) of paragraph (1), no further payments shall be made to the State under this part, or payments by the State educational agency under this part shall be limited to local educational agencies and State agencies whose actions did not cause or were not involved in the failure, as the case may be. Any State educational agency, State agency, or local educational agency that has received notice under paragraph (1) shall, by means of a public notice, take such measures as may be necessary to bring the pendency of an action pursuant to this subsection to the attention of the public within the jurisdiction of such agency.

"(b) JUDICIAL REVIEW.—

"(1) IN GENERAL.—If any State is dissatisfied with the Secretary's final action with respect to the eligibility of the State under section 612, such State may, not later than 60 days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings upon which the Secretary's action was based, as provided in section 2112 of title 28, United States Code.

"(2) JURISDICTION; REVIEW BY UNITED STATES SUPREME COURT.—Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"(3) STANDARD OF REVIEW.—The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify the Secretary's previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"SEC. 617. ADMINISTRATION.

"(a) RESPONSIBILITIES OF SECRETARY.—In carrying out this part, the Secretary shall—

"(1) cooperate with, and (directly or by grant or contract) furnish technical assistance necessary to, the State in matters relating to—

"(A) the education of children with disabilities; and

"(B) carrying out this part; and

"(2) provide short-term training programs and institutes.

"(b) RULES AND REGULATIONS.—In carrying out the provisions of this part, the Secretary shall issue regulations under this Act only to the extent that such regulations are necessary to ensure that there is compliance with the specific requirements of this Act.

"(c) CONFIDENTIALITY.—The Secretary shall take appropriate action, in accordance with the provisions of section 444 of the General Education Provisions Act (20 U.S.C. 1232g), to assure the protection of the confidentiality of any personally identifiable data, information, and records collected or maintained by the Secretary and by State and local educational agencies pursuant to the provisions of this part.

"(d) PERSONNEL.—The Secretary is authorized to hire qualified personnel necessary to conduct data collection and evaluation activities authorized by subsection (a) and section 618 without regard to the provisions of title 5, United States Code, relating to appointments in the competitive service and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and general schedule pay rates, except that no more than twenty such personnel shall be employed at any time.

"SEC. 618. PROGRAM INFORMATION.

"(a) IN GENERAL.—Each State that receives assistance under this part, and the Secretary of the Interior, shall provide data, which may be based on a sampling of data, each year to the Secretary on—

"(1) the number of children, categorized by race, ethnicity, gender, and disability, who are receiving—

"(A) a free appropriate public education; or

"(B) early intervention services because—

"(i) such children have developmental delays; or

"(ii) such children have a diagnosed physical or mental condition that has a high probability of resulting in developmental delay;

"(2) the progress of the State, and of the children with disabilities in the State, toward meeting the goals established under section 612(14);

"(3) the types of early intervention services provided to such children;

"(4) the number of children with disabilities, categorized by race, ethnicity, gender, and disability—

"(A) participating in regular education programs;

"(B) in separate classes, separate schools or facilities, or public or private residential facilities;

"(C) who have been otherwise removed from the regular education environment; and

"(D) in various early intervention settings;

"(5) for each year of age from age 14 to 21, the number of children with disabilities, categorized by race, ethnicity, gender, and disability, who, because of program completion or for other reasons, stopped receiving special education, and the reasons why such children stopped receiving such special education;

"(6)(A) the number of children with disabilities, categorized by race, ethnicity, gender, and disability, who, under section 615(k), are removed to an interim alternative educational setting;

"(B) the acts or items precipitating such removals; and

"(C) the number of children with disabilities who are expelled from school without receiving services; and

"(7) any other information required by the Secretary.

"(b) DISPROPORTIONALITY.—

"(1) IN GENERAL.—Each State that receives assistance under this part, and the Secretary of the Interior, shall provide for the collection and examination of data to determine if significant disproportionality based on race is occurring in the State with respect to—

"(A) the identification of children as children with disabilities, including the identification of children as children with disabilities in accordance with a particular impairment described in section 602(3); and

"(B) the placement in particular educational settings of such children.

"(2) REVIEW AND REVISION OF POLICIES, PRACTICES, AND PROCEDURES.—In the case of a determination of significant disproportionality with respect to the identification of children as children with disabilities, or the placement in particular educational settings of such children, in accordance with paragraph (1), the State or the Secretary of the Interior, as the case may be,

shall provide for the review and, if appropriate, revision of the policies, procedures, and practices used in such identification or placement to ensure that such policies, procedures, and practices comply with the requirements of this Act.

"SEC. 619. PRESCHOOL GRANTS.

"(a) IN GENERAL.—The Secretary shall provide grants under this section to assist States to provide special education and related services, in accordance with this part—

"(1) to children with disabilities aged 3 to 5, inclusive; and

"(2) at the State's discretion, to 2-year-old children with disabilities who will turn 3 during the school year.

"(b) ELIGIBILITY.—A State shall be eligible for a grant under this section if such State—

"(1) is eligible under section 612 to receive a grant under this part; and

"(2) makes a free appropriate public education available to all children with disabilities, aged 3 to 5, inclusive, residing in the State.

"(c) AMOUNT.—

"(1) IN GENERAL.—From the amount appropriated for any fiscal year pursuant to the authorization of appropriations under subsection (m), the Secretary shall allot to each eligible State the amount it received for fiscal year 1996 under this section (as this section was in effect on the day before the date of the enactment of the IDEA Improvement Act of 1996).

"(2) INSUFFICIENT FUNDS.—

"(A) IN GENERAL.—If the amount appropriated under subsection (m) for a fiscal year is insufficient to make the full allotments described in paragraph (1), the Secretary shall—

"(i) first, reduce the allocation to any State whose number of children aged 3 to 5, inclusive, is less than the number of such children in such State in fiscal year 1995 by the same percentage by which such number of children declined from the number of children in fiscal year 1995; and

"(ii) second, if necessary, ratably reduce the allocations of all States, including those allocations reduced under clause (i).

"(B) AVAILABILITY OF ADDITIONAL FUNDS.—If additional funds become available to make allocations under this section, the allocations that were reduced under subparagraph (A) shall be increased on the same basis as such allocations were reduced.

"(d) ALLOTMENT OF REMAINING FUNDS.—After making allotments under subsection (c), the Secretary shall allot any remaining funds to eligible States on the basis of their relative population of children aged 3 to 5, inclusive.

"(e) SPECIAL RULE WITH RESPECT TO PUERTO RICO.—Notwithstanding any other provision of this subsection, the amount allotted to Puerto Rico for a fiscal year shall bear the same or lower proportion to the amount appropriated pursuant to subsection (m) as the amount received by Puerto Rico under this section for fiscal year 1996 bears to the aggregate of the amounts received by all States under this section for fiscal year 1996.

"(f) DETERMINATION OF POPULATION FIGURES.—For the purpose of providing grants under this section, the Secretary shall use the most recent population data that are available and satisfactory to the Secretary.

"(g) RESERVATION FOR STATE ACTIVITIES.—A State may reserve not more than 25 percent of the amount allotted to the State under this section for a fiscal year for administration and other State-level activities in accordance with subsections (h) and (i).

"(h) STATE ADMINISTRATION.—

"(1) IN GENERAL.—A State may use up to 3 percent of the amount allotted to the State under this section for a fiscal year for the purpose of administering this section, including the coordination of activities under this part with, and providing technical assistance to, other programs that provide services to children with disabilities.

"(2) USE OF AMOUNTS FOR ADMINISTRATION OF PART C.—If the State educational agency is the lead agency for the State under part C, amounts described in paragraph (1) may also be used for the administration of such part C.

"(i) OTHER STATE-LEVEL ACTIVITIES.—Each State shall use any funds it retains under subsection (g) and does not use for administration under subsection (h)—

"(1) for support services (including establishing and implementing the mediation process required by section 615(d)), which may benefit children with disabilities younger than 3 or older than 5 as long as those services also benefit children with disabilities aged 3 to 5, inclusive;

"(2) for direct services for children eligible for services under this section;

"(3) to develop a State improvement plan under part D;

"(4) for activities at the State and local levels to meet the performance goals established by the State under section 612(a)(14) and to support implementation of the State improvement plan under part D if the State receives funds under that part; or

"(5) to supplement other funds used to develop and implement a Statewide coordinated services system designed to improve results for children and families, including children with disabilities and their families, but not to exceed one percent of the amount received by the State under this section for a fiscal year.

"(j) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—

"(1) REQUIREMENT TO MAKE SUBGRANTS.—Each State that receives a grant under this section for any fiscal year shall distribute at least 75 percent of the grant funds to local educational agencies in the State, and to State agencies that received funds under section 614A(a) (as such section was in effect on the day before the date of the enactment of the IDEA Improvement Act of 1996) for fiscal year 1996, that have established their eligibility under section 613.

"(2) METHODS OF DISTRIBUTION.—A State may distribute funds under paragraph (1) on the basis of—

"(A) total school age population;

"(B) school enrollment;

"(C) numbers of children with disabilities aged 3 to 5, inclusive, receiving a free appropriate public education;

"(D) allocations for previous fiscal years;

"(E) any two or more of the factors described in subparagraphs (A) through (D); or

"(F) poverty, in combination with one or more of the factors described in subparagraphs (A) through (D).

"(k) PART C INAPPLICABLE.—Part C of this Act does not apply to any child with a disability receiving a free appropriate public education, in accordance with this part, with funds received under this section.

"(l) PROHIBITION ON CONSOLIDATION OF GRANTS FOR TERRITORIES.—The provisions of section 501 of Public Law 95-134 (48 U.S.C. 1469a; relating to the consolidation of one or more grants provided to certain territories) shall not apply with respect to amounts provided to a territory under a grant under this section.

"(m) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated to the Secretary such sums as may be necessary.

"PART C—INFANTS AND TODDLERS WITH DISABILITIES

"SEC. 631. FINDINGS AND POLICY.

"(a) FINDINGS.—The Congress finds that there is an urgent and substantial need—

"(1) to enhance the development of infants and toddlers with disabilities and to minimize their potential for developmental delay;

"(2) to reduce the educational costs to our society, including our Nation's schools, by minimizing the need for special education and related services after infants and toddlers with disabilities reach school age;

"(3) to minimize the likelihood of institutionalization of individuals with disabilities and maximize the potential for their independently living in society;

"(4) to enhance the capacity of families to meet the special needs of their infants and toddlers with disabilities; and

"(5) to enhance the capacity of State and local agencies and service providers to identify, evaluate, and meet the needs of historically underrepresented populations, particularly minority, low-income, inner-city, and rural populations.

"(b) POLICY.—It is therefore the policy of the United States to provide financial assistance to States—

"(1) to develop and implement a statewide, comprehensive, coordinated, multidisciplinary, interagency system of early intervention services for infants and toddlers with disabilities and their families;

"(2) to facilitate the coordination of payment for early intervention services from Federal, State, local, and private sources (including public and private insurance coverage); and

"(3) to enhance their capacity to provide quality early intervention services and expand and improve existing early intervention services being provided to infants and toddlers with disabilities and their families.

"SEC. 632. DEFINITIONS.

"As used in this part:

"(1) AT-RISK INFANT OR TODDLER.—The term 'at-risk infant or toddler' means an individual under 3 years of age who would be at risk of experiencing a substantial developmental delay if early intervention services were not provided to the individual.

"(2) COUNCIL.—The term 'council' means a State interagency coordinating council established under section 641.

"(3) DEVELOPMENTAL DELAY.—The term 'developmental delay', when used with respect to an individual residing in a State, has the meaning given such term by the State under section 635(a)(1).

"(4) EARLY INTERVENTION SERVICES.—The term 'early intervention services' means developmental services which—

"(A) are provided under public supervision;

"(B) are provided at no cost except where Federal or State law provides for a system of payments by families, including a schedule of sliding fees;

"(C) are designed to meet the developmental needs of an infant or toddler with a disability in any one or more of the following areas—

"(i) physical development;

"(ii) cognitive development;

"(iii) communication development;

"(iv) social or emotional development; or

"(v) adaptive development;

"(D) meet the standards of the State in which they are provided, including the requirements of this part;

"(E) include—

"(i) family training, counseling, and home visits;

"(ii) special instruction;

"(iii) speech-language pathology and audiology services;

"(iv) occupational therapy;

"(v) physical therapy;

"(vi) psychological services;

"(vii) service coordination services;

"(viii) medical services only for diagnostic or evaluation purposes;

"(ix) early identification, screening, and assessment services;

"(x) health services necessary to enable the infant or toddler to benefit from the other early intervention services;

"(xi) social work services;

"(xii) vision services;

"(xiii) assistive technology devices and assistive technology services; and

"(xiv) transportation and related costs that are necessary to enable an infant or toddler and the infant's or toddler's family to receive another service described in this paragraph;

"(F) are provided by qualified personnel, including—

"(i) special educators;

"(ii) speech-language pathologists and audiologists;

"(iii) occupational therapists;

"(iv) physical therapists;

"(v) psychologists;

"(vi) social workers;

"(vii) nurses;

"(viii) nutritionists;

"(ix) family therapists;

"(x) orientation and mobility specialists; and

"(xi) pediatricians and other physicians;

"(G) to the maximum extent appropriate, are provided in natural environments, including the home, and community settings in which children without disabilities participate; and

"(H) are provided in conformity with an individualized family service plan adopted in accordance with section 636.

"(5) INFANT OR TODDLER WITH A DISABILITY.—The term 'infant or toddler with a disability'—

"(A) means an individual under 3 years of age who needs early intervention services because the individual—

"(i) is experiencing developmental delays, as measured by appropriate diagnostic instruments and procedures in one or more of the areas of cognitive development, physical development, communication development, social or emotional development, and adaptive development; or

"(ii) has a diagnosed physical or mental condition which has a high probability of resulting in developmental delay; and

"(B) may also include, at a State's discretion, at-risk infants and toddlers.

"SEC. 633. GENERAL AUTHORITY.

"The Secretary shall, in accordance with this part, make grants to States (from their allocations under section 643) to assist each State to maintain and implement a statewide, comprehensive, coordinated, multidisciplinary, interagency system to provide early intervention services for infants and toddlers with disabilities and their families.

"SEC. 634. ELIGIBILITY.

"In order to be eligible for a grant under section 633, a State shall demonstrate to the Secretary that the State—

"(1) has adopted a policy that appropriate early intervention services are available to all infants and toddlers with disabilities in the State and their families, including Indian infants and toddlers with disabilities and their families residing on a reservation geographically located in the State; and

"(2) has in effect a statewide system that meets the requirements of section 635.

"SEC. 635. REQUIREMENTS FOR STATEWIDE SYSTEM.

"(a) IN GENERAL.—A statewide system described in section 633 shall include, at a minimum, the following components:

"(1) A definition of the term 'developmental delay' that will be used by the State in carrying out programs under this part.

"(2) A timely, comprehensive, multidisciplinary evaluation of the functioning of each infant or toddler with a disability in the State, and a family-directed identification of the needs of each family of such an infant or toddler, to appropriately assist in the development of the infant or toddler.

"(3) For each infant or toddler with a disability in the State, an individualized family service plan in accordance with section 636, including service coordination services in accordance with such service plan.

"(4) A comprehensive child find system, consistent with part B, including a system for making referrals to service providers that includes timelines and provides for participation by primary referral sources.

"(5) A public awareness program focusing on early identification of infants and toddlers with disabilities, including the preparation and dissemination by the lead agency designated or established under paragraph (8) to all primary referral sources, especially hospitals and physicians, of information for parents on the availability of early intervention services, and procedures for determining the extent to which such sources disseminate such information to parents of infants and toddlers.

"(6) A central directory which includes information on early intervention services, resources, and experts available in the State and research and demonstration projects being conducted in the State.

"(7) A comprehensive system of personnel development, including the training of paraprofessionals and the training of primary referral sources respecting the basic components of early intervention services available in the State, that is consistent with the comprehensive system of personnel development described in section 612(a)(13) (or with the personnel development requirements for State improvement plans under section 683) and may include—

"(A) implementing innovative strategies and activities for the recruitment and retention of early education service providers;

"(B) promoting the preparation of early intervention providers who are fully and appropriately qualified to provide early intervention services under this part;

"(C) training personnel to work in rural and inner city areas; and

"(D) training personnel to coordinate transition services for infants and toddlers served under this part from an early intervention program under this part to preschool or other appropriate services.

"(8) Policies and procedures relating to the establishment and maintenance of standards to ensure that personnel necessary to carry out this part are appropriately and adequately prepared and trained, including—

"(A) the establishment and maintenance of standards which are consistent with any State approved or recognized certification, licensing, registration, or other comparable requirements which apply to the area in which such personnel are providing early intervention services; and

"(B) subject to subsection (b), to the extent such standards are not based on the highest requirements in the State applicable to a specific profession or discipline, the steps the State is taking to require the retraining or hiring of personnel that meet appropriate professional requirements in the State;

except that nothing in this part, including this paragraph, prohibits the use of paraprofessionals and assistants who are appropriately trained and supervised, in accordance with State law, regulations, or written policy, to assist in the provision of early intervention services to infants and toddlers with disabilities under this part.

"(9) A single line of responsibility in a lead agency designated or established by the Governor for carrying out—

"(A) the general administration and supervision of programs and activities receiving assistance under section 633, and the monitoring of programs and activities used by the State to carry out this part, whether or not such programs or activities are receiving assistance made available under section 633, to ensure that the State complies with this part;

"(B) the identification and coordination of all available resources within the State from Federal, State, local and private sources;

"(C) the assignment of financial responsibility in accordance with section 637(a)(1) to the appropriate agencies;

"(D) the development of procedures to ensure that services are provided to infants and toddlers and their families under this part in a timely manner pending the resolution of any disputes among public agencies or service providers;

"(E) the resolution of intra- and interagency disputes; and

"(F) the entry into formal interagency agreements that define the financial responsibility of each agency for paying for early intervention services (consistent with State law) and procedures for resolving disputes and that include all additional components necessary to ensure meaningful cooperation and coordination.

"(10) A policy pertaining to the contracting or making of other arrangements with service providers to provide early intervention services in the State, consistent with the provisions of this part, including the contents of the application used and the conditions of the contract or other arrangements.

"(11) A procedure for securing timely reimbursement of funds used under this part in accordance with section 640(a).

"(12) Procedural safeguards with respect to programs under this part, as required by section 639.

"(13) A system for compiling data requested by the Secretary under section 618 that relates to this part.

"(14) A State interagency coordinating council that meets the requirements of section 641.

"(15) Policies and procedures to ensure that, consistent with section 636(d)(5)—

"(A) to the maximum extent appropriate, early intervention services are provided in natural environments; and

"(B) the provision of early intervention services for any infant or toddler occurs in a setting other than a natural environment only when early intervention cannot be achieved satisfactorily for such infant or toddler in a natural environment.

"(b) MODIFICATION OF PERSONNEL REQUIREMENT.—If a State determines that the requirement of subsection (a)(8)(B) would significantly inhibit the ability of the State to contract with, or employ, an appropriate number and types of personnel to provide early intervention services to infants and toddlers with disabilities in a geographic region, the State may, subject to public notice and comment, temporarily suspend the requirement for the region, in a manner consistent with State law and for a period not exceeding 3 years, with respect to the most qualified available individuals in shortage areas who are making annual progress in applicable coursework.

"SEC. 636. INDIVIDUALIZED FAMILY SERVICE PLAN.

"(a) ASSESSMENT AND PROGRAM DEVELOPMENT.—A statewide system described in section 633 shall provide, at a minimum, for each infant or toddler with a disability, and the infant's or toddler's family, to receive—

"(1) a multidisciplinary assessment of the unique strengths and needs of the infant or toddler and the identification of services appropriate to meet such needs;

"(2) a family-directed assessment of the resources, priorities, and concerns of the family and the identification of the supports and services necessary to enhance the family's capacity to meet the developmental needs of the infant or toddler; and

"(3) a written individualized family service plan developed by a multidisciplinary team, including the parents, as required by subsection (e).

"(b) PERIODIC REVIEW.—The individualized family service plan shall be evaluated once a year and the family shall be provided a review of the plan at 6-month intervals (or more often where appropriate based on infant or toddler and family needs).

"(c) PROMPTNESS AFTER ASSESSMENT.—The individualized family service plan shall be developed within a reasonable time after the assessment required by subsection (a)(1) is completed. With the parents' consent, early intervention services may commence prior to the completion of such assessment.

"(d) CONTENT OF PLAN.—The individualized family service plan shall be in writing and contain—

"(1) a statement of the infant's or toddler's present levels of physical development, cognitive development, communication development, social or emotional development, and adaptive development, based on objective criteria;

"(2) a statement of the family's resources, priorities, and concerns relating to enhancing the development of the family's infant or toddler with a disability;

"(3) a statement of the major outcomes expected to be achieved for the infant or toddler and the family, and the criteria, procedures, and timelines used to determine the degree to which progress toward achieving the outcomes is being made and whether modifications or revisions of the outcomes or services are necessary;

"(4) a statement of specific early intervention services necessary to meet the unique needs of the infant or toddler and the family, including the frequency, intensity, and method of delivering services;

"(5) a statement of the natural environments in which early intervention services shall appropriately be provided, including a justification of the extent, if any, to which such services will not be provided in a natural environment;

"(6) the projected dates for initiation of services and the anticipated duration of such services;

"(7) the identification of the service coordinator from the profession most immediately relevant to the infant's or toddler's or family's needs (or who is otherwise qualified to carry out all applicable responsibilities under this part) who will be responsible for the implementation of the plan and coordination with other agencies and persons; and

"(8) the steps to be taken to support the transition of the toddler with a disability to preschool or other appropriate services.

"(e) PARENTAL CONSENT.—The contents of the individualized family service plan shall be fully explained to the parents and informed written consent from such parents shall be obtained prior to the provision of early intervention services described in such plan. If such parents do not provide such consent with respect to a particular early intervention service, then the early intervention services to which such consent is obtained shall be provided.

"SEC. 637. STATE APPLICATION AND ASSURANCES.

"(a) APPLICATION.—A State desiring to receive a grant under section 633 shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require. Such application shall contain—

"(1) a designation of the lead agency in the State that will be responsible for the administration of funds provided under section 633;

"(2) a designation of a person responsible for assigning financial responsibility among appropriate agencies;

"(3) information demonstrating eligibility of the State under section 634, including—

"(A) information demonstrating to the Secretary's satisfaction that the State has in effect the statewide system required by section 633; and

"(B) a description of services to be provided to infants and toddlers with disabilities and their families through the system;

"(4) a description of the uses for which funds will be expended in accordance with this part;

"(5) a description of the procedure used to ensure that resources are made available under this part for all geographic areas within the State;

"(6) a description of State policies and procedures that ensure that, prior to the adoption by the State of any other policy or procedure necessary to meet the requirements of this part, there are public hearings, adequate notice of the hearings, and an opportunity for comment available to the general public, including individuals with disabilities and parents of infants and toddlers with disabilities;

"(7) a description of the policies and procedures to be used—

"(A) to ensure a smooth transition for toddlers receiving early intervention services under this part to preschool or other appropriate services, including a description of how—

"(i) the families of such toddlers will be included in the transition plans required by subparagraph (C); and

"(ii) the lead agency designated or established under section 635(a) will—

"(I) notify the local educational agency for the area in which such a child resides that the child will shortly reach the age of eligibility for preschool services under part B, as determined in accordance with State law;

"(II) in the case of such a child who may be eligible for such preschool services, with the approval of the family of the child, convene a conference among the lead agency, the family, and the local educational agency at least 90 days (and at the discretion of all such parties, up to 6 months) before the child is eligible for the preschool services, to discuss any such services that the child may receive; and

"(III) in the case of such a child who may not be eligible for such preschool services, with the approval of the family, make reasonable efforts to convene a conference among the lead agency, the family, and providers of other appropriate services for children who are not eligible for preschool services under part B, to discuss the appropriate services that the child may receive;

"(B) to review the child's program options for the period from the child's third birthday through the remainder of the school year; and

"(C) to establish a transition plan; and

"(8) such other information and assurances as the Secretary may reasonably require.

"(b) ASSURANCES.—The application described in subsection (a) shall contain the following:

"(1) A satisfactory assurance that the State will—

"(A) make such reports in such form and containing such information as the Secretary may require to carry out the Secretary's functions under this part; and

"(B) keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports and proper disbursement of Federal funds under this part.

"(2) A satisfactory assurance that Federal funds made available under section 633 will be used to supplement and increase the level of State and local funds expended for infants and toddlers with disabilities and their families under this part and in no case to supplant such State and local funds.

"(3) Such other information and assurances as the Secretary may reasonably require by regulation.

"(c) STANDARD FOR DISAPPROVAL OF APPLICATION.—The Secretary may not disapprove such an application unless the Secretary determines, after notice and opportunity for a hearing, that the application fails to comply with the requirements of this section.

"(d) SUBSEQUENT STATE APPLICATION.—If a State has on file with the Secretary a policy, procedure, or assurance that demonstrates that the State meets a requirement of this section, including any policy or procedure filed under part H (as in effect before the date of the enactment of the IDEA Improvement Act of 1996), the Secretary shall consider the State to have met the requirement for purposes of receiving a grant under this part.

"(e) MODIFICATION OF APPLICATION.—An application submitted by a State in accordance with this section shall remain in effect until the State submits to the Secretary such modifications as the State determines necessary. This section shall apply to a modification of an application to the same extent and in the same manner as this section applies to the original application.

"SEC. 638. USES OF FUNDS.

"In addition to using funds provided under section 633 to maintain and implement the statewide system required by such section, a State may use such funds—

"(1) for direct early intervention services for infants and toddlers with disabilities, and their families, under this part that are not otherwise funded through other public or private sources;

"(2) to expand and improve on services for infants and toddlers and their families under this part that are otherwise available; and

"(3) to provide a free appropriate public education, in accordance with part B, to children with disabilities from their third birthday to the beginning of the following school year.

"SEC. 639. PROCEDURAL SAFEGUARDS.

"(a) MINIMUM PROCEDURES.—The procedural safeguards required to be included in a statewide system under section 635(a)(10) shall provide, at a minimum, the following:

"(1) The timely administrative resolution of complaints by parents. Any party aggrieved by the findings and decision regarding an administrative complaint shall have the right to bring a civil action with respect to the complaint in any State court of competent jurisdiction or in a district court of the United States without regard to the amount in controversy. In any action brought under this paragraph, the court shall receive the records of the administrative proceedings, shall hear additional evidence at the request of a party, and, basing its decision on the preponderance of the evidence, shall grant such relief as the court determines is appropriate.

"(2) The right to confidentiality of personally identifiable information, including the right of parents to written notice of and written consent to the exchange of such information among agencies consistent with Federal and State law.

"(3) The right of the parents to determine whether they, their infant or toddler, or other family members will accept or decline any early intervention service under this part in accordance with State law without jeopardizing other early intervention services under this part.

"(4) The opportunity for parents to examine records relating to assessment, screening, eligibility determinations, and the development and implementation of the individualized family service plan.

"(5) Procedures to protect the rights of the infant or toddler whenever the parents of the child are not known or cannot be found or the child is a ward of the State, including the assignment of an individual (who shall not be an employee of the State or any person, or any employee of a person, providing early intervention services to the infant or toddler or any family member of the infant or toddler) to act as a surrogate for the parents.

"(6) Written prior notice to the parents of the infant or toddler with a disability whenever the State agency or service provider proposes to initiate or change or refuses to initiate or change the identification, evaluation, placement, or the provision of appropriate early intervention services to the infant or toddler with a disability.

"(7) Procedures designed to assure that the notice required by paragraph (6) fully informs the parents, in the parents' native language, unless it clearly is not feasible to do so, of all procedures available pursuant to this section.

"(8) The right of parents to use mediation in accordance with section 615(e), except that—

"(A) any reference in such section to a State educational agency shall be considered to be a reference to a State's lead agency established or designated under section 635(a)(8);

"(B) any reference in such section to a local educational agency shall be considered to be a reference to a local service provider or the State's lead agency under this part, as the case may be; and

"(C) any reference in such section to the provision of free appropriate public education to children with disabilities shall be considered to be a reference to the provision of appropriate early intervention services to infants and toddlers with disabilities.

"(b) SERVICES DURING PENDENCY OF PROCEEDINGS.—During the pendency of any proceeding or action involving a complaint by the parents of an infant or toddler with a disability, unless the State agency and the parents otherwise agree, the infant or toddler shall continue to receive the appropriate early intervention services currently being provided or, if applying for initial services, shall receive the services not in dispute.

"SEC. 640. PAYOR OF LAST RESORT.

"(a) NONSUBSTITUTION.—Funds provided under section 643 may not be used to satisfy a financial commitment for services which would have been paid for from another public or private source but for the enactment of this part, except that whenever considered necessary to prevent a delay in the receipt of appropriate early intervention services by an infant, toddler, or family in a timely fashion, funds provided under section 643 may be used to pay the provider of services pending reimbursement from the agency which has ultimate responsibility for the payment.

"(b) REDUCTION OF OTHER BENEFITS.—Nothing in this part shall be construed to permit the State to reduce medical or other assistance available or to alter eligibility under title V of the Social Security Act (relating to maternal and child health) or title XIX of the Social Security Act (relating to medicaid for infants or toddlers with disabilities) within the State.

"SEC. 641. STATE INTERAGENCY COORDINATING COUNCIL.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—A State that desires to receive financial assistance under this part shall establish a State interagency coordinating council.

"(2) APPOINTMENT.—The council shall be appointed by the Governor. In making appointments to the council, the Governor shall ensure that the membership of the council reasonably represents the population of the State.

"(3) CHAIRPERSON.—The Governor shall designate a member of the council to serve as the chairperson of the Council, or shall require the council to so designate such a member. Any member of the council who is a representative of the lead agency designated under section 635(b)(8) may not serve as the chairperson of the council.

"(b) COMPOSITION.—

"(1) IN GENERAL.—The council shall be composed as follows:

"(A) PARENTS.—At least 20 percent of the members shall be parents of infants or toddlers with disabilities or children with disabilities aged 12 or younger, with knowledge of, or experience with, programs for infants and toddlers with disabilities. At least one such member shall be a parent of an infant or toddler with a disability or a child with a disability aged 6 or younger.

"(B) SERVICE PROVIDERS.—At least 20 percent of the members shall be public or private providers of early intervention services.

"(C) STATE LEGISLATURE.—At least one member shall be from the State legislature.

"(D) PERSONNEL PREPARATION.—At least one member shall be involved in personnel preparation.

"(E) AGENCY FOR EARLY INTERVENTION SERVICES.—At least one member shall be from each of the State agencies involved in the provision of, or payment for, early intervention services to infants and toddlers with disabilities and their families and shall have sufficient authority to engage in policy planning and implementation on behalf of such agencies.

"(F) AGENCY FOR PRESCHOOL SERVICES.—At least one member shall be from the State educational agency responsible for preschool services to children with disabilities and shall have sufficient authority to engage in policy planning and implementation on behalf of such agency.

"(G) AGENCY FOR INSURANCE.—At least one member shall be from the agency responsible for the State governance of insurance, especially in the area of health insurance.

"(H) HEAD START AGENCY.—A representative from a Head Start agency or program in the State.

"(I) A representative from a State agency responsible for child care.

"(2) OTHER MEMBERS.—The council may include other members selected by the Governor, including a representative from the Bureau of Indian Affairs, or where there is no BIA operated or funded school, from the Indian Health Service or the tribe/tribal council.

"(c) MEETINGS.—The council shall meet at least quarterly and in such places as it deems necessary. The meetings shall be publicly announced, and, to the extent appropriate, open and accessible to the general public.

"(d) MANAGEMENT AUTHORITY.—Subject to the approval of the Governor, the council may prepare and approve a budget using funds under this part to conduct hearings and forums, to reimburse members of the council for reasonable and necessary expenses for attending council meetings and performing council duties (including child care for parent representatives), to pay compensation to a member of the council if such member is not employed or must forfeit wages from other employment when performing official council business, to hire staff, and to obtain the services of such professional, technical, and clerical personnel as may be necessary to carry out its functions under this part.

"(e) FUNCTIONS OF COUNCIL.—

"(1) DUTIES.—The council shall—

"(A) advise and assist the lead agency designated or established under section 635(b)(8) in the performance of the responsibilities set out in such section, particularly the identification of the sources of fiscal and other support for services for early intervention programs, assignment of financial responsibility to the appropriate agency, and the promotion of the interagency agreements;

"(B) advise and assist the lead agency in the preparation of applications and amendments thereto;

"(C) advise and assist the State educational agency regarding the transition of toddlers with disabilities to preschool and other appropriate services; and

"(D) prepare and submit an annual report to the Governor and to the Secretary on the status of early intervention programs for infants and toddlers with disabilities and their families operated within the State.

"(2) AUTHORIZED ACTIVITY.—The council may advise and assist the lead agency and the State educational agency regarding the provision of appropriate services for children aged birth to 5, inclusive.

"(f) CONFLICT OF INTEREST.—No member of the council shall cast a vote on any matter which would provide direct financial benefit to that member or otherwise give the appearance of a conflict of interest under State law.

"SEC. 642. FEDERAL ADMINISTRATION.

"Sections 616, 617, 618, and 620 shall, to the extent not inconsistent with this part, apply to the program authorized by this part, except that—

"(1) any reference in such sections to a State educational agency shall be considered to be a reference to a State's lead agency established or designated under section 635(a)(8);

"(2) any reference in such sections to a local educational agency, educational service agency, or a State agency shall be considered to be a reference to an early intervention service provider under this part; and

"(3) any reference to the education of children with disabilities or the education of all children with disabilities shall be considered to be a reference to the provision of appropriate early intervention services to infants and toddlers with disabilities.

"SEC. 643. ALLOCATION OF FUNDS.

"(a) RESERVATION OF FUNDS FOR TERRITORIES.—

"(1) IN GENERAL.—From the sums appropriated to carry out this part for any fiscal year, the Secretary may reserve up to one percent for payments to Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands in accordance with their respective needs.

"(2) CONSOLIDATION OF FUNDS.—The provisions of Public Law 95-134, permitting the consolidation of grants to the territories, shall not apply to funds those areas receive under this part.

"(b) PAYMENTS TO INDIANS.—

"(1) IN GENERAL.—The Secretary shall, subject to this subsection, make payments to the Secretary of the Interior to be distributed to tribes, tribal organizations (as defined under section 4 of the Indian Self-Determination and Education Assistance Act), or consortia of the above entities for the coordination of assistance in the provision of early intervention services by the States to infants and toddlers with disabilities and their families on reservations served by elementary and secondary schools for Indian children operated or funded by the Department of the Interior. The amount of such payment for any fiscal year shall be 1.25 percent of the aggregate of the amount available to all States under this part for such fiscal year.

"(2) ALLOCATION.—For each fiscal year, the Secretary of the Interior shall distribute the entire payment received under paragraph (1) by providing to each tribe, tribal organization, or consortium an amount based on the number of infants and toddlers residing on the reservation as determined annually divided by the total of such children served by all tribes, tribal organizations, or consortia.

"(3) INFORMATION.—To receive a payment under this paragraph, the tribe, tribal organization, or consortia shall submit such information to the Secretary of the Interior as is needed to determine the amounts to be allocated under paragraph (2).

"(4) USE OF FUNDS.—The funds received by a tribe, tribal organization, or consortia shall be used to assist States in child find, screening, and other procedures for the early identification of Indian children under 3 years of age and for parent training. Such funds may also be used to provide early intervention services in accordance with this part. Such activities may be carried out directly or through contracts or cooperative agreements with the BIA, local educational agencies, and other public or private nonprofit organizations. The tribe, tribal organization, or consortia is encouraged to involve Indian parents in the development and implementation of these activities. The above entities shall, as appropriate, make referrals to local, State, or Federal entities for the provision of services or further diagnosis.

"(5) REPORTS.—To be eligible to receive a grant under paragraph (2), a tribe, tribal organization, or consortia shall make a biennial report to the Secretary of the Interior of activities undertaken under this subsection, including the number of contracts and cooperative agreements entered into, the number of children contacted and receiving services for each year, and the estimated number of children needing services during the 2 years following the year in which the report is made. The Secretary of the Interior shall include a summary of this information on a biennial basis to the Secretary of Education along with such other information as required under section 611(f)(3)(D). The Secretary of Education may require any additional information from the Secretary of the Interior.

"(6) PROHIBITED USES OF FUNDS.—None of the funds under this subsection may be used by the Secretary of the Interior for administrative purposes, including child count, and the provision of technical assistance.

"(c) STATE ALLOTMENTS.—

"(1) IN GENERAL.—Except as provided in paragraphs (2), (3), and (4), from the funds remaining for each fiscal year after the reservation and payments under subsections (a) and (b), the Secretary shall first allot to each State an amount that bears the same ratio to the amount of such remainder as the number of infants and toddlers in the State bears to the number of infants and toddlers in all States.

"(2) MINIMUM ALLOTMENTS.—Except as provided in paragraphs (3) and (4), no State shall receive an amount under this section for any fiscal year that is less than the greatest of—

"(A) one-half of one percent of the remaining amount described in paragraph (1); or

"(B) $500,000.

"(3) SPECIAL RULE FOR 1997 THROUGH 1999.—

"(A) IN GENERAL.—Except as provided in paragraph (4), no State may receive an amount under this section for any of the fiscal years 1997 through 1999 that is less than the sum of the amount such State received for fiscal year 1994 under—

"(i) part H (as in effect on the day before the date of the enactment of the IDEA Improvement Act of 1996); and

"(ii) subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (as in effect on the day before the date of the enactment of the Improving America's Schools Act of 1994) for children with disabilities under 3 years of age.

"(B) EXCEPTION.—If, for fiscal year 1998 or 1999, the number of infants and toddlers in a State, as determined under paragraph (1), is less than the number of infants and toddlers so determined for fiscal year 1994, the amount determined under subparagraph (A) for the State shall be reduced by the same percentage by which the number of such infants and toddlers so declined.

"(4) RATABLE REDUCTION.—

"(A) IN GENERAL.—If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all States are eligible to receive under this subsection for such year, the Secretary shall ratably reduce the allocations to such States for such year.

"(B) ADDITIONAL FUNDS.—If additional funds become available for making payments under this subsection for a fiscal year, allocations that were reduced under subparagraph (A) shall be increased on the same basis as such allocations were reduced.

"(5) DEFINITIONS.—For the purpose of this subsection—

"(A) the terms 'infants' and 'toddlers' mean children under 3 years of age; and

"(B) the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(d) REALLOTMENT OF FUNDS.—If a State elects not to receive its allotment under subsection (c), the Secretary shall reallot, among the remaining States, amounts from such State in accordance with such subsection.

"SEC. 644. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1997 through 2001.

"PART D—NATIONAL ACTIVITIES TO IMPROVE EDUCATION OF CHILDREN WITH DISABILITIES

"SEC. 651. PURPOSE OF PART.

"The purpose of this part is to support national, State, and local activities aimed at improving educational, early intervention, and transitional services and opportunities for children with disabilities.

"SEC. 652. ELIGIBILITY FOR FINANCIAL ASSISTANCE.

"No State, State educational agency, local educational agency, educational service agency, or other public institution or agency may receive a grant, contract, or cooperative agreement under this part which relates exclusively to programs, projects, and activities for children aged 3 to 5, inclusive, unless the State, or, in the case of an agency or institution, the State in which the agency or institution is located, is eligible to receive a grant under section 619.

"SEC. 653. COMPREHENSIVE PLAN.

"(a) IN GENERAL.—The Secretary shall develop and implement a comprehensive plan for ongoing activities conducted by the Secretary under this part.

"(b) USE OF KNOWLEDGE IN DEVELOPING PLAN.—To the maximum extent appropriate, the Secretary shall ensure that the plan is based upon the knowledge gained from research on practices that have been proven effective in improving the achievement of children with disabilities.

"(c) CONSULTATION.—In developing the plan, the Secretary shall consult the following persons:

"(1) Individuals with disabilities.

"(2) Parents of children with disabilities.

"(3) Representatives of State and local educational agencies and educational service agencies.

"(4) Private schools.

"(5) Institutions of higher education.

"(6) Other Federal agencies.

"(7) The National Council on Disability.

"(8) National organizations with an interest in, and expertise in, providing services to children with disabilities and their families.

"(9) Any other professionals determined appropriate by the Secretary.

"(d) DEADLINE.—The plan shall be developed not later than the date that is 12 months after the date of the enactment of the IDEA Improvement Act of 1996.

"SEC. 654. PEER REVIEW.

"(a) IN GENERAL.—The Secretary shall use a panel of experts who are competent, by virtue of their training, expertise, or experience, to evaluate an application under this part that requests more than $75,000 in Federal financial assistance.

"(b) COMPOSITION OF PANEL.—A majority of a panel described in subsection (a) shall be composed of individuals who are not employees of the Federal Government.

"(c) PAYMENT OF FEES AND EXPENSES OF CERTAIN MEMBERS.—The Secretary may use available funds appropriated to carry out this part to pay the expenses and fees of panel members who are not employees of the Federal Government.

"SEC. 655. ELIGIBLE APPLICANTS.

"Except as otherwise provided in this part, the persons who, and the agencies that, may apply for receipt of grants, contracts, or cooperative agreements under this part are the following:

"(1) Institutions of higher education.

"(2) State educational agencies.

"(3) Local educational agencies.

"(4) Educational service agencies.

"(5) Other public agencies.

"(6) Private nonprofit organizations.

"(7) Indian tribes and tribal organizations (as defined under section 4 of the Indian Self-Determination and Education Assistance Act).

"(8) For-profit organizations.

"SEC. 656. APPLICANT AND RECIPIENT RESPONSIBILITIES.

"(a) GENERAL REQUIREMENTS ON APPLICANTS AND RECIPIENTS.—The Secretary may not make a grant to, or enter into a contract or cooperative agreement with, a person or agency under this part unless—

"(1) the person or agency involves individuals with disabilities, and parents of children with disabilities, in planning, implementing, and evaluating activities conducted under the grant, contract, or agreement;

"(2) the person or agency, where appropriate, evaluates the potential for replication and widespread adoption of such activities; and

"(3) the person or agency prepares their findings and work product in a format useful for a specific audience specified by the Secretary, such as parents, administrators, teachers, early intervention personnel, related services personnel, or individuals with disabilities.

"(b) ADDITIONAL REQUIREMENTS IMPOSED AT DISCRETION OF SECRETARY.—The Secretary may require that a person who, or agency that, is awarded a grant, contract, or cooperative agreement under this part—

"(1) assume a portion of the cost of carrying out the grant, contract, or agreement;

"(2) disseminate the findings and work product of the person or agency; and

"(3) collaborate with other such persons and agencies.

"SEC. 657. INDIRECT COSTS.

"The Secretary—

"(1) may not permit any recipient of Federal funds under this part to use more than 25 percent of such funds for indirect costs; and

"(2) may further limit the extent to which any such recipient may use such funds for such costs.

"SEC. 658. PROGRAM EVALUATION.

"The Secretary may use funds appropriated to carry out this part to evaluate any activity carried out under this part.

"Subpart 1—National Research and Improvement Activities

"SEC. 661. GENERAL AUTHORITY TO MAKE AWARDS.

"The Secretary may make grants to, and enter into contracts and cooperative agreements with, eligible entities to carry out research and improvement activities that further the purpose of this part and are consistent with the priorities established under section 662.

"SEC. 662. PRIORITIES.

"(a) IN GENERAL.—In making awards under this subpart, the Secretary may, without regard to the rule making procedures under section 553 of title 5, United States Code, limit such awards to, or otherwise give priority to—

"(1) projects that address the improvement of the academic performance of children with disabilities;

"(2) projects that address one or more—

"(A) age ranges;

"(B) disabilities;

"(C) grades in school;

"(D) types of educational placements or early intervention environments;

"(E) types of services; or

"(F) content areas such as reading;

"(3) projects that address the needs of children based on the severity of their disability;

"(4) projects that address the needs of—

"(A) low-achieving students;

"(B) underserved populations;

"(C) children from low-income families;

"(D) children with limited English proficiency;

"(E) unserved and underserved areas;

"(F) particular types of geographic areas, such as inner-city or rural areas; or

"(G) institutionalized children in juvenile and adult correctional institutions;

"(5) any activity that is expressly authorized in this title;

"(6) a large-scale longitudinal study designed to provide information on the long-term impact of education agency disciplinary procedures on children with disabilities;

"(7) research and development projects including—

"(A) projects that advance knowledge about—

"(i) teaching and learning practices, and assessment techniques, instruments, and strategies, including behavioral strategies, that lead to improved results for children with disabilities;

"(ii) the developmental and learning characteristics of children with disabilities in a manner that will improve the design and effectiveness of interventions and instruction; or

"(iii) the coordination of education with health and social services;

"(B) large-scale longitudinal studies designed to produce information on the long-term impact of early intervention and education on results for individuals with disabilities;

"(C) model demonstration projects to apply and test research findings in typical service settings to determine the usability, effectiveness, and general applicability of such research findings in such areas as improving instructional methods, curricula, and tools such as textbooks, media, and other materials; and

"(D) projects which apply research and other knowledge to improve educational results for children with disabilities by—

"(i) synthesizing useful research and educational products;

"(ii) ensuring that such research and products are in appropriate formats for distribution to administrators, teachers, parents, and individuals with disabilities; or

"(iii) making such research and products available through libraries, electronic networks, parent training projects, and other information sources, including the National Information Dissemination System under part D of title IX of Public Law 103-227;

"(8) projects which provide technical assistance to—

"(A) States—

"(i) to link States to other technical assistance resources, including special and general education resources; or

"(ii) in gaining access to information, including information on research and best practices; or

"(B) State educational agencies, State lead agencies serving infants and toddlers with disabilities under part C, and other organizations and agencies that play a critical role in providing for the participation of children with disabilities in State and local assessments;

"(9) activities to produce, and promote the use of, knowledge to address the special needs of children who have a high likelihood of needing special education and related services in order to reduce, through early intervention, the need for special education services later in life;

"(10) educational media activities including—

"(A) through September 30, 1998, video description, open captioning, or closed captioning;

"(B) video description, open captioning, or closed captioning of educational, news, and informational materials;

"(C) through September 30, 1998, distribution of captioned and described materials and videos;

"(D) distribution of captioned and described educational, news, and informational materials and videos; and

"(E) recording free educational materials, including textbooks, for visually impaired and print-disabled students in elementary, secondary, post-secondary, and graduate schools; and

"(11) projects to assist institutions of higher education in appropriately serving students with disabilities, including deaf students.

"(b) DEFINITION.—As used in this section, the term 'low-incidence disability' means—

"(1) a visual impairment, a hearing impairment, or simultaneous visual and hearing impairments;

"(2) a significant cognitive impairment; or

"(3) any impairment for which a small number of personnel, with highly specialized skills and knowledge, are needed nationwide in order for all children with disabilities who have the impairment to receive early intervention services or a free appropriate public education.

"(c) REPORT.—If the Secretary awards a grant, contract, or cooperative agreement under this subpart prior to February 1, 1998 with respect to an educational media activity described in subparagraph (A) or (C) of subsection (a)(10), the Secretary, after consulting with the chairman of the Federal Communications Commission, shall submit to the Committee on Economic and Educational Opportunities of the House of Representatives and the Committee on Labor and Human Resources of the Senate, not later than April 15, 1998, a report on the progress that the Federal Communications Commission is making towards meeting the requirements imposed on the Commission under section 713 of the Communications Act of 1934 (47 U.S.C. 613).

"SEC. 663. NATIONAL ASSESSMENT.

"(a) PURPOSE OF ASSESSMENT.—The Secretary shall carry out a national assessment of activities carried out with Federal funds under this title in order—

"(1) to determine the effectiveness of the title in achieving the purposes of the title;

"(2) to provide information to the President, the Congress, the States, local educational agencies, and the public on how to implement the title more effectively; and

"(3) to provide the President and the Congress with information that will be useful in developing legislation to achieve the purposes of this title more effectively.

"(b) CONSULTATION.—The Secretary shall plan, review, and conduct the national assessment under this section in consultation with researchers, State practitioners, local practitioners, parents of children with disabilities, individuals with disabilities, and other appropriate individuals.

"(c) SCOPE OF ASSESSMENT.—The national assessment shall examine how well schools, local educational agencies, States, other recipients of assistance under this title, and the Secretary are achieving the purposes of this title, including—

"(1) the performance of children with disabilities in general scholastic activities and assessments as compared to nondisabled children;

"(2) providing for the participation of children with disabilities in the general education curriculum;

"(3) helping children with disabilities make successful transitions from—

"(A) early intervention services to preschool education;

"(B) preschool education to elementary school; and

"(C) secondary school to adult life;

"(4) placing and serving children with disabilities, including children from underserved populations, in the least restrictive environment appropriate;

"(5) preventing children with disabilities, especially children with emotional disturbances and specific learning disabilities, from dropping out of school;

"(6) assessing the use of disciplinary measures, and the effect of such use, with children with disabilities as compared to nondisabled children;

"(7) coordinating services provided under this title with each other, with other educational and pupil services (including preschool services), and with health and social services funded from other sources;

"(8) addressing the participation of parents of children with disabilities in the education of their children; and

"(9) resolving disagreements between education personnel and parents through activities such as mediation.

"(d) INTERIM AND FINAL REPORTS.—The Secretary shall submit to the President and the Congress—

"(1) an interim report that summarizes the preliminary findings of the assessment not later than October 1, 1998; and

"(2) a final report of the findings of the assessment not later than October 1, 2000.

"SEC. 664. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this subpart such sums as may be necessary for each of the fiscal years 1997 through 2001.

"(b) MINIMUM AMOUNTS.—Subject to subsection (c), the Secretary shall ensure that, for each fiscal year, at least the following amounts are provided under this subpart to address the following needs:

"(1) $12,832,000 to address the educational, related services, transitional, and early intervention needs of children with deaf-blindness.

"(2) $4,000,000 to address the postsecondary, vocational, technical, continuing, and adult education needs of individuals with deafness.

"(c) RATABLE REDUCTION.—If the total amount appropriated to carry out this subpart for any fiscal year is less than $135,600,000, the amounts listed in subsection (b) shall be ratably reduced.

"Subpart 2—Professional Development

"SEC. 671. PURPOSE.

"The purpose of this subpart is to help ensure that—

"(1) personnel responsible for serving children with disabilities, including general and special education personnel, related services personnel, and early intervention personnel, have the knowledge and skills necessary to help such children—

"(A) meet developmental goals and, to the maximum extent possible, those challenging expectations that have been established for all children; and

"(B) be prepared to lead productive, independent adult lives to the maximum extent possible;

"(2) there are adequate numbers of such personnel to meet the needs of children with disabilities; and

"(3) the skills and knowledge of personnel responsible for serving children with disabilities reflect the best practices, as determined through research and experience, particularly with respect to the inclusion of children with disabilities in the regular education environment.

"SEC. 672. FINDING.

"The Congress finds that the conditions noted in paragraphs (7) through (10) of section 601(c) can be greatly improved by providing opportunities for the full participation of minorities through the implementation of the following recommendations:

"(1) Implementation of a policy to mobilize the Nation's resources to prepare minorities for careers in special education and related services.

"(2) Focusing such policy on—

"(A) the recruitment of minorities into teaching; and

"(B) financially assisting Historically Black Colleges and Universities and other institutions of higher education (whose minority student enrollment is at least 25 percent) to prepare students for special education and related service careers.

"SEC. 673. NATIONAL ACTIVITIES.

"(a) PROGRAM AUTHORIZED.—The Secretary may make grants to, and enter into contracts and cooperative agreements with, eligible entities to support activities of national significance that—

"(1) have broad applicability; and

"(2) will help ensure that the purpose of this subpart is met.

"(b) AUTHORIZED ACTIVITIES.—In carrying out this section, the Secretary may support any activity that is consistent with subsection (a), including—

"(1) the development, evaluation, demonstration, or dissemination of effective personnel preparation practices for personnel to work with children with disabilities;

"(2) promoting the transferability of licensure and certification of teachers and administrators among State and local jurisdictions;

"(3) developing and disseminating models that prepare teachers with strategies, including behavioral management techniques, for addressing the conduct of children with disabilities that impedes their learning and that of others in the classroom; and

"(4) supporting Historically Black Colleges and Universities and institutions of higher education with minority enrollments of at least 25 percent for the purpose of preparing personnel.

"SEC. 674. PROFESSIONAL DEVELOPMENT FOR PERSONNEL SERVING LOW-INCIDENCE POPULATIONS.

"(a) PROGRAM AUTHORIZED.—The Secretary may make grants to, and enter into contracts and cooperative agreements with, eligible entities to meet the purpose of this subpart by supporting preparation for personnel who will provide educational and related services to children with low-incidence disabilities and personnel who will provide early intervention services to infants and toddlers with disabilities.

"(b) AUTHORIZED ACTIVITIES.—

"(1) IN GENERAL.—Individuals who may be prepared pursuant to this section include personnel who—

"(A) are currently prepared in the fields of educational, related, or early intervention services; and

"(B) are studying—

"(i) to obtain degrees, certification, licensure, or endorsements in one or more of such fields; or

"(ii) to meet competency requirements in one or more of such fields.

"(2) SCHOLARSHIPS.—The Secretary may include funds for scholarships, with necessary stipends and allowances, in awards under this section.

"(c) APPLICATIONS.—Any application for assistance under this section shall propose to provide preparation that addresses a significant need, as shown by letters from one or more States stating that the State—

"(1) intends to accept successful completion of the proposed personnel preparation as meeting State personnel standards for serving children with low-incidence disabilities, or for serving infants and toddlers with disabilities; and

"(2) needs personnel in the area or areas in which the applicant proposes to provide preparation, as identified in the State's comprehensive system of personnel development under part B or C, or in the State's State improvement plan under subpart 3.

"(d) DEFINITION.—For purposes of this section, the term 'low-incidence disability' has the meaning given such term in section 662(b).

"SEC. 675. LEADERSHIP PERSONNEL.

"(a) PROGRAM AUTHORIZED.—The Secretary may make grants to, and enter into contracts and cooperative agreements with, eligible entities to meet the purpose of this subpart by preparing educational, related service, and early intervention leadership personnel (including teacher-preparation faculty, administrators, researchers, supervisors, and principals) so that they are prepared to help children with disabilities—

"(1) meet developmental goals and, to the maximum extent possible, those challenging expectations that have been established for all children; and

"(2) be prepared to lead productive, independent adult lives to the maximum extent possible.

"(b) AUTHORIZED ACTIVITIES.—

"(1) IN GENERAL.—In carrying out this section, the Secretary may support any activity that is consistent with subsection (a), including—

"(A) preparation of personnel at the advanced graduate, doctoral, or post-doctoral levels; and

"(B) professional development of leadership personnel.

"(2) SCHOLARSHIPS.—The Secretary may include funds for scholarships, with necessary stipends and allowances, in awards under this section.

"(c) PREFERENCES.—In making awards under this section, the Secretary shall give

preference to projects at institutions of higher education that have successfully integrated the professional development of general and special education personnel.

"SEC. 676. SERVICE OBLIGATION.

"Each application for funds under section 674 or 675 shall include an assurance that the applicant will ensure that individuals who are prepared under the proposed project will subsequently perform work related to their preparation or repay all or part of the cost of such preparation.

"SEC. 677. OUTREACH.

"(a) PLAN FOR OUTREACH SERVICES.—The Secretary shall develop a plan for providing outreach services to the entities and populations described in subsection (b) in order to increase the participation of such entities and populations in competitions for grants, contracts, and cooperative agreements under this subpart.

"(b) ENTITIES AND POPULATIONS DESCRIBED.—The entities and populations referred to in subsection (a) are—

"(1) Historically Black Colleges and Universities and other institutions of higher education whose minority student enrollment is at least 25 percent;

"(2) eligible institutions, as defined in section 312 of the Higher Education Act of 1965;

"(3) nonprofit and for-profit agencies at least 51 percent owned or controlled by one or more minority individuals; and

"(4) underrepresented populations.

"(c) FUNDING.—For the purpose of implementing the plan required under subsection (a), the Secretary shall, for each of the fiscal years 1997 through 2002, expend 1 percent of the funds appropriated for the fiscal year involved for carrying out this subpart.

"(d) DILIGENCE.—The Secretary shall exercise the utmost authority, resourcefulness, and diligence of the Secretary to meet the requirements of this section.

"(e) REPORT.—Not later than January 31 of each year, beginning with fiscal year 1997 and ending with fiscal year 2002, the Secretary shall submit to the Congress a final report on the progress toward meeting the goals of this section during the preceding fiscal year. The report shall include—

"(1) a full explanation of any progress toward meeting the goals of this section; and

"(2) a plan to meet the goals, if necessary.

"(f) UNDERREPRESENTED POPULATIONS DEFINED.—For purposes of this section, the term 'underrepresented populations' means populations such as minorities, the poor, individuals with limited English proficiency, and individuals with disabilities.

"Subpart 3—State Program Improvement Grants for Children with Disabilities

"SEC. 681. PURPOSE.

"The purpose of this subpart is to assist States in reforming and improving their systems for providing educational and early intervention services, particularly their systems for professional development, to improve the achievement of children with disabilities.

"SEC. 682. ELIGIBILITY AND COLLABORATIVE PROCESS.

"(a) ELIGIBLE APPLICANTS.—A State may apply for a grant under this subpart for a grant period that is not less than one year, but is not greater than 4 years.

"(b) CERTIFICATION THAT COLLABORATIVE PROCESS HAS BEEN USED.—A State that desires to receive a grant under this subpart shall certify to the Secretary that a collaborative process with persons described in subsection (c) has been used in developing the State improvement plan described in section 683.

"(c) COLLABORATIVE PROCESS PARTICIPANTS.—

"(1) REQUIRED PARTICIPANTS.—The collaborative process referred to in subsection (b) is a State process for making decisions which includes as participants, at a minimum, the Governor of the State and representatives, appointed by such Governor, of—

"(A) parents of children with disabilities;

"(B) parents of nondisabled children;

"(C) individuals with disabilities;

"(D) organizations representing individuals with disabilities and their parents;

"(E) community-based and other nonprofit organizations related to the education and employment of individuals with disabilities;

"(F) the lead State agency official or officials for part C;

"(G) local educational agencies;

"(H) general and special education teachers;

"(I) the State educational agency;

"(J) the State advisory panel established under part B; and

"(K) the State interagency coordinating council established under part C.

"(2) OPTIONAL PARTICIPANTS.—The collaborative process may include, at the Governor's discretion, representatives, appointed by the Governor, of—

"(A) individuals knowledgeable about vocational education;

"(B) the State agency for higher education;

"(C) institutions of higher education;

"(D) schools of education;

"(E) the State vocational rehabilitation agency;

"(F) public agencies with jurisdiction in the areas of health, mental health, social services, and juvenile justice; and

"(G) any other individuals designated by the Governor.

"SEC. 683. STATE IMPROVEMENT PLANS.

"(a) IN GENERAL.—A State that desires to receive a grant under this subpart shall submit to the Secretary a State improvement plan that is integrated, to the maximum extent possible, with State plans under the Elementary and Secondary Education Act of 1965 and the Rehabilitation Act of 1973, as appropriate.

"(b) DETERMINING CHILD AND PROGRAM NEEDS.—

"(1) IN GENERAL.—Each State improvement plan shall identify those critical aspects of early intervention, general education, and special education programs (including professional development, based on an assessment of State and local needs) that must be improved to enable children with disabilities to meet the goals established by the State under section 612(a)(14).

"(2) REQUIRED ANALYSES.—To meet the requirement of paragraph (1), the State improvement plan shall include at least—

"(A) an analysis of all information, reasonably available to the State, on the performance of children with disabilities in the State, including—

"(i) their performance on State assessments and other performance indicators established for all children, including drop-out rates and graduation rates;

"(ii) their participation in postsecondary education and employment; and

"(iii) how their performance on the assessments and indicators described in clause (i) compares to that of non-disabled children;

"(B) an analysis of State and local needs for professional development for personnel to serve children with disabilities that includes, at a minimum, relevant information on current and anticipated personnel shortages, and on the extent of certification or retraining necessary to eliminate such shortages, that is based, to the maximum extent possible, on existing assessments of personnel needs; and

"(C) a summary of the information and analysis provided by the State to the Secretary under parts B and C on the effectiveness of the State's systems of early intervention, special education, and general education in meeting the needs of children with disabilities.

"(c) IMPROVEMENT STRATEGIES.—Each State improvement plan shall—

"(1) describe the strategies the State will use to address the needs identified under subsection (b)(1), including—

"(A) how it will hold school districts and schools accountable for educational progress of children with disabilities;

"(B) how it will provide technical assistance to school districts and schools to improve results for children with disabilities;

"(C) how it will address the identified needs for in-service and pre-service preparation to ensure that all personnel who work with children with disabilities (including both professional and paraprofessional personnel who provide early intervention services, special education, general education, or related services) have the skills and knowledge necessary to meet the needs of children with disabilities, including a description of how—

"(i) the State will prepare general education and special education personnel with the content knowledge and collaborative skills needed to meet the needs of children with disabilities, including how the State will work with other States on common certification criteria;

"(ii) the State will prepare professionals and paraprofessionals in the area of early intervention with the content knowledge and collaborative skills needed to meet the needs of infants and toddlers with disabilities;

"(iii) the State will work with institutions of higher education and other entities that prepare (on both a pre-service and an in-service basis) personnel who work with children with disabilities to ensure that such institutions and entities develop the capacity to support professional development programs which reflect actual education practices and techniques;

"(iv) the State's requirements for licensure of teachers and administrators, including certification and recertification, will be modified to support an adequate supply of personnel with the necessary skills and knowledge (including, where appropriate, strategies for developing reciprocal certification agreements and common certification requirements with other States); and

"(v) the State will work to develop collaborative agreements with other States for the joint support and development of programs to prepare personnel for which there is not sufficient demand within a single State to justify support or development of such a program of preparation;

"(D) how it will work in collaboration with other States, particularly neighboring States, to address the lack of uniformity and reciprocity in the credentialing of teachers and other personnel;

"(E) strategies that will address systemic problems identified in Federal compliance reviews, including shortages of qualified personnel; and

"(F) how the State will assess, on a regular basis, the extent to which the strategies implemented under this subpart have been effective; and

"(2) describe how the improvement strategies under paragraph (1) will be coordinated with public and private sector resources.

"(d) REPORTING PROCEDURES.—Each State that receives a grant under this subpart shall submit performance reports to the Secretary pursuant to a schedule to be determined by the Secretary, but not more frequently that annually.

"(e) PLAN APPROVAL.—The Secretary shall approve a State improvement plan under this section if it—

"(1) meets the requirements of this part;

"(2) has been developed in accordance with the requirements of section 682; and

"(3) in the opinion of the Secretary, has a reasonable chance of achieving the purposes of the grant.

"(f) PLAN AMENDMENTS.—

"(1) MODIFICATIONS MADE BY STATE.—Subject to paragraph (2), a plan submitted by a State in accordance with this section shall remain in effect until the State submits to the Secretary such modifications as the State determines necessary. This section shall apply to a modification to a plan to the same extent and in the same manner as this section applies to the original plan.

"(2) MODIFICATIONS REQUIRED BY SECRETARY.—The Secretary may require a State to amend its State improvement plan at any time as a result of the Secretary's compliance reviews under parts B and C. The Secretary may not provide further funding under this subpart to the State until such amendments are made.

"SEC. 684. USE OF FUNDS.

"(a) IN GENERAL.—A State that receives a grant under this subpart may use the grant to carry out any activities that are described in the State improvement plan and that are consistent with the purpose of this subpart. Such activities may include the awarding of subgrants, but only if the subgrants are made to local educational agencies. Any such local educational agency may award subgrants to any person. Such activities may also include the awarding of contracts to appropriate entities.

"(b) USE OF FUNDS FOR PROFESSIONAL DEVELOPMENT.—A State that receives a grant under this subpart shall use not less than 75 percent of the funds it receives under the grant for any fiscal year to ensure that there is a sufficient supply of personnel who have the skills and knowledge necessary to enable children with disabilities to meet developmental goals and to meet the needs of such children, including working with other States on common certification criteria.

"(c) GRANTS TO TERRITORIES.—The provisions of Public Law 95–134, permitting the consolidation of grants to the territories, shall not apply to funds received under this subpart.

"SEC. 685. MINIMUM STATE ALLOTMENTS.

"A State that receives a grant under this subpart shall receive an amount that is—

"(1) not less than $200,000, in the case of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico; and

"(2) not less than $40,000, in the case of a territory.

"SEC. 686. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subpart such sums as may be necessary for each of the fiscal years 1997 through 2001.

"Subpart 4—Parent Training

"SEC. 691. GRANTS FOR PARENT TRAINING AND INFORMATION CENTERS.

"(a) PROGRAM AUTHORIZED.—The Secretary may make grants to, and enter into contracts and cooperative agreements with, parent organizations to support parent training and information centers to carry out activities under this subpart.

"(b) REQUIRED ACTIVITIES.—A parent training and information center that receives assistance under this section shall—

"(1) assist parents to understand the availability of, and how effectively to use, procedural safeguards under this title, including the use of alternative methods of dispute resolution, such as mediation;

"(2) serve the parents of children with the full range of disabilities; and

"(3) annually report to the Secretary on—

"(A) the number of parents to whom it provided information and training in the most recently concluded fiscal year; and

"(B) the effectiveness of strategies used to reach and serve parents of children with disabilities, including underserved parents of children with disabilities.

"(c) OPTIONAL ACTIVITIES.—A parent training and information center that receives assistance under this section may—

"(1) provide information to teachers and other professionals who provide special education and related services to children with disabilities;

"(2) assist students with disabilities to understand their rights and responsibilities under section 615(j) on reaching the age of majority; and

"(3) establish cooperative partnerships with parent organizations, and other organizations assisting families of children with disabilities, in the community.

"(d) APPLICATION REQUIREMENTS.—Each application for assistance under this section shall identify with specificity the special efforts that the applicant will undertake to—

"(1) ensure that the needs for training and information of parents of underserved children with disabilities in the area to be served are effectively met; and

"(2) work with community-based organizations.

"(e) DISTRIBUTION OF FUNDS.—

"(1) INITIAL AWARDS.—

"(A) IN GENERAL.—The Secretary shall make at least one award to a parent organization in each State, unless the Secretary does not receive an application from such an organization in each State of sufficient quality to warrant approval.

"(B) SELECTION REQUIREMENT.—The Secretary shall select among applications submitted by parent organizations in a State in a manner that ensures the most effective assistance to parents, including parents in urban and rural areas, in the State.

"(2) ADDITIONAL AWARDS.—

"(A) IN GENERAL.—The Secretary may make additional awards to community-based parent organizations in each State.

"(B) SELECTION REQUIREMENT.—The Secretary may make additional awards in a manner that ensures that parents of children with disabilities in low-income, high-density, and rural areas have access to parent training and information centers that provide appropriate training and information.

"SEC. 692. TECHNICAL ASSISTANCE FOR PARENT TRAINING AND INFORMATION CENTERS.

"(a) PROGRAM AUTHORIZED.—The Secretary may provide technical assistance for developing, assisting, and coordinating parent training and information programs carried out by parent training and information centers receiving assistance under section 691.

"(b) AUTHORIZED ACTIVITIES.—The Secretary may provide technical assistance to a parent training and information center under this section in areas such as—

"(1) effective coordination of parent training efforts;

"(2) dissemination of information;

"(3) evaluation by the center of itself;

"(4) promotion of the use of technology, including assistive technology devices and assistive technology services;

"(5) reaching underserved populations;

"(6) including children with disabilities in general education programs;

"(7) facilitation of transitions from—

"(A) early intervention services to preschool;

"(B) preschool to school; and

"(C) secondary school to postsecondary environments; and

"(8) promotion of alternative methods of dispute resolution.

"SEC. 693. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subpart such sums as may be necessary for each of the fiscal years 1997 through 2001.".

TITLE II—MISCELLANEOUS PROVISIONS

SEC. 201. AMENDMENT TO ESEA TO COORDINATE IDEA AND SCHOOLWIDE PROGRAMS.

Section 1114(a)(4) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6314(a)(4)) is amended—

(1) in subparagraph (A), by striking "Secretary (other than formula or discretionary grant programs under the Individuals with Disabilities Education Act)," and inserting "Secretary,"; and

(2) in subparagraph (B), by inserting "special education and related services under an individualized education program, procedural safeguards," after "civil rights,".

SEC. 202. EFFECTIVE DATES.

(a) PARTS A, B, AND C.—Except as provided in subsection (b), parts A, B, and C of the Individuals with Disabilities Education Act, as amended by title I, shall take effect on July 1, 1997.

(b) SECTION 605.—Section 605 of such Act, as amended by title I, shall take effect upon the enactment of this Act.

(c) PART D.—Part D of such Act, as amended by title I, shall take effect on October 1, 1997.

SEC. 203. REPEALERS.

(a) PART I.—Part I of the Individuals with Disabilities Education Act is hereby repealed.

(b) PART H.—Effective July 1, 1997, part H of such Act is hereby repealed.

(c) PARTS E, F, AND G.—Effective October 1, 1997, parts E, F, and G of such Act are hereby repealed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from Michigan [Mr. KILDEE] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3268, the IDEA Improvement Act, which amends the Individuals with Disabilities Education Act.

This bill will take major steps toward better education for children with disabilities and, as a result, will increase the ability of these children to become productive, fully participating citizens in their communities. This legislation will improve special education by doing the following:

Placing an emphasis on what is best educationally for children with disabilities instead of burdensome paperwork requirements; giving teachers more flexibility and schools lower costs; enhancing parental input; and making schools safer for students and teachers.

There are many important changes to IDEA in this legislation. I might add that after 1½ years of work by the committee, the disabilities community and the education community asked if they could recommend some changes to the legislation.

We told them they could have a week to suggest changes to the legislation if they brought together all of the leaders of the disability and education communities. I did not know what they would recommend, but they managed to put together a strong package of suggestions under the leadership of Madeline Will and Patti Smith. This legislation includes the vast majority of the changes recommended by that large group of education, disability, and parent organizations, who worked together closely in the past weeks to recommend improvements to our legislation prior to our committee markup.

I have strong letters of support for the bill from groups like the National School Boards Association and the National Association of Elementary School Principals. They term this legislation an "excellent step" and a bill which "contains many improvements and reforms that will improve services for students with disabilities."

I include those for the RECORD:

NATIONAL ASSOCIATION OF ELEMENTARY SCHOOL PRINCIPALS,
Alexandria, VA, June 5, 1996.

Hon. RANDY CUNNINGHAM,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE CUNNINGHAM: On behalf of the National Association of Elementary School Principals, I am writing to urge you to work to bring H.R. 3268, the Idea Improvement Act of 1996, to the House floor as soon as possible. We believe it would be beneficial to bring the bill up for floor consideration under suspension of the rules.

NAESP supports the bill that emerged from the Economic and Educational Opportunities Committee because we consider it to be an improvement over current law. We believe that IDEA is a well-intended law that needs to be updated to address the realities of today's schools. H.R. 3268 is an excellent step in that direction, particularly with respect to its school safety provisions.

We hope you will do what you can to foster the timely consideration of IDEA by the full House of Representatives. Thank you for your attention to this matter.

Sincerely,

SALLY N. MCCONNELL,
Director of Government Relations.

NASBA,
June 7, 1996.

Hon. WILLIAM F. GOODLING,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE GOODLING: The National School Boards Association (NSBA), on behalf of the more than 95,000 local school board members, believes the Individuals with Disabilities Education Act (IDEA) is a valuable law that has provided millions of students with disabilities the opportunities they need to achieve their potential. H.R. 3268 reauthorizing IDEA contains many improvements and reforms that will improve services for students with disabilities and make special education programs work more effectively across the country. It is also carefully crafted compromise legislation that incorporates many recommendations of both parents groups and educators. For these reasons, NSBA urges members of Congress to vote for the legislation.

H.R. 3268 addresses many of the key school safety provisions raised by NSBA, and local educators across the country. H.R. 3268 will make it significantly easier for school officials to protect the safety of all students and school personnel. Specifically, H.R. 3268 will make additional behavioral interventions available to students; and in the modest number of cases where such interventions are not successful, dangerous students could be educated in more appropriate placements.

The legislation also contains several provisions designed to provide schools with greater flexibility in administering the law, and to provide additional funding sources for financing special education services. For example, H.R. 3268 will make more resources available for educating students by reforming the overly adversarial dispute resolution process. As this legislation proceeds toward enactment, NSBA also will work to secure additional changes that are needed to control the costs of IDEA.

H.R. 3268 will help improve school safety for all students, result in improved services for students, and take important steps to reduce the litigiousness of IDEA. We urge your support for this legislation. For further information, please contact William Bruno, Director of Federal Programs.

Sincerely,

SAMMY J. QUINTANA,
President.
THOMAS A. SHANNON,
Executive Director.

Mr. Speaker, the changes in the IDEA Improvement Act will have a positive, measurable impact on the lives of millions of students with disabilities. When enacted, the bill will help children with disabilities learn more and learn better, which should be the ultimate test of any education law. Students with disabilities will now be expected, to the maximum extent possible, to meet the same high educational expectations that have been set for all students by States and local schools.

There will be an emphasis on what works instead of filling out paperwork. No longer will teachers be forced to complete massive piles of unnecessary, federally required forms and data collection sheets. These changes will mean more time for teachers to dedicate to their students, and fewer resources wasted on process for its own sake.

The IDEA Improvement Act will help cut costly referrals to special education by emphasizing basic academics in the general education classroom. In the 1993–94 school year, 2.44 million of our Nation's 4.79 million special education children were there because they have learning disabilities. Many of these problems could be addressed with better academics in the early grades.

Under our bill, following every evaluation of a child for special education services, school personnel will need to consider whether the child's problems are the result of lack of previous instruction. Too often, children whose problems come from a lack of reading skills enter special education because they were not properly taught how to read in their primary years.

The IDEA Improvement Act will eliminate many of the financial incentives for overidentifying children as disabled. The change in the Federal formula, which I will talk about shortly, will reduce the Federal bonus for identifying additional children as disabled. The legislation will also ensure that States do not use placement-driven funding formulas that tie funds to the physical location of the child. These formulas currently drive overidentification and costs.

The legislation will also help ensure that assignment to special education is not permanent. Children are often referred to special education in early grades and then never leave. Once identified and placed in special education these children remain there throughout their primary and secondary education. Part of the problem lies with the child not keeping pace academically with his peers. Special education plans often have no link to the general education curriculum. Therefore, children remain in special education because they lose contact with what other children their age are learning and can no longer keep up. This legislation will ensure that the general curriculum is part of every child's education plan or justifies why it is not.

The bill will assure parents' ability to participate in key decision-making meetings about their children's education and ensure that they will have better access to their child's school records. They will also be updated no less regularly than the parents of nondisabled students through parent-teacher conferences and report cards.

The bill ensures that States will offer mediation services to resolve disputes. This change will encourage parents and schools to work out differences in a less adversarial manner. Currently, if the parents and the school cannot resolve their differences in the IEP meeting they have no choice but to file for a due process hearing and attorneys become involved. Providing mediation early in the process will cut the costs related to litigation.

Local principals and school administrators will be given more flexibility. There will be simplified accounting and flexibility in local planning. No longer will accounting rules prevent even incidental benefits to other, nondisabled children for fear of lost Federal funding.

The bill will make schools safer for all students, disabled and nondisabled, and for their teachers. We will enable schools to quickly remove violent students and those who bring weapons or drugs to school, regardless of their disability status.

The bill will ensure that such children can quickly be moved to alternative placements for 45 days, during which time the child's teachers, principal, and parents can decide what changes, if any, should be made to the child's IEP and placement.

The legislation will also ensure that disability status will not affect the school's general disciplinary procedures. In discipline cases, the child's individualized education program team will determine whether the child's actions were a result of their disability. If it was not, schools will need to take the same action with disabled children as they would with any other child.

Part C, the infants and toddlers program, has been changed to strengthen the intent of past Congress to promote early intervention services to infants and toddlers in natural environment settings. Under this bill, State policies and procedures implementing this program will direct the provision of services in natural settings. This requirement will not mean that all services, such as physical therapy, must be provided in the child's home. Rather, if the infant's or toddler's IFSP team chooses to provide services in a restricted setting the child's individualized family services plan will need to justify why this location is most appropriate.

Early intervention services were not intended to be provided using a medical model. Early intervention services should enhance the learning and development of the infant or toddler with a disability, and the ability of the family to meet the special needs of their child. To accomplish this the family must be trained to provide as many of the child's services as possible.

Center or clinic based programs are very expensive. This emphasis on natural settings, besides being the most appropriate location for providing services to infants and toddlers, will lower the costs for the States as they implement these changes. This issue of where services will be provided and the costs relating to the different choices is one which will continue to be worked out as we proceed to conference.

Finally, I would like to talk about the formula which will determine the Federal appropriation each State will receive. Let me say first of all—no State will lose funds for 3 years. Forty-six States lose no funds through the first 6 years of the transition to the new formula. This bill phases in the process from allocating funds to the States based on a child count of children with disabilities to a population-based formula for a factor for poverty. The new formula is based 85 percent on the number of children in the State and 15 percent on State poverty statistics.

This is a major step in the move to reduce the overidentification of children as disabled, particularly African-American males who have been pushed into the special education system in disproportionate numbers. The Clinton administration recognized the problem with the current system in its bill, suggesting a population-based formula with new funding. Many of my Democrat colleagues also recognized the importance of this change when they introduced that bill last year as H.R. 1986.

In 1994, the Department of Education's inspector general recommended changing the formula in a manner similar to the way we have changed it in this bill. They called the current formula a bounty system that encourages putting children in special education when they should not be.

Before I conclude, I want to note that this legislation represents over a year of hard work by the members of this committee.

□ 1530

But I would like to thank one colleague in particular for his dedication to the bill. The subcommittee chairman, the gentleman from California, Mr. DUKE CUNNINGHAM, has led this bill through its yearlong journey to a vote today. He has dedicated many hours to crafting an outstanding piece of intricate and comprehensive legislation. Mr. CUNNINGHAM has my sincere thanks.

I would also like to thank Mr. GREENWOOD, Mr. GUNDERSON, Mr. TALENT, Mr. SOUDER, Mr. RIGGS, Mr. CLAY, Mr. KILDEE, and Mr. MILLER, and all others who have worked in a bipartisan manner to improve the IDEA, and particularly the staffs headed by Todd Jones on our side and Sarah Davis on the other side.

The IDEA Improvement Act is the most important change to America's special education system since the passage of Public Law 94–142 in 1975. Overall, America's special education system as has been structured has not accomplished what has been necessary to educate our children with disabilities. There is broad agreement on the need to change. Results are important. Accountability is important. I believe this bill will help give America's children with disabilities what they were promised 21 years ago: the real opportunity to receive a quality education. I ask that my statement be included in the RECORD.

Mr. Speaker, thank you for permitting me to present for consideration H.R. 3268, the IDEA Improvement Act, which amends the Individuals With Disabilities Education Act. This bill will take major steps toward better education for children with disabilities, and as a result will increase the ability of these children to become productive, fully participating citizens in their communities.

This legislation will improve special education by: placing an emphasis on what is best educationally for children with disabilities instead of burdensome paperwork requirements; giving teachers more flexibility and schools lower costs; enhancing parental input; and making schools safer for students and teachers.

There are many important changes to IDEA in this legislation. It includes the vast majority of the changes recommended by a large group of education, disability, and parent organizations, who worked together closely in the past weeks to recommend improvements to our legislation prior to our committee markup. That cooperation itself is historic. Never before have so many groups with such divergent viewpoints come together on behalf of children with disabilities. I hope the result is an ongoing dialog and continuing effort to meet the needs of our children.

I have strong letters of support for the bill from the National School Boards Association and the National Association of Elementary School Principals. They term this legislation an "excellent step" and a bill which "contains many improvements and reforms that will improve services for students with disabilities." I would ask that they be entered in the RECORD.

The changes in the IDEA Improvement Act will have a real and positive impact on the lives of millions of students with disabilities. When enacted, the bill will help children with disabilities learn more and learn better, which should be the ultimate test of any education law. Students with disabilities will now be expected, to the maximum extent possible, to meet the same high educational expectations which have been set for all students by States and local schools. There will be an emphasis on what works instead of filling out paperwork. No longer will teachers be forced to complete massive piles of unnecessary, federally required forms and data collection sheets. These changes will mean more time for teachers to dedicate to their students, and fewer resources wasted on process for its own sake.

The IDEA Improvement Act will help cut costly referrals to special education by emphasizing basic academics in the general education classroom. In the 1993–94 school year, 2.44 million of our Nation's 4.79 million special education children were there because they have learning disabilities. Many of these problems could be addressed with better academics in the early grades.

The IDEA Improvement Act has addressed this issue in several ways. First, following every evaluation of a child for special education services, school personnel will need to consider whether the child's problems are the result of lack of previous instruction. Too often, children whose primary problems result from a lack of reading skills enter special education because their problem was not properly addressed with basic academics. This change will result in fewer children being improperly identified as disabled because their actual need, lack of skills, will be noted and addressed in a general education setting.

Second, the bill's discretionary training program will provide necessary training for general education teachers that is not being provided today. Current federal training grant programs ultimately focus their resources on preservice for special education teachers, because universities that receive the grants are deciding what the priorities for training are. While such training is important, where local teachers and schools are given the opportunity to decide what priorities are most important, they consistently cite in-service training, particularly for general education teachers, and pre-service training for early grade general education and reading teachers. This bill will refocus Federal efforts by putting the decision making power with States and local schools, who are in a better position to recognize and serve their local needs. This will mean teachers with better skills in the critical early grades, which will lead to better taught children and ultimately, fewer special education referrals.

Third, the IDEA Improvement Act will eliminate many of the financial incentives for overidentifying children as disabled. The change in the Federal formula, which I will talk about shortly, will reduce the Federal bonus for identifying additional children as disabled. Hopefully, States will follow suit, moving toward similar formulas. The legislation will also ensure that States do not use placement-drive funding formulas that tie funds to physical location of the child. Such incentives encourage children to be placed in more restrictive settings, from which they are less likely to ever leave. They also encourage placement in special education in the first place, particularly children with mild disabilities that might best be served in general education classrooms with more assistance, instead of separate classrooms.

The legislation will also help ensure that assignment to special education is not permanent. Children are often referred to special education in early grades and then never leave. Part of the problem lies with the child not keeping pace academically with their peers. Special education plans often have no link to the general curriculum. Therefore, children remain in special education because they lose contact with what other children their age are learning and can no longer keep up. This legislation will ensure that the general curriculum is part of every child's individualized education program [IEP] or justified why it is not.

The bill will assure parents' ability to participate in key decision-making meetings about their children's education and they will have better access to school records. They will also be updated no less regularly than the parents of nondisabled students through parent-teacher conferences and report cards. Parents will be in a better position to know about their child's education, and will be able to ensure that their views are part of the IEP team's decision making process.

The bill ensures that States will offer mediation services to resolve disputes. Mediation has proved successful in the nearly three-quarters of the States that have adopted it. This change will encourage parents and schools to work out differences in a less adversarial manner. The bill will also eliminate attorney's fees for participating in IEP meetings, unless they have been ordered to by a court or hearing officer. The purpose of this change is to return IEP meetings to their original purpose, discussing the child's needs.

Our legislation will reduce litigation under IDEA by ensuring that schools have proper notice of a parent's concerns prior to a due process action commencing. In cases where parents and schools disagree with the child's IEP, the school will have real notice of the parent's concerns prior to due process. We hope that this will lead to earlier resolution of such disputes without actual due process or litigation.

Local principals and school administrators will be given more flexibility. There will be simplified accounting and flexibility in local planning. No longer will accounting rules prevent even incidental benefits to other, nondisabled children for fear of lost Federal funding.

The bill will make schools safer for all students, disabled and nondisabled, and for their teachers. Expanding upon current procedures for students with firearms, we will enable schools to quickly remove violent students and those who bring weapons or drugs to school, regardless of their disability status. The bill will ensure that such children can quickly be moved to alternative placements for 45 days, during which time the child's teachers, principal, and parents can decide what changes, if any, should be made to the child's IEP and placement.

The legislation will also ensure that disability status will not affect the school's general disciplinary procedures where appropriate. In discipline cases, the child's individualized education program team will determine whether the child's actions were a manifestation of his or her disability. If they were not, schools will need to take the same action with disabled children as they would with any other child. This would include expulsion in weapons and drug cases where that is permitted by local or State law.

Part C, the infants and toddlers program, has been changed to strengthen the intent of past Congresses to promote early intervention services to infants and toddlers in natural environments. Under this bill, State policies and procedures implementing this program will direct the provision of services in natural settings. This requirement will not mean that all services, such as physical therapy, must be provided in the child's home. Rather, if the infant's or toddler's IFSP team chooses to provide services in a more restrictive setting, the child's individualized family services plan will need to justify why this location is most appropriate.

Early intervention services were not intended to be provided using a medical model. Early intervention services should enhance the learning and development of the infant or toddler with a disability, and the ability of the family to meet the special needs of their child. Center or clinic based programs are very expensive. This emphasis on natural settings, besides being the most appropriate location for providing services to infants and toddlers, will lower the costs for the States as they implement these changes. The issue of where services will be provided and the costs relating to the different choices is one which will continue to be worked out as we proceed to conference.

Finally, I would like to talk about the formula which will determine how much of the Federal appropriation each State will receive. Let me say first of all no State will lose funds for 2 years; 49 States lose no funds through the first 5 years of the transition to the new formula. This bill moves from allocating funds to the States based on a child count of children with disabilities to a population-based formula with a factor for poverty. The new formula is based 85 percent on the number in the State and 15 percent on State poverty statistics. This is a major step in the move to reduce the overidentification of children as disabled, particularly African-American males who have been pushed into the special education system in disproportionate numbers.

The Clinton administration recognized the problem with the current system in its bill, suggesting a population-based formula with future funding. Many of my Democrat colleagues also recognized the importance of this change when they introduced that bill last year as H.R. 1986. In 1994, the Department of Education's Inspector General recommended changing the formula exactly as we have changed it in this bill. They called the current formula a bounty system that encourages putting children in special education when they should not be.

Obviously, when a change this large is undertaken, some States will gain in the count and others will be reduced. In an effort to hold the negative impact on States to a minimum, the first 10-percent of the funds which a State would lose will be held harmless. In effect this means that during the transition to the new formula, any State which loses 10 percent or less will see no reduction in funding. Those States that would lose more than 10 percent are held harmless for that 10 percent. For example, if a State's 1996 allocation were to be $120 million, and the transition formula would allocate $104 million to the State in 2002, that State would still receive $116 million; that is, the $104 million allocation plus 10 percent of the 1996 allocation, which amounts to $12 million.

Aside from the part C and funding formula changes, there are several other small and technical changes in today's bill from the bill reported out of committee last month. These include: noting the role of education service agencies in the findings and purposes, and updating some of the statistics used in the findings; ensuring that knowledge about the child or special expertise is required to be on the IEP team, not special knowledge or special expertise; properly placing one of Mr. MILLER's markup amendments within the procedural safeguards section; making the language in Mrs. MINK's amendment consistent with the terms used in the bill; ensuring that the professional standards suspension provision only applies to the highest standard provision, not to all professional standards; ensuring that the Secretary has the authority to actually make awards and grants under part D, subpart 1; and making technical and cross-reference changes to implement the intent of the bill.

Before I conclude, I want to note that this legislation represents over a year of hard work by the members of this committee. But I would like to thank one colleague in particular for his dedication to this bill. Subcommittee Chairman

DUKE CUNNINGHAM has led this bill through its year long journey to our vote today. He has dedicated many hours to crafting an outstanding piece of intricate and comprehensive legislation. Mr. CUNNINGHAM has my sincere thanks.

I also want to thank Mr. GREENWOOD, Mr. GUNDERSON, Mr. TALENT, Mr. SOUDER, Mr. RIGGS, Mr. CLAY, Mr. KILDEE, Mr. MILLER, and all the others who have worked in a bipartisan manner to improve the IDEA.

The IDEA Improvement Act is the most important change to the America's special education system since the passage of Public Law 94–142 in 1975. Overall, America's special education system as it has been structured has not accomplished what is necessary to educate our children with disabilities. There is broad agreement on the need to change. Results are important. Accountability is important. I believe this bill will help give America's children with disabilities what they were promised 21 years ago: the real opportunity to receive a quality public education.

Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 3268, the IDEA Improvement Act of 1996, and urge my colleagues in the House to do the same.

This is a relatively young law. In fact, we have recently celebrated the 20th anniversary of the historic enactment of this bill. It seems almost impossible to imagine, Mr. Speaker, that just two short decades ago children were routinely excluded from one of our most important institutions in this country, public schools. IDEA and the improvements we are proposing to make in this reauthorization are among the proudest legacies of this Congress and our committee. And let me say to my good friend, the gentleman from Pennsylvania [Mr. GOODLING], that although this has been sometimes a very difficult process, it has been a very productive process, and I want to thank the gentleman for his patience and his determination, that we designed a reauthorization bill that could gain bipartisan support.

I would also like to thank my subcommittee chairman, the gentleman from California, Mr. DUKE CUNNINGHAM, who is tireless in his desire to find common ground between a myriad of conflicting viewpoints and approaches.

Finally, I would like to express my gratitude to the participants of the IDEA consensus group for their remarkable devotion to the children and families served by this law. This law is as virtuous as it is because of them, and I thank them for the hundreds of hours they committed to helping us fashion a proposal which we have before us today.

I would like to say a word about one of the improvements in this bill. When this bill is signed into law it will require new interagency agreements that will provide a means of improving related services to disabled students by sharing costs across the widest possible fiscal base. There are many Federal, State, county, and municipal agencies that could provide related services for disabled students, but currently do not. The principal reason why all appropriate agencies do not provide such services is that those served by special education are considered the sole responsibility of the public school system. I think that it makes both fiscal and programmatic sense to involve all services providers while maintaining the current seamless delivery systems in schools.

Public school systems now shoulder the fiscal responsibility for special education. As the cost of health care has continued to rise, the absence of an effective cost-sharing mechanism has unfairly focused attention on the costs of special education. Relying on local school budgets for the cost of health, mental health, and social services causes needless conflict with parents over the scope of services and the cuts in programs for both disabled and nondisabled students.

According to a recent editorial in Education Week, special education costs now are about $35 billion nationally. By some estimates a full 6 billion of those costs could be shared. That is only a fraction of total local, State, and Federal spending on health care and social and mental health services, but it is a huge amount for local schools.

And before I yield, I want to thank the administration for providing the blueprint for this proposal. Importantly, the bill will refocus the provision of services under IDEA towards improving educational results by promoting greater participation in the general curriculum an the assessments that measure student progress and by affirming that school reform efforts must include children with disabilities.

The bill also promotes improvements in teaching and learning in two ways: through a strong commitment to providing teachers and families with the tools and training they will need to improve achievement; and, second, by reducing administrative burdens at all levels and increasing administrative flexibility. We are sending a signal to schools that we want better results for children, not unread paperwork.

I want to thank the chairman for his great work on this bill, and I want to thank also the subcommittee chairman, the gentleman from California, Mr. DUKE CUNNINGHAM, and I want to thank their staff also, especially, Sally Lovejoy, Todd Jones, and Doris Husted, along with Sarah Davis and Melissia Benton on our staff. Their prodigious effort really has been instrumental and essential in writing this bill. We at times had points in this bill where we thought we could go no further, but because of their patience and their tenacity and that of DUKE CUNNINGHAM and the good work between our staffs, we were able to write a bill that we can be proud of, and I want to thank all those involved in that.

Madam Speaker, I yield such time as he may consume to the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Madam Speaker, today, we debate the Individuals With Disabilities Education Act which mandates a free appropriate public education for children with disabilities and provides Federal funding to State and local education agencies in helping to meet this goal. IDEA is the main Federal law intended to support and improve early intervention and special education for infants, toddlers, children, and youth with disabilities. The centerpiece of IDEA is the Grants to States Program that assists States to serve school age children with disabilities.

The legislation we debate today is comprehensive. However, the two issues which I will address in my time allotted are first, cessation of services for disabled students, and second, the streamlining of special purpose programs under IDEA.

The first issue is the cessation of services for disabled students. In other words, the issue is whether a disabled school-age student can be expelled from school indefinitely without educational services for certain unacceptable behavior. The cessation of educational services to children with disabilities is one of the most controversial changes to IDEA. Current law allows schools to use disciplinary procedures on children with disabilities, including expulsion, but these procedures cannot result in a cessation of services. This is an issue which received considerable and contentious debate and discussion during deliberations on this legislation.

To set this issue in perspective, current law permits the school to suspend a child for up to 10 school days whenever a student poses an immediate threat to the safety of others. Further, if a child with a disability is determined to have brought a firearm to school, the child may be placed in an interim alternative education setting in accordance with State law, for not more than 45 days.

The Senate reported bill contains language which permits the child to be placed in an interim alternative educational setting for 35 days if a child with a disability has a dangerous weapon in his/her possession, engages in the illegal use, possession, or distribution of drugs, or engages in behavior that results in or is substantially likely to result in serious bodily injury. The Senate provision could result in the student being expelled without follow-up services if the behavior relates to weapons or drugs or was found to be unrelated to the child's disability.

The result of the House provisions as it relates to disciplinary measures is that students whose actions are found to be unrelated to their disability may be expelled without services for weapons and illegal drug cases if so provided by State law.

Federal law is supporting the expulsion of school-age students from school indefinitely without providing some type of alternative

services. Without special services, the outcomes for children with disabilities in this situation are much worse than for children without disabilities. When we sanction this in Federal law, we are supporting the cessation of education services to students with disabilities who are the most vulnerable.

The question is are we mandating a disservice to students and/or to society when we permit school-age students to be thrown into the streets without any alternative placement? Are we simply creating a worse criminal law problem later?

Although there has been a frequent reference to the minuscule number of student affected by this change, our concern is that any number is too many.

I intend to carefully follow the implementation of this legislation and carefully follow the result of this provision.

An additional issue that I will address is the streamlining of the special purpose programs under IDEA. Currently, under IDEA, there are 14 special purpose programs that authorize discretionary grants to support early intervention and special education research, demonstration projects, teacher training, and information dissemination. The House bill would consolidate these 14 programs into 4.

The concern is that support for certain vital functions might be lost in the transition to the four new progams. The Federal role in the area of early intervention and special education research and development, without question, has led to improved outcomes for children with disabilities. Although specific program headings will disappear in the new legislation, that should not suggest that our work is done in these areas. The education of students with disabilities will not improve without a strong Federal role that advances the knowledge base and tools of educators.

I urge my colleagues to very carefully consider this legislation.

Mr. GOODLING. Madam Speaker, I yield 6 minutes to the "DUKE" from California, Mr. CUNNINGHAM, the subcommittee chairman who piloted this through his subcommittee.

Mr. CUNNINGHAM. That is the California DUKE, not the Louisiana Duke, Madam Speaker.

Madam Speaker, can our colleagues imagine having a child with disabilities and no place to go, that the school refuses to teach that child, and they have no hope that that child will have a bite at the American dream? Well over 21 years ago, Madam Speaker, there was a program established to address this problem, IDEA. And it is said, well, why fix a program that is working good? First of all, IDEA was up for reauthorization. And today we live in a computer age. We do not use typewriters. It is time for a new approach, and like each bill that comes before us, the direction that we set forth was to try and do this in a bipartisan manner.

I want to thank my colleague, the gentleman from Michigan [Mr. KILDEE]. When he was the chairman of my subcommittee, he was very fair and worked very closely with me, as he does now as ranking member.

Second, I would like to thank the gentleman from Pennsylvania [Mr. GOODLING]. As chairman, he led well. He did not micromanage. He gave me the reins that I needed to be able to go forth.

I would like to thank especially the California legislature and all the principals and superintendents that I had meetings and hearings with on this bill. On IDEA, I had more meetings than I have had on national security. My colleagues cannot realize the different interest groups that come into play. And to get a consensus of teachers, of schools, and parents on a bill like this has been very, very difficult and very trying.

But we have done it. And I think that the reauthorization and the improvement of this act is going to help children.

First priority was to help schools achieve more of their budgetary accounts toward special-education children. Many of the procedures that schools were forced to go through, along with lawsuits and the dollars going to lawyers and paperwork, were taking away from the actual dollars that we wanted to focus to kids. So we set forth and tried to resolve that problem.

We wanted to allow schools to function well, and serve not only special education children, but all children better, so that those dollars were not taken away. In many cases today, we would have lengthy litigation. In California there is one case where over $1 million dollars was taken away from the school system through unwise litigation. We resolved that problem, and we got the consensus of both the parent groups and the schools. That was difficult.

Madam Speaker, I do not know if our colleagues have ever taken a dirt clod and thrown it at a wasps' nest. But all the little wasps, when you do that, start dancing around, and they are going to sting. When we take a look at the challenges present in IDEA and the problems that we have gone through in bringing this bill to the floor, I think we have done a pretty good job.

We found that school boards did not know what their responsibilities were, teachers did not know what their responsibilities were, and parents did not always know what the law entailed and were trying to overprescribe special-education requirements to the schools. In the end, it resulted in a lot of lawsuits to the schools.

So what did we do? We said in the first due process meeting between a parent and a school that a lawyer cannot be present. Because if there is a lawyer there, the school has got to have one, and that takes dollars away from the system. So at this first due process meeting, we try and encourage mediation where two people or two groups can sit down and save the focus and save the dollars to go back into the education of children.

Madam Speaker, I know there are a couple of other speakers that wanted to speak. And I know the gentlewoman from Maryland [Mrs. MORELLA] did. I will submit the rest of this for the RECORD. In this bill, we replace confusion with clarity and simplicity. I think it is a great improvement. I could not have done that without the gentleman from Michigan [Mr. KILDEE], through his guidance. And I could not have done it without the leadership of my chairman, the gentleman from Pennsylvania [Mr. GOODLING]. We have prepared here to thank the staffs and the different people; the other Members have already done that so I will not say that again. But I will submit it for the RECORD.

I urge all Members to support the IDEA Improvement Act.

Mr. Speaker and Chairman GOODLING, thank you for recognizing me in support of my bill, the IDEA Improvement Act.

This legislation is based upon one principle: That children with disabilities deserve a fighting chance to grow up and achieve the American dream. And to have that fighting chance, children need an excellent education.

So a year and a half ago, we set out to make the Nation's special education law better. America has had a national special education law for 21 years. By many measures, it has succeeded. Children who were regarded as helpless now receive an education. Families who were powerless to get schooling for their children now get it. And schools who lacked direction in how to provide special education now have it.

But we can do better. It's taken many meetings, and a lot of time. But with the agreement of Republicans and Democrats, families and educators, we have done better for our schools and for our Nation's children. Together, we have developed the first comprehensive reform of our Nation's special education law. We have made it better for our children with disabilities. And we have improved schools' ability to run the program.

Chairman GOODLING has outlined this legislation in detail. Let me highlight four areas which I find particularly important.

First, we believe it is important for schools and families to focus on quality education, instead of bureaucratic paperwork. So we have made several improvements in the IEP, the Individualized Education Program that is required for every child with a disability. For the first time, the IEP must focus on the educational progress of the child, not merely list pre-programmed services.

Second, we believe it is important to make every special education dollar count. Every dollar that pays for attorneys or unnecessary paperwork is a dollar that cannot buy a book, pay a teacher, or educate a child. So where there is disagreement between families and schools over how to best educate a child with a disability, we strongly encourage them to work it out through mediation.

Third, we believe we must restore fairness to the distribution of Federal money under IDEA. While the current formula was written

for a good reason, problems have arisen. The Department of Education inspector general found that some States over identify children into special education, and get more than their fair share of Federal money. That's not right. So we gradually transition away from that unfair formula, toward one based upon population, a small poverty factor, and a hold harmless for several affected States. I agree that Congress should provide more funding for local schools to meet this mandate. And I have joined several other Members in requesting it.

And fourth, is the issue of discipline. Under the law today, there is disagreement and confusion among schools and families, over how and when to discipline children with disabilities. This is particularly tough in the most difficult and violent cases. But we replace confusion with clarity and simplicity. We ensure safe classrooms and safe schools. And we maintain agreed-upon procedural safeguards for children with disabilities.

We have made many other improvements in the IDEA Improvement Act, such as consolidating and focusing programs, and reforming professional development for teachers. We have simplified our schools's administration of special education.

But everything we have done returns to this one principle: That children with disabilities deserve an excellent education, so they have a fighting chance at the American dream.

Because in America, children with learning disabilities should discover the world of reading. Children with emotional disturbances should acquire the confidence they need through learning and achievement. Children who were once thought to be helpless should grow to become active, working, and productive citizens of our communities. In America, the best Nation on Earth, we can and do work together to make things better.

I would like to thank my chairman, BILL GOODLING, for his leadership, and for working closely together with me on this bill. My Youth Subcommittee's ranking member, DALE KILDEE, proved his friendship again, as a friend of mine and a friend of our Nation's children.

I also would like to recognize: Todd Jones, Doris Husted, and Sally Lovejoy from the committee majority staff, Frank Purcell of my personal staff, Sara Platt Davis of the committee minority staff, Steve Aleman from CRS, legislative counsels Susan Fleishmann and Mark Synnes and all the representatives of schools, teachers, and families of children with disabilities, whose time and contributions to this effort made the IDEA Improvement Act possible. Thank you.

I urge all Members to support the IDEA Improvement Act.

Mr. KILDEE. Madam Speaker, I yield 5 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Madam Speaker, I appreciate the opportunity to speak in support of this important legislation. I appreciate all of the hard work that has been done on both sides of the aisle to make this reauthorization a bipartisan effort. I think it is very important that we make changes to this law, and I know there are some positive changes in this bill. I would just like to take a second and remind folks of the progress that the Individuals With Disabilities Education Act has made during the past 20 years.

In 1974, before the passage of IDEA, there were 70,655 children living in State institutions compared to 4,000 children in 1994. In 1994, the average State institution expenditure was $82,256 per child. So it is clear that this law is saving the Government and taxpayers an awful lot of money.

The number of students with disabilities completing high school with a diploma or certificate increased from 55 percent in 1984 10 years ago to 64 percent in 1992.

According to a Harris poll, 44 percent of all people with disabilities have some college education today, compared to only 29 percent in 1986. Forty-seven percent of people without disabilities have some college education.

Fifty-seven percent of youth with disabilities are competitively employed within 5 years of leaving school today, compared to an employment rate of only 33 percent for older people with disabilities who have not benefited from IDEA.

So it is clear this law is having a tremendous positive effect on the lives of individuals with disabilities, and I am supportive of continuing to make changes that strengthen the IEP process and involve regular education teachers and parents; coordinating education with health and social services; ensuring mediation is available to parents; and reducing some of the Federal burden on local school districts.

By and large, I feel that we have made a great deal of progress on this legislation and I appreciate the bipartisan work that has been done to this end to strengthen the personnel standards provisions, eliminate the part H demonstration proposal, and strengthen the manifestation determination process. I do, still have a couple of concerns that I hope can be resolved during conference.

Specifically I am still uncomfortable with the formula change and I would like to go on record in support of current law.

Twenty years ago, when this law was adopted, Congress found that 1 million children with disabilities were participating in regular school programs, but because their disabilities were undetected, they were prevented from having a successful school experience.

This was the critical reason that Congress decided to base the IDEA formula on the numbers of students identified with disabilities, a law guaranteeing the free and appropriate education for these children, must have some mechanism for ensuring that children with disabilities are identified and served.

In my State, 7 percent of the population is Native American. With 50,000 native people and nearly 8,000 native children spread throughout 7 reservations in very remote locations, it is extremely difficult to find children with disabilities in these areas. It is critical for Montana to have its State allocation based on the number of students with disabilities so that there is some incentive to reach out to this population and find those kids in desperate need of services.

I have heard the argument that this formula may create some situations of overidentification in some areas or populations. But, it just does not make sense to me. If a State identifies a child with disabilities, they must then serve that child, and the Federal Government is not giving them nearly enough money to provide those services.

I also have concerns that time is running short on getting this legislation through conference committee. The Senate is adamantly opposed to this change and we do not have the time to engage in a formula fight.

I am also still very concerned to see this Congress moving in the direction of ceasing educational services for disabled children under certain circumstances. Cessation of services for any student with disabilities is simply not necessary to ensure the goal of school safety. The bill before us today already allows for the following actions to be taken for students who have engaged in serious misconduct involving weapons, drugs, or misbehavior causing serious injury: Students can be immediately suspended from school for up to 10 school days—2 weeks; school personnel can order a change in placement of the child to an interim alternative placement for an additional 45 school days—9 weeks. During this time, the school can review the child's placement, services, recommend changes in placement after the 45-day period concludes, or subject the child to other disciplinary procedures.

I support these provisions, but fail to see how the cessation of educational services will result in anything other than harming our students with disabilities.

It is important to consider the real life impact that cessation will have on these children as we consider changing a long-standing Federal commitment to educating children with disabilities.

Students with disabilities who are expelled or suspended under current law are typically kids with learning disabilities or emotional problems. Research tells us that these are kids whose long-term prospects are very grim if they are separated from all educational services.

The majority of kids with these disabilities who drop out of school are arrested. Their prospects for employment are poor. And, the odds are stacked against them for ever succeeding in the long-run.

If we really care about our communities, and safe schools, we should be

investing in continuing the services these individuals need to become good citizens, not cutting off any chance of beating the odds.

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Mr. GOODLING. Madam Speaker, I encourage my colleague, the gentleman from Montana [Mr. WILLIAMS], to look at the new formula, and hopefully, since that is the direction the administration wanted to go, we can do something different than the Senate has done.

Madam Speaker, I yield 2 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Madam Speaker, I thank the gentleman for yielding me the time.

Madam Speaker, I rise in praise of Congressmen BILL GOODLING, RANDY CUNNINGHAM, and DALE KILDEE, and all of the members of the Committee on Economic and Educational Opportunities for moving IDEA to the House floor. This is a very important piece of legislation that must be reauthorized this year. IDEA has made it possible for millions of children and youth with disabilities to gain an education. IDEA has enabled millions of children to grow up to become productive and contributing members of society.

Let me share with you the story of Cecilia Pauley. Cecilia was born with Down's syndrome. She has loving parents and brothers and sisters who give her their time and attention, and have helped her with her school work.

Cecilia attends a regular high school in Montgomery County, MD. She has been an inspiration to other students at the school. She works in the school nurse's office, and next year she will start college. Cecilia gives many speeches to large groups, and she inspires others to work up to their potential. Without IDEA, Cecilia could not have succeeded.

Last week, I spoke at the graduation of two students at Stephen Knolls School in Montgomery County, MD—a school for multiply disabled. Anthony Barbaro and Laurie Springer and their families were uplifted by such caring education. They learned life skills. Principal Jane Jackson and staff are committed to the program.

As a former teacher, I remember the days when, only two decades ago, disabled children were unserved and underserved. At a time when we, as a Nation, are upgrading our system of education to make our students more competitive globally, we cannot afford to lower our standards for any segment of our student population.

Again, I commend Mr. CUNNINGHAM and Mr. GOODLING for their excellent work in bringing this bill to the House floor.

Mr. KILDEE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would like to also thank people from the department who played a very important role in this: Judy Heuman, Tom Hehir, Carol Cichowski, Paul Riddle, Patricia Leahy, Theta Zwesa, Susan Craig, Judy Wurtzel, Connie Garner, and Susan Leonard.

Madam Speaker, I yield 3 minutes to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Madam Speaker, I thank the gentleman for yielding time to me.

Madam Speaker, I too would like to join in some of the accolades and in commending the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from California [Mr. CUNNINGHAM] on the Republican side, and the gentleman from Michigan [Mr. KILDEE] and the gentleman from California [Mr. CLAY] on the Democratic side; for this, truly, is legislation that has taken educational opportunities to equality for maybe young people that were not being served and were virtually being ignored. This is important legislation because this legislation will bring the sense of not just empathy to so many disabled young people, but efficiency to so many of these young people seeking an education, seeking to better themselves.

Madam Speaker, we would think that with all these accolades, that this would be perfect legislation. I do not think that this body has ever dealt with perfect legislation. I would just point out one particular area of deep concern to me and why I think we need to continue to move this legislation in conference into a more fair manner in terms of the funding formula.

Historically we have based our funding formula under IDEA on the basis of targeting it to those individuals who are disabled. When we marked this bill up in committee, a State like Indiana lost about 22 percent of its funds not because we had a number of disabled people move out of our State and go to more populous States. We still have the same number of disabled; but many of these moneys now are being moved to more populous States because the formula has shifted from targeted to people with disabilities to targeted to States with bigger populations.

Madam Speaker, while I recognize the chairman, in improving this bill and going from about a 22 percent loss in the State of Indiana, he now has incorporated the hold-harmless provision, we now go to about 11 percent loss. I would encourage him, and I hope to work with him in conference so that I might represent my State in committee, in conference, and work to improve the formula so that it is judicious, it is fair to disabled children whether they live in South Bend, IN, or Sacramento, CA. We have to make sure they get these services.

Madam Speaker, just as a final example, if we were doing wetlands legislation on the House floor, we would not target the wetlands legislation to the most populous States or base it upon population. We would say where are the wetlands? Are they in Indiana, or are more of them in the South or the North? This formula should not be based upon population, because each and every one of these disabled children deserves the equal opportunity to education that this reauthorization bill will bring to them. I encourage more movement toward a newer formula that is fair to all children.

Mr. GOODLING. Madam Speaker, I yield myself 30 seconds.

I would indicate, Madam Speaker, that the gentleman's State of Indiana will not lose any money for 5 years under this bill, and probably will ultimately not lose any money because of increasing appropriations. What we are trying to do in this bill is stop overidentification of children with disabilities and just serve those who really have disabilities. With this bill, we will eliminate the financial incentives for placing children into special education when they do not actually have disabilities. It is unfair to those children who, as I indicated earlier, are often black male children.

But to ensure that education is not disrupted, this bill provides that 49 States lose nothing for 5 years and probably nothing ever as we increase the amount of money appropriated under this bill.

Mr. MILLER of California. Madam Speaker, I would like to express my qualified support for H.R. 3268, the IDEA Improvement Act of 1996. While this bill makes some important changes in the 20-year-old law providing special education and related services to 5.8 million disabled children and youth, I have some serious reservations about several aspects of the bill. Nonetheless, I believe it is very important to move this legislation forward with the hopes that some of my remaining concerns will be satisfactorily resolved in conference with the Senate.

I would like to especially thank Chairman GOODLING for the spirit of bipartisanship that marked the latter days of our negotiations over this bill. The majority came a very long way in accommodating concerns that I shared with other members of the minority on the Opportunities Committee as well as with the parent, disability, and education groups that have such a vital stake in the future of IDEA.

This legislation contains a number of provisions, many of which were taken from the administration bill, that will improve IDEA and bring the education of disabled children into the 21st century. These include requirements that schools hold disabled students to the highest possible standards and that they be accountable for educational results. The education of disabled children must be part and parcel of school reform. The bill also strengthens and improves provisions relating to the evaluation of disabled children and development of their individualized education programs, [IEP] to promote the participation of

the child in the general curriculum while ensuring that the range of necessary services to address that child's needs remain available. I believe that provisions making the classroom teacher a fuller participant in the design as well as the implementation of the child's program are particularly valuable.

In this regard, amendments added in committee by Mrs. MINK and Mr. GREENWOOD are well-crafted responses to concerns about disruptive disabled students that should ensure that the classroom teacher's concerns are taken into consideration. These amendments rightfully place the responsibility for addressing the disruptive disabled student in the IEP process. The purpose is to ensure that children with behavioral problems receive the proper support and services. It is imperative, however, that children with disabilities not be considered disruptive based on a lack of understanding of the nature of the disability or its effect on behavior, disruption caused by devices, accessibility, auxiliary aides, or services used by the child, a failure to provide services, including behavioral management, or behavior inherent to the disability itself, such as seizures.

I have been particularly concerned about changes affecting due process rights of children under IDEA, those core protections that make this law work and provide the key balance of interests between parents and school districts. While I am pleased that a number of changes were accepted by the majority that increase my comfort level, including my amendments increasing due process protections for children who face cessation of services as a result of disciplinary actions, I remain troubled about several remaining issues.

First and foremost is that the bill authorizes States to cease services for disabled children as a disciplinary measure, albeit on a highly restricted basis. This is wrong and the vast majority of education and disability groups agree. In California, the legislature recently passed a law that requires the provision of educational services to all expelled students. If the California Legislature can conclude that this sound educational and social policy does not compromise school safety then Congress should. Unfortunately, the Senate bill gives us no leeway to change this provision.

Second, I believe that when an offense that will result in serious disciplinary action is the least bit subjective, only an objective party—a hearing officer—should have the authority to order a change in placement. The bill allows a principal to change a disabled child's placement for up to 55 schooldays under the loosely defined category serious injury, which means, among other things a verbal assault. Not only does this definition need to be tightened up, but the decision to change placement should certainly be that of a hearing officer rather than a school official.

There are other areas I would like to see addressed in conference. For example, I am not convinced that a change in the interstate formula is merited or will resolve problems with overidentification. I do think that schools need to have a certain stake in child-find and that the current child-based formula provides this. I am also concerned about provisions allowing personnel standards to be waived, and would prefer to see the issue of personnel shortages to be handled with measures to increase the capacity of States to meet personnel needs. I am also very concerned that critical technological research and development for disabled children will come to a halt with the bill's ending discretionary authorities for such activities.

We will have the opportunity to address most of these issues in conference, and it is with this confidence that I urge my colleagues to support this bill.

Mr. GILMAN. Madam Speaker, I rise today in support of the Individuals with Disabilities Education Improvement Act [IDEA] and commend its sponsor, the distinguished chairman of the Subcommittee on Early Childhood, Youth and Families, Mr. CUNNINGHAM, and the distinguished chairman of the Committee on Economic and Educational Opportunities, Mr. GOODLING, for all of their diligent work in bringing this important bipartisan legislation to the floor.

This measure effectively incorporates numerous initiatives that have been proposed by educators and school board members in my district. This bill seeks to give the classroom teacher the ability to maintain adequate discipline with regard to special education students. While previous law prohibited a school from suspending or expelling a disabled student for more than 10 days, except in the situation where the student has brought a gun to school, this bill provides for removal to an alternative placement for students who bring weapons to school, bring illegal drugs to school or illegally distribute legal drugs in schools, students who engage in assault or battery, and students, who by proof of substantial evidence present a danger to himself or others. I believe that this bill effectively addresses that issue of classroom safety, while still maintaining protection for the students against arbitrary placement changes.

Furthermore this measure requires States to make mediation available to school authorities and parents who disagree over a disabled student's educational plan, instead of forcing the parties to move their dispute into the court. It is our hope that an increase in the use of mediation will reduce the acrimony involved in these disputes and will save money that has in the past been spent on attorney fees. Furthermore it is my hope that the new formula changes phased in over 10 years will reduce over-identification and promote the effective use of government resources.

Accordingly, Mr. Speaker, I urge my colleagues to support this worthy measure to reform our Nation's special education programs.

Mr. FAWELL. Madam Speaker, I rise in support of H.R. 3268, the Individuals with Disabilities Education Act Improvement Act of 1996.

In 1975, the original version of the Individuals with Disabilities Education Act [IDEA] was signed into law. This comprehensive statute, ensuring the right of children with disabilities to a free, appropriate public education, has guaranteed that over 5 million children with disabilities are provided the services they need to reach their educational goals.

H.R. 3268 makes changes to provisions in IDEA which will improve the academic achievement of students by helping teachers identify classroom placements which most fit children's needs. The legislation will make necessary changes in provisions governing mediation and attorney's fees, ensuring that dollars for IDEA go to the education of children, not to court fees.

The IDEA Improvement Act has bipartisan support and incorporates a majority of recommendations formulated by a broad group of disability organizations, education groups, parent representatives, and others. I am pleased at the support for this historic civil rights law and the House's commitment to providing teachers and families with the tools and training they need to help disabled students succeed in school.

I commend Chairman BILL GOODLING, and Subcommittee Chairman DUKE CUNNINGHAM for their hard work on this bill, and urge the House's support.

Mrs. MINK of Hawaii. Madam Speaker, I rise today to express my support for H.R. 3268, which reauthorizes the Individuals With Disabilities Education Act. This is not a perfect bill. There are some provisions that I have concerns about, however, the bill does go a long way to improve the current act and I believe will in the end improve educational services for children with disabilities.

Since the enactment of the Education for All Handicapped Children Act in 1975, IDEA's predecessor, we have made tremendous strides in improving education for children with disabilities. This act, among other things, has stressed the importance of inclusion or mainstreaming children with disabilities into the regular classroom.

As more children with disabilities have been included in regular classroom instruction, however, regular education teachers have not always been given the appropriate training, supplementary aids and services, and support to best meet the educational needs of disabled children in their classrooms. In addition, regular education teachers have had very little input into the educational plan for disabled children, known as an Individualized Education Plan [IEP] required for each child covered under IDEA.

Ways to manage a child's behavior or even punish a child appropriately—if necessary—have not been clearly spelled out for regular education teachers. Can they use techniques used with other children? Are there special techniques to use for a particular disabled child? Many of these questions go unanswered and the regular education teacher often feels helpless to keep control over his/her classroom and appropriately deal with the child with a disability should the child act out, as all children tend to do from time to time.

This bill recognizes these problems that have developed as the educational setting for disabled children has changed, and makes several key changes to IDEA which will assure that the regular education teacher is a much greater participant in the development of a child's education plan, so teachers do not feel that their hands are tied when it comes to children with disabilities.

First, the bill includes the regular education classroom teacher as a member of the IEP team, and requires that this teacher participate in the development of the child's IEP. Second, the bill includes an amendment I authored which further clarifies that regular education teachers must be included in the development

of specific part of the IEP, including a behavioral management plan of a child, supplementary aids and services needed for that child to participate in a regular classroom, and other support for school personnel to assure appropriate services to a disabled child in a regular classroom.

Finally, another amendment added in committee requires that if a child with a disability has a pattern of severe disruptions within the classroom, the regular education teacher can convene an IEP team meeting and discuss what can be done, whether it is additional support and services in the classroom, or a change in placement for the child.

These are important changes that will go a long way in assuring that all those involved in the education of disabled children, special education teachers, parents, administrators, and regular education teachers will be included in the effort to provide the best education possible for children with disabilities.

Mrs. JOHNSON of Connecticut. Madam Speaker, I rise in strong support of H.R. 3268, the Individuals With Disabilities Education Improvement Act [IDEA] and commend Chairman GOODLING and Subcommittee Chairman CUNNINGHAM for their thoughtful, fair, and important work on this issue. I am pleased that this bill received strong bipartisan support from the committee and that a broad coalition of interested groups was able to work together in the development of this legislation.

I believe in the right of a child with a disability to a free, appropriate public education and I believe IDEA needed revision to assure the goals of our laws are achieved in a way that preserves opportunity for all and better reflects the advances that have been made in the area of special education. Also, we needed change so States can better manage the regulatory and financial burden of the current law so our resources can be more effectively focused on educational needs.

Unfortunately, schools have had to spend valuable time and resources dealing with discipline and litigation problems that are wasting valuable education dollars and preventing a fair and consistent approach to schools' efforts to develop personal discipline in students. H.R. 3268 will help address these issues in a positive way to benefit all students in the Nation's schools.

Mr. CASTLE. Madam Speaker, the Individuals With Disabilities Act has been in existence since 1975 to ensure that all children have access to a free and appropriate public education. Prior to the enactment of IDEA, disabled children were often denied adequate public education.

Some studies have found that more than one-half of the children with disabilities in the United States did not receive appropriate educational services prior to enactment of IDEA, and 1 million children with disabilities were excluded entirely from public schools. IDEA has successfully helped States provide quality education to millions of disabled students across America. This legislation is critically important to millions of disabled children in America, not to mention their families, their friends, and their teachers.

The bill updates IDEA for modern times, preserving its strengths and strengthening its weaknesses. For example, the bill makes IDEA more efficient by reducing redtape, while maintaining protections for disabled children. It makes schools safer by allowing schools to treat disabled children the same as nondisabled students where their behavior is not related to the child's disability. It increases parental involvement in key decisionmaking meetings about their child's education and placement. It provides teachers with the knowledge and training to effectively support students' learning. It gives States more flexibility in using resources. And it reduces the number of formal disputes by establishing premeditation systems where parties try to resolve their disagreements without lawyers.

The bill also tries to address the problem of children being improperly and overly identified as disabled by modifying the funding formula for part B, which is the centerpiece of IDEA. The current formula gives funds to States on the basis of the number of students who have been identified as disabled. The proposed formula gives funds to States based on the number of school-aged children in the State and State poverty statistics. The new formula is phased in over 10 years. This formula change is intended to discourage the overidentification of children with disabilities. I understand and support this policy objective. The proposed formula is more rational and meritorious than allowing local schools to identify disabled students.

I was concerned, however, that this formula would hurt States that legitimately had higher rates of disability. Fortunately, the Committee on Economic and Educational Opportunities recognized the importance of protecting States, including small States like Delaware. The formula has been modified to prevent States from facing significant funding reductions which could have hampered their ability to provide a free and appropriate public education to disabled children.

The committee had an important opportunity to improve IDEA and build on its previous successes, and it worked in a bipartisan manner to achieve this goal. I want to commend the committee leadership and staff for its excellent work in drafting this bill, and I urge my colleagues to give this bill their support.

Mr. SAWYER. Madam Speaker, I would like to begin by thanking Chairman GOODLING and Chairman CUNNINGHAM for their thoughtful work on this bill. IDEA is one law where common ground has always been possible, but never easy. Today, we are closer to that common ground than many thought probable a month ago. All of those who have had a hand in bringing us to this point deserve to be commended.

When the markup of this bill was originally scheduled in our committee, I was concerned that we would have come away with a bill that no one was happy with, and I hoped that a postponement would give us time to reach bipartisan consensus. I sent a letter to Chairman GOODLING explaining my concern. Chairman GOODLING did postpone the markup from its originally scheduled time and today, after many hours of productive negotiations among the various groups with an interest in this bill as well as among those of us on the committee, we have a bill which is in many ways better than some thought possible.

I am particularly pleased that the chairman decided to continue the authorization for a discretionary grant program for professional development as well as the requirement that States establish a comprehensive system of professional development. Although there are a few specific points that I hope we can clarify in conference negotiations with the Senate, it is important that we have included these two provisions.

I have always believed that a strong system of professional development will fortify this bill. With changing technologies, methods of teaching, and the emerging and changing needs of today's children, a strong system of professional development is essential. We need to focus on developing and maintaining a force of qualified personnel to teach children with a wide range of special needs. Especially recognizing the considerable shortages of qualified special education teachers in some areas of this country, it is crucial that we take the lead at the national level by placing a high priority on providing for quality systems of professional teacher development.

But professional development is not only important to maintaining a quality special education teaching force. Training and retraining is also necessary for teachers whose classroom management problems are complicated. Teachers in today's classrooms are addressing situations that they were never educated to deal with. I have every confidence that today's teachers can deal with these situations, but we need to recognize that they need and want the proper training to do so.

I am confident that classrooms can be better life-learning environments when they contain many different children with many unique qualities and talents. However, a solid system of professional skills development is the key to making these classrooms good learning and teaching environments for everyone involved.

This kind of comprehensive professional development is important on many levels. Our committee has had to balance questions of how to discipline children with disabilities in this bill, but I believe that this would not be such a prevalent issue if we had the resources to train teachers appropriately. Children whose needs are understood and accounted for, and teachers who are trained to manage special difficulties that arise, will need for the discipline provisions of this bill. I think we would all like to see that happen.

Along with professional development, another key to making this bill work well is the ability to assess children's needs properly. I offered an amendment at the full committee level that was designed to add to the definition of evaluation in this bill to ensure that children's needs are properly assessed with technically sound instruments in all areas of their suspected disability before any decisions are made about how and where they can learn best. I am grateful that with a small amount of rewording, the chairman and I were able to come to an agreement on this amendment. It is now a part of the bill before us today. This was a fine example of bipartisanship and a willingness to find common ground.

I know that this bill is not perfect in everyone's eyes, and I know that many of us have deep reservations about the Federal Government sanctioning cessation of educational services for any child. However, I think most of us now agree that it is a strong piece of

legislation that will go far to improve and enhance education for disabled children and learning environments for all children.

Thank you again to everyone who worked to make certain that the good that this law has done for disabled children over the past 20 years will continue.

Mrs. ROUKEMA. Mr. Speaker, I regret to say that I am opposed to this bill in its current form.

As a member of the Economic and Educational Opportunities Committee for the past 15 years who has been involved in similar special education reauthorization discussions, let me begin by commending full committee Chairman GOODLING and subcommittee Chairman CUNNINGHAM for their efforts to develop a compromise IDEA reauthorization bill that can be supported by a coalition of parent groups, disability groups, and school groups. In doing so, they have continued the bipartisan spirit that IDEA has always enjoyed.

With that said, I must express my strong disappointment with and opposition to the bill's funding formula. Although the formula has been modified to decrease disproportionate funding losses absorbed by States such as New Jersey, I do not believe that it goes far enough. While the changes to the funding formula represent progress, the formula itself will continue a funding war between the States. And, the victims will be the children.

The issues affecting the special education Federal funding formula are extremely complicated and State-specific. For example, there is disagreement among special education experts as to whether or not there is a correlation between poverty and disability incidence rate, which is why the administration's funding formula for new money does not include a poverty factor. A perfect example of this is suburban Detroit which, although it is the wealthiest district in Michigan, it has that State's highest identification level.

These are exactly the types of reasons that the Senate Labor Committee passed its IDEA reauthorization bill without changing the current formula, and why the Washington-based coalition of parent, disability and school groups decided to take no position on the current formula despite having taken a position on all other areas of this bill.

Everyone recognizes that there are problems with the current special education system, particularly those related to the overidentification of disabled students. That is why changes in current law included in this bill, such as placement-neutral funding, are so important. States and local education agencies that have experienced overidentification will be forced to re-evaluate their systems for identification and placement. However, these changes cannot take place overnight.

Because IDEA is a tremendous underfunded mandate, we have no justification for taking even more of this small pot of money away from States like New Jersey who have done nothing but comply with the statutory and regulatory requirements of IDEA.

Many advocates for IDEA reform truly believe that once children are classified as disabled they are committed to special education for life. Well, if this is the case, it does not matter how much more or less money flows to New Jersey, because we will still have 200,000 children in special education. And, because the law entitles each of these children to a free appropriate public education, the State and localities will have no choice but to find this additional shortfall of Federal money and provide the services required under the law.

In order to make sure that participating children receive adequate special education services, we must make every effort to employ professionals qualified to meet their needs. To that end, I have voiced my concerns about the bill's provisions on professional standards, and will continue to do so. The bottom line is that, without properly trained special education providers, disabled children dependent on such services will never obtain the education they need. When that happens, our special education system will have failed. However, I am confident that this will not happen, but that we will build on the many reforms of this bill by strengthening both the professional standards language and the funding formula in conference.

However, until these additional changes are made, I must oppose H.R. 3268.

Mrs. CHENOWETH. Mr. Speaker, today I rise in support of H.R. 3268, the IDEA Improvement Act of 1996. I have kept very close watch on this very important legislation because my personal concerns and the concerns of the countless idahoans who have contacted me with their deep interest in the need for IDEA. I am very pleased to see that the bill before us reflects a balanced approach that I am proud to support. The legislation gives proper consideration to both the needs of the individual children and the needs of public schools that educate our children.

This bill takes major steps to improve IDEA. It provides new flexibility to parents. Parents will now have a well defined roll in the placement team as well as the learning plan team. This enhancement of the parents' roll gives them better access to school records and offers mediation services to resolve disputes before court costs begin running up.

Another important step this bill takes is the assistance it provides to school principals with additional flexibility to the schools. This legislation provides for increased local funding, simplified accounting, and fewer paperwork and procedural requirements. Most importantly this legislation creates safer schools for all students, disabled and non-disabled, and for teachers. This is accomplished by expanding opportunities for teacher training, ensuring the inclusion of appropriate supportive aids and services in the child's educational program; and enabling principals to quickly remove violent students and those who bring weapons or drugs to school from their current classrooms.

Don't take my word for it, listen to the comments I have received from the following groups.

The American Federation of Teachers wrote me:

> The teachers are put in the best possible position to meet the needs of their students.

Idaho School Boards Association President-Elect, Vern Newby, wrote:

> The re-authorization, as proposed, is a step in the right direction. The primary consideration is that local School Boards do what is best for all the kids.

Idaho Parents Unlimited Executive Director, Debra Johnson wrote:

> We support H.R. 3268 and we appreciate your support of it as well. From the very beginning we have both agreed that maintaining a strong federal law that guarantees supports for students with disabilities is not only in Idaho's interest, it is in the nations best interest.

This legislation truly addresses the concerns that I have communicated to the Economic and Educational Opportunities Committee, and for that all of the committee members have my heartfelt thanks. I would especially like to thank Chairman GOODLING and Chairman CUNNINGHAM for their very good, hard work that made for a strong bill that I am proud to support.

I urge all of my colleagues from both sides of the aisle to join me in support for this greatly needed reform and re-authorization of IDEA. By voting "yes" we ensure that all children will have proper opportunities to excel in a stable learning environment.

Mr. KILDEE. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GOODLING. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Ms. GREENE of Utah). The question is on the motion offered by the gentleman from Pennsylvania [Mr. GOODLING] that the House suspend the rules and pass the bill, H.R. 3268, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GOODLING. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3268, IDEA Improvement Act of 1996.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

ANTARCTIC ENVIRONMENTAL PROTECTION ACT OF 1996

Mr. WALKER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3060) to implement the Protocol on Environmental Protection to the Antarctic Treaty.

The Clerk read as follows:

H.R. 3060

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 "Antarctic Environmental Protection Act of 1996".

TITLE I—AMENDMENTS TO THE ANTARCTIC CONSERVATION ACT OF 1978

SEC. 101. FINDINGS AND PURPOSE.

Section 2 of the Antarctic Conservation Act of 1978 (16 U.S.C. 2401) is amended to read as follows:

"SEC. 2. FINDINGS AND PURPOSE.

"(a) FINDINGS.—The Congress finds that the Antarctic Treaty and the Protocol on Environmental Protection to the Antarctic Treaty establish a firm foundation for the comprehensive protection of the Antarctic environment, the continuation of international cooperation, and the freedom of scientific investigation in Antarctica.

"(b) PURPOSE.—The purpose of this Act is to provide legislative authority to implement, with respect to the United States, the Protocol on Environmental Protection to the Antarctic Treaty.".

SEC. 102. DEFINITIONS.

Section 3 of the Antarctic Conservation Act of 1978 (16 U.S.C. 2402) is amended to read as follows:

"SEC. 3. DEFINITIONS.

"For purposes of this Act—

"(1) the term 'Administrator' means the Administrator of the Environmental Protection Agency;

"(2) the term 'Antarctica' means the area south of 60 degrees south latitude;

"(3) the term 'Antarctic Specially Protected Area' means an area identified as such pursuant to Annex V to the Protocol;

"(4) the term 'Director' means the Director of the National Science Foundation;

"(5) the term 'harmful interference' means—

"(A) flying or landing helicopters or other aircraft in a manner that disturbs concentrations of birds or seals;

"(B) using vehicles or vessels, including hovercraft and small boats, in a manner that disturbs concentrations of birds or seals;

"(C) using explosives or firearms in a manner that disturbs concentrations of birds or seals;

"(D) willfully disturbing breeding or molting birds or concentrations of birds or seals by persons on foot;

"(E) significantly damaging concentrations of native terrestrial plants by landing aircraft, driving vehicles, or walking on them, or by other means; and

"(F) any activity that results in the significant adverse modification of habitats of any species or population of native mammal, native bird, native plant, or native invertebrate;

"(6) the term 'historic site or monument' means any site or monument listed as a historic site or monument pursuant to Annex V to the Protocol;

"(7) the term 'impact' means impact on the Antarctic environment and dependent and associated ecosystems;

"(8) the term 'import' means to land on, bring into, or introduce into, or attempt to land on, bring into or introduce into, any place subject to the jurisdiction of the United States, including the 12-mile territorial sea of the United States, whether or not such act constitutes an importation within the meaning of the customs laws of the United States;

"(9) the term 'native bird' means any member, at any stage of its life cycle (including eggs), of any species of the class Aves which is indigenous to Antarctica or occurs there seasonally through natural migrations, and includes any part of such member;

"(10) the term 'native invertebrate' means any terrestrial or freshwater invertebrate, at any stage of its life cycle, which is indigenous to Antarctica, and includes any part of such invertebrate;

"(11) the term 'native mammal' means any member, at any stage of its life cycle, of any species of the class Mammalia, which is indigenous to Antarctica or occurs there seasonally through natural migrations, and includes any part of such member;

"(12) the term 'native plant' means any terrestrial or freshwater vegetation, including bryophytes, lichens, fungi, and algae, at any stage of its life cycle (including seeds and other propagules), which is indigenous to Antarctica, and includes any part of such vegetation;

"(13) the term 'non-native species' means any species of animal or plant which is not indigenous to Antarctica and does not occur there seasonally through natural migrations;

"(14) the term 'person' has the meaning given that term in section 1 of title 1, United States Code, and includes any person subject to the jurisdiction of the United States and any department, agency, or other instrumentality of the Federal Government or of any State or local government;

"(15) the term 'prohibited product' means any substance banned from introduction onto land or ice shelves or into water in Antarctica pursuant to Annex III to the Protocol;

"(16) the term 'prohibited waste' means any substance which must be removed from Antarctica pursuant to Annex III to the Protocol, but does not include materials used for balloon envelopes required for scientific research and weather forecasting;

"(17) the term 'Protocol' means the Protocol on Environmental Protection to the Antarctic Treaty, signed October 4, 1991, in Madrid, and all annexes thereto, including any future amendments thereto to which the United States is a party;

"(18) the term 'Secretary' means the Secretary of Commerce;

"(19) the term 'Specially Protected Species' means any native species designated as a Specially Protected Species pursuant to Annex II to the Protocol;

"(20) the term 'take' means to kill, injure, capture, handle, or molest a native mammal or bird, or to remove or damage such quantities of native plants that their local distribution or abundance would be significantly affected;

"(21) the term 'Treaty' means the Antarctic Treaty signed in Washington, DC, on December 1, 1959;

"(22) the term 'United States' means the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States; and

"(23) the term 'vessel subject to the jurisdiction of the United States' includes any 'vessel of the United States' and any 'vessel subject to the jurisdiction of the United States' as those terms are defined in section 303 of the Antarctic Marine Living Resources Convention Act of 1984 (16 U.S.C. 2432).".

SEC. 103. PROHIBITED ACTS.

Section 4 of the Antarctic Conservation Act of 1978 (16 U.S.C. 2403) is amended to read as follows:

"SEC. 4. PROHIBITED ACTS.

"(a) IN GENERAL.—It is unlawful for any person—

"(1) to introduce any prohibited product onto land or ice shelves or into water in Antarctica;

"(2) to dispose of any waste onto ice-free land areas or into fresh water systems in Antarctica;

"(3) to dispose of any prohibited waste in Antarctica;

"(4) to engage in open burning of waste;

"(5) to transport passengers to, from, or within Antarctica by any seagoing vessel not required to comply with the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.), unless the person has an agreement with the vessel owner or operator under which the owner or operator is required to comply with Annex IV to the Protocol;

"(6) who organizes, sponsors, operates, or promotes a nongovernmental expedition to Antarctica, and who does business in the United States, to fail to notify all members of the expedition of the environmental protection obligations of this Act, and of actions which members must take, or not take, in order to comply with those obligations;

"(7) to damage, remove, or destroy a historic site or monument;

"(8) to refuse permission to any authorized officer or employee of the United States to board a vessel, vehicle, or aircraft of the United States, or subject to the jurisdiction of the United States, for the purpose of conducting any search or inspection in connection with the enforcement of this Act or any regulation promulgated or permit issued under this Act;

"(9) to forcibly assault, resist, oppose, impede, intimidate, or interfere with any authorized officer or employee of the United States in the conduct of any search or inspection described in paragraph (8);

"(10) to resist a lawful arrest or detention for any act prohibited by this section;

"(11) to interfere with, delay, or prevent, by any means, the apprehension, arrest, or detention of another person, knowing that such other person has committed any act prohibited by this section;

"(12) to violate any regulation issued under this Act, or any term or condition of any permit issued to that person under this Act; or

"(13) to attempt to commit or cause to be committed any act prohibited by this section.

"(b) ACTS PROHIBITED UNLESS AUTHORIZED BY PERMIT.—It is unlawful for any person, unless authorized by a permit issued under this Act—

"(1) to dispose of any waste in Antarctica (except as otherwise authorized by the Act to Prevent Pollution from Ships) including—

"(A) disposing of any waste from land into the sea in Antarctica; and

"(B) incinerating any waste on land or ice shelves in Antarctica, or on board vessels at points of embarcation or debarcation, other than through the use at remote field sites of incinerator toilets for human waste;

"(2) to introduce into Antarctica any member of a nonnative species;

"(3) to enter or engage in activities within any Antarctic Specially Protected Area;

"(4) to engage in any taking or harmful interference in Antarctica; or

"(5) to receive, acquire, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of, any native bird, native mammal, or native plant which the person knows, or in the exercise of due care should have known, was taken in violation of this Act.

"(c) EXCEPTION FOR EMERGENCIES.—No act described in subsection (a) (1), (2), (3), (4), (5), (7), (12), or (13) or in subsection (b) shall be unlawful if the person committing the act reasonably believed that the act was committed under emergency circumstances involving the safety of human life or of ships, aircraft, or equipment or facilities of high value, or the protection of the environment.".

SEC. 104. ENVIRONMENTAL IMPACT ASSESSMENT.

The Antarctic Conservation Act of 1978 is amended by inserting after section 4 the following new section:

"SEC. 4A. ENVIRONMENTAL IMPACT ASSESSMENT.

"(a) FEDERAL ACTIVITIES.—(1)(A) The obligations of the United States under Article 8 of and Annex I to the Protocol shall be implemented by applying the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to proposals for Federal agency activities in Antarctica, as specified in this section.

"(B) The obligations contained in section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) shall apply to all proposals for Federal agency activities occurring in Antarctica and affecting the quality of the human environment in Antarctica or dependent or associated ecosystems, only as specified in this section. For purposes of the application of such section 102(2)(C) under this subsection, the term 'significantly affecting the quality of the human environment' shall have the same meaning as the term 'more than a minor or transitory impact'.

"(2)(A) Unless an agency which proposes to conduct a Federal activity in Antarctica determines that the activity will have less than a minor or transitory impact, or unless a comprehensive environmental evaluation is being prepared in accordance with subparagraph (C), the agency shall prepare an initial environmental evaluation in accordance with Article 2 of Annex I to the Protocol.

"(B) If the agency determines, through the preparation of the initial environmental evaluation, that the proposed Federal activity is likely to have no more than a minor or transitory impact, the activity may proceed if appropriate procedures are put in place to assess and verify the impact of the activity.

"(C) If the agency determines, through the preparation of the initial environmental evaluation or otherwise, that a proposed Federal activity is likely to have more than a minor or transitory impact, the agency shall prepare and circulate a comprehensive environmental evaluation in accordance with Article 3 of Annex I to the Protocol, and shall make such comprehensive environmental evaluation publicly available for comment.

"(3) Any agency decision under this section on whether a proposed Federal activity, to which paragraph (2)(C) applies, should proceed, and, if so, whether in its original or in a modified form, shall be based on the comprehensive environmental evaluation as well as other considerations which the agency, in the exercise of its discretion, considers relevant.

"(4) For the purposes of this section, the term 'Federal activity' includes all activities conducted under a Federal agency research program in Antarctica, whether or not conducted by a Federal agency.

"(b) FEDERAL ACTIVITIES CARRIED OUT JOINTLY WITH FOREIGN GOVERNMENTS.—(1) For the purposes of this subsection, the term 'Antarctic joint activity' means any Federal activity in Antarctica which is proposed to be conducted, or which is conducted, jointly or in cooperation with one or more foreign governments. Such term shall be defined in regulations promulgated by such agencies as the President may designate.

"(2) Where the Secretary of State, in cooperation with the lead United States agency planning an Antarctic joint activity, determines that—

"(A) the major part of the joint activity is being contributed by a government or governments other than the United States;

"(B) one such government is coordinating the implementation of environmental impact assessment procedures for that activity; and

"(C) such government has signed, ratified, or acceded to the Protocol,

the requirements of subsection (a) of this section shall not apply with respect to that activity.

"(3) In all cases of Antarctic joint activity other than those described in paragraph (2), the requirements of subsection (a) of this section shall apply with respect to that activity, except as provided in paragraph (4).

"(4) Determinations described in paragraph (2), and agency actions and decisions in connection with assessments of impacts of Antarctic joint activities, shall not be subject to judicial review.

"(c) NONGOVERNMENTAL ACTIVITIES.—(1) The Administrator shall, within 2 years after the date of the enactment of the Antarctic Environmental Protection Act of 1996, promulgate regulations to provide for—

"(A) the environmental impact assessment of nongovernmental activities, including tourism, for which the United States is required to give advance notice under paragraph 5 of Article VII of the Treaty; and

"(B) coordination of the review of information regarding environmental impact assessment received from other Parties under the Protocol.

"(2) Such regulations shall be consistent with Annex I to the Protocol.

"(d) DECISION TO PROCEED.—(1) No decision shall be taken to proceed with an activity for which a comprehensive environmental evaluation is prepared under this section unless there has been an opportunity for consideration of the draft comprehensive environmental evaluation at an Antarctic Treaty Consultative Meeting, except that no decision to proceed with a proposed activity shall be delayed through the operation of this paragraph for more than 15 months from the date of circulation of the draft comprehensive environmental evaluation pursuant to Article 3(3) of Annex I to the Protocol.

"(2) The Secretary of State shall circulate the final comprehensive environmental evaluation, in accordance with Article 3(6) of Annex I to the Protocol, at least 60 days before the commencement of the activity in Antarctica.

"(e) CASES OF EMERGENCY.—The requirements of this section, and of regulations promulgated under this section, shall not apply in cases of emergency relating to the safety of human life or of ships, aircraft, or equipment and facilities of high value, or the protection of the environment, which require an activity to be undertaken without fulfilling those requirements.

"(f) EXCLUSIVE MECHANISM.—Notwithstanding any other provision of law, the requirements of this section shall constitute the sole and exclusive statutory obligations of the Federal agencies with regard to assessing the environmental impacts of proposed Federal activities occurring in Antarctica.

"(g) DECISIONS ON PERMIT APPLICATIONS.—The provisions of this section requiring environmental impact assessments (including initial environmental evaluations and comprehensive environmental evaluations) shall not apply to Federal actions with respect to issuing permits under section 5.

"(h) PUBLICATION OF NOTICES.—Whenever the Secretary of State makes a determination under paragraph (2) of subsection (b) of this section, or receives a draft comprehensive environmental evaluation in accordance with Annex I, Article 3(3) to the Protocol, the Secretary of State shall cause timely notice thereof to be published in the Federal Register.".

SEC. 105. PERMITS.

Section 5 of the Antarctic Conservation Act of 1978 (16 U.S.C. 2404) is amended—

(1) in subsection (a) by striking "section 4(a)" and inserting in lieu thereof "section 4(b)";

(2) in subsection (c)(1)(B) by striking "Special" and inserting in lieu thereof "Species"; and

(3) in subsection (e)—

(A) by striking "or native plants to which the permit applies," in paragraph (1)(A)(i) and inserting in lieu thereof "native plants, or native invertebrates to which the permit applies, and";

(B) by striking paragraph (1)(A) (ii) and (iii) and inserting in lieu thereof the following new clause:

"(ii) the manner in which the taking or harmful interference shall be conducted (which manner shall be determined by the Director to be humane) and the area in which it will be conducted;";

(C) by striking "within Antarctica (other than within any specially protected area)" in paragraph (2)(A) and inserting in lieu thereof "or harmful interference within Antarctica";

(D) by striking "specially protected species" in paragraph (2) (A) and (B) and inserting in lieu thereof "Specially Protected Species";

(E) by striking "; and" at the end of paragraph (2)(A)(i)(II) and inserting in lieu thereof ", or";

(F) by adding after paragraph (2)(A)(i)(II) the following new subclause:

"(III) for unavoidable consequences of scientific activities or the construction and operation of scientific support facilities; and";

(G) by striking "with Antarctica and" in paragraph (2)(A)(ii)(II) and inserting in lieu thereof "within Antarctica are"; and

(H) by striking subparagraphs (C) and (D) of paragraph (2) and inserting in lieu thereof the following new subparagraph:

"(C) A permit authorizing the entry into an Antarctic Specially Protected Area shall be issued only—

"(i) if the entry is consistent with an approved management plan, or

"(ii) if a management plan relating to the area has not been approved but—

"(I) there is a compelling purpose for such entry which cannot be served elsewhere, and

"(II) the actions allowed under the permit will not jeopardize the natural ecological system existing in such area.".

SEC. 106. REGULATIONS.

Section 6 of the Antarctic Conservation Act of 1978 (16 U.S.C. 2405) is amended to read as follows:

"SEC. 6. REGULATIONS.

"(a) REGULATIONS TO BE ISSUED BY THE DIRECTOR.—(1) The Director shall issue such regulations as are necessary and appropriate to implement Annex II and Annex V to the Protocol and the provisions of this Act which implement those annexes, including section 4(b) (2), (3), (4), and (5) of this Act. The Director shall designate as native species—

"(A) each species of the class Aves;

"(B) each species of the class Mammalia; and

"(C) each species of plant,

which is indigenous to Antarctica or which occurs there seasonally through natural migrations.

"(2) The Director, with the concurrence of the Administrator, shall issue such regulations as are necessary and appropriate to implement Annex III to the Protocol and the provisions of this Act which implement that Annex, including section 4(a) (1), (2), (3), and (4), and section 4(b)(1) of this Act.

"(3) The Director shall issue such regulations as are necessary and appropriate to implement Article 15 of the Protocol with respect to land areas and ice shelves in Antarctica.

"(4) The Director shall issue such additional regulations as are necessary and appropriate to implement the Protocol and this Act, except as provided in subsection (b).

"(b) REGULATIONS TO BE ISSUED BY THE SECRETARY OF THE DEPARTMENT IN WHICH THE COAST GUARD IS OPERATING.—The Secretary of the Department in which the Coast Guard is operating shall issue such regulations as are necessary and appropriate, in addition to regulations issued under the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.), to implement Annex IV to the Protocol and the provisions of this Act which implement that Annex, and, with the concurrence of the Director, such regulations as are necessary and appropriate to implement Article 15 of the Protocol with respect to vessels.

"(c) TIME PERIOD FOR REGULATIONS.—The regulations to be issued under subsection (a) (1) and (2) of this section shall be issued within 2 years after the date of the enactment of the Antarctic Environmental Protection Act of 1996. The regulations to be issued under subsection (a)(3) of this section shall be issued within 3 years after the date of the enactment of the Antarctic Environmental Protection Act of 1996.".

SEC. 107. SAVING PROVISIONS.

Section 14 of the Antarctic Conservation Act of 1978 is amended to read as follows:

"SEC. 14. SAVING PROVISIONS.

"(a) REGULATIONS.—All regulations promulgated under this Act prior to the date of the enactment of the Antarctic Environmental Protection Act of 1996 shall remain in effect until superseding regulations are promulgated under section 6.

"(b) PERMITS.—All permits issued under this Act shall remain in effect until they expire in accordance with the terms of those permits.".

TITLE II—AMENDMENTS TO ANTARCTIC PROTECTION ACT OF 1990

SEC. 201. FINDING AND PURPOSE.

Section 2 of the Antarctic Protection Act of 1990 (16 U.S.C. 2461) is amended to read as follows:

"SEC. 2. FINDING AND PURPOSE.

"(a) FINDING.—The Congress finds that the Protocol on Environmental Protection to the Antarctic Treaty prohibits indefinitely Antarctic mineral resource activities.

"(b) PURPOSE.—The purpose of this Act is to provide legislative authority to implement, with respect to the United States, Article 7 of the Protocol on Environmental Protection to the Antarctic Treaty.".

SEC. 202. PROHIBITION OF ANTARCTIC MINERAL RESOURCE ACTIVITIES.

Section 4 of the Antarctic Protection Act of 1990 (16 U.S.C. 2463) is amended by striking "Pending a new agreement among the Antarctic Treaty Consultative Parties in force for the United States, to which the Senate has given advice and consent or which is authorized by further legislation by the Congress, which provides an indefinite ban on Antarctic mineral resource activities, it" and inserting in lieu thereof "It".

SEC. 203. ADDITIONAL AMENDMENTS.

(a) REPEALS.—Sections 5 and 7 of the Antarctic Protection Act of 1990 (16 U.S.C. 2464 and 2466) are repealed.

(b) REDESIGNATION.—Section 6 of the Antarctic Protection Act of 1990 (16 U.S.C. 2465) is redesignated as section 5.

TITLE III—AMENDMENTS TO THE ACT TO PREVENT POLLUTION FROM SHIPS

SEC. 301. AMENDMENTS.

(a) DEFINITIONS.—Section 2 of the Act to Prevent Pollution from Ships (33 U.S.C. 1901) is amended—

(1) by redesignating paragraphs (1) through (10) of subsection (a) as paragraphs (3) through (12), respectively;

(2) by inserting before paragraph (3), as so redesignated by paragraph (1) of this subsection, the following new paragraphs:

"(1) 'Antarctica' means the area south of 60 degrees south latitude;

"(2) 'Antarctic Protocol' means the Protocol on Environmental Protection to the Antarctic Treaty, signed October 4, 1991, in Madrid, and all annexes thereto, and includes any future amendments thereto which have entered into force;"; and

(3) by adding at the end the following new subsection:

"(c) For the purposes of this Act, the requirements of Annex IV to the Antarctic Protocol shall apply in Antarctica to all vessels over which the United States has jurisdiction.".

(b) APPLICATION OF ACT.—Section 3(b)(1)(B) of the Act to Prevent Pollution from Ships (33 U.S.C. 1902(b)(1)(B)) is amended by inserting "or the Antarctic Protocol" after "MARPOL Protocol".

(c) ADMINISTRATION.—Section 4 of the Act to Prevent Pollution from Ships (33 U.S.C. 1903) is amended—

(1) by inserting ", Annex IV to the Antarctic Protocol," after "the MARPOL Protocol" in the first sentence of subsection (a);

(2) in subsection (b)(1) by inserting ", Annex IV to the Antarctic Protocol," after "the MARPOL Protocol";

(3) in subsection (b)(2)(A) by striking "within 1 year after the effective date of this paragraph,"; and

(4) in subsection (b)(2)(A)(i) by inserting "and of Annex IV to the Antarctic Protocol" after "the Convention".

(d) POLLUTION RECEPTION FACILITIES.—Section 6 of the Act to Prevent Pollution from Ships (33 U.S.C. 1905) is amended—

(1) in subsection (b) by inserting "or the Antarctic Protocol" after "the MARPOL Protocol";

(2) in subsection (e)(1) by inserting "or the Antarctic Protocol" after "the Convention";

(3) in subsection (e)(1)(A) by inserting "or Article 9 of Annex IV to the Antarctic Protocol" after "the Convention"; and

(4) in subsection (f) by inserting "or the Antarctic Protocol" after "the MARPOL Protocol".

(e) VIOLATIONS.—Section 8 of the Act to Prevent Pollution from Ships (33 U.S.C. 1907) is amended—

(1) in the first sentence of subsection (a) by inserting "Annex IV to the Antarctic Protocol," after "MARPOL Protocol,";

(2) in the second sentence of subsection (a)—

(A) by inserting "or to the Antarctic Protocol" after "to the MARPOL Protocol"; and

(B) by inserting "and Annex IV to the Antarctic Protocol" after "of the MARPOL Protocol";

(3) in subsection (b) by inserting "or the Antarctic Protocol" after "MARPOL Protocol" both places it appears;

(4) in subsection (c)(1) by inserting ", of Article 3 or Article 4 of Annex IV to the Antarctic Protocol," after "to the Convention";

(5) in subsection (c)(2) by inserting "or the Antarctic Protocol" after "which the MARPOL Protocol";

(6) in subsection (c)(2)(A) by inserting ", Annex IV to the Antarctic Protocol," after "MARPOL Protocol";

(7) in subsection (c)(2)(B)—

(A) by inserting "or the Antarctic Protocol" after "to the MARPOL Protocol"; and

(B) by inserting "or Annex IV to the Antarctic Protocol" after "of the MARPOL Protocol";

(8) in subsection (d)(1) by inserting ", Article 5 of Annex IV to the Antarctic Protocol," after "Convention";

(9) in subsection (e)(1)—

(A) by inserting "or the Antarctic Protocol" after "MARPOL Protocol"; and

(B) by striking "that Protocol" and inserting in lieu thereof "those Protocols"; and

(10) in subsection (e)(2) by inserting ", of Annex IV to the Antarctic Protocol," after "MARPOL Protocol".

(f) PENALTIES.—Section 9 of the Act to Prevent Pollution from Ships (33 U.S.C. 1908) is amended—

(1) in subsection (a) by inserting "Annex IV to the Antarctic Protocol," after "MARPOL Protocol,";

(2) in subsection (b)(1) by inserting "Annex IV to the Antarctic Protocol," after "MARPOL Protocol,";

(3) in subsection (b)(2) by inserting "Annex IV to the Antarctic Protocol," after "MARPOL Protocol,";

(4) in subsection (d) by inserting "Annex IV to the Antarctic Protocol," after "MARPOL Protocol,";

(5) in subsection (e) by inserting ", Annex IV to the Antarctic Protocol," after "MARPOL Protocol"; and

(6) in subsection (f) by inserting "or the Antarctic Protocol" after "MARPOL Protocol" both places it appears.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. WALKER] and the gentleman from California [Mr. BROWN] each will be recognized for 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today to bring before the House of Representatives H.R. 3060, the Antarctic Environmental Protection Act of 1996. I, along with Congresswoman CONNIE MORELLA, Congressman TOM DAVIS, Congressman GEORGE BROWN, and 16 other members from the Science Committee, introduced H.R. 3060 on March 12, 1996, to enable the United States to implement the 1991 Protocol on Environmental Protection to the Antarctic Treaty.

Madam Speaker, Antarctica is a true environmental and scientific treasure. It is a wilderness of vast proportions, accounting for 10 percent of the total land mass of the world, more than the United States and Mexico combined. From penguins to killer whales, Antarctica is also home to an abundance of fish and wildlife. Equally important, Antarctica's mile-deep sheet of ice and snow stores an estimated 90 percent of

the Earth's fresh water. This vast frozen glacier influences sea level, global tides, and atmospheric processes.

Antarctica is not just a natural wonder but an almost boundless scientific laboratory which has already yielded great insights on the nature of the world we inhabit. Antarctica is the ideal platform for scientific research on complex questions of atmospheric chemistry and thermodynamics which will increase our understanding of global environmental phenomena such as climate change, ocean circulation, and stratospheric ozone depletion. Antarctica also can increase our understanding of the forces of evolution and produce commercialization opportunities in the field of biochemistry through biological breakthroughs such as the discovery of fish containing antifreeze proteins hundreds of times more effective than their synthetic chemical counterparts.

There is little question that the scientific value of Antarctica is directly tied to the pristine nature of its environment. Conversely, much of the research done in the Antarctic is vital to the understanding of our global environment. If we impose too onerous restrictions on American researchers, our ability to understand the world's environment will suffer. H.R. 3060 charts a middle course, one that I am confident will preserve Antarctica as the Earth's best environmental laboratory.

Madam Speaker, H.R. 3060 provides the legislative authority necessary for the United States to implement the 1991 Protocol on Environmental Protection to the Antarctic Treaty. The protocol represents an important addition to the uniquely successful system of peaceful cooperation and scientific research that has evolved under the Antarctic Treaty of 1959. Originally, 12 nations including the United States and the Soviet Union signed the landmark treaty, which entered into force June 23, 1961, preserving Antarctica as a peaceful haven for scientific research at the height of the cold war. Since that time, 14 additional nations have acceded to the treaty, making up the current list of 26 consultative parties.

In 1991 the consultative parties agreed to strengthen the Antarctic's environmental protections through a Protocol on Environmental Protection. The protocol builds upon the Antarctic Treaty in an effort to improve the treaty's protections for the Antarctic environment. The protocol reaffirms the treaty's use of Antarctica exclusively for peaceful purposes and accords priority to scientific research among the permitted activities.

The protocol prohibits mineral resource activities, other than for scientific research, in Antarctica. Its annexes, which form an integral part of the protocol, set out specific rules on environmental impact assessment, conservation of Antarctic fauna and flora, waste disposal and management, the prevention of marine pollution, and area protection and management.

The protocol, however, is not self-executing. It requires each of the consultative parties to enact instruments of ratification to codify the terms of the protocol before it can enter into force.

To date, 20 of the 26 consultative parties have ratified the protocol. The six nations which have yet to take action are: Belgium, Finland, India, Japan, Russia, and of course the United States. The United States took its first step to ratifying the protocol in 1992 when the U.S. Senate gave its advice and consent to ratification of the protocol. Now, the United States must enact the Antarctic Environmental Protection Act of 1996 to become a party to the protocol. Passage of H.R. 3060 will be a powerful incentive to Belgium, Finland, India, Japan, and Russia to expeditiously ratify the protocol.

Madam Speaker, the two previous Congresses failed to ratify the 1991 Environmental Protocol to the Antarctic Treaty. Time is running out. The 104th Congress has a historic opportunity to protect the Earth's largest remaining wilderness. The rest of the world is waiting to see if the United States is serious about protecting Antarctica.

H.R. 3060 now has over 28 cosponsors, I want to thank, in particular, Congresswoman MORELLA and Congressman BROWN for their tireless support of this bill. This legislation has been a truly bipartisan effort and is a testament to what can be accomplished when rhetoric is replaced by reason.

Madam Speaker, I am proud to say that H.R. 3060 enjoys universal support. Today, all Members should have received in their offices a letter from the League of Conservation Votes, the Antarctic Project, World Wildlife Fund, Greenpeace, Sierra Club, and the Antarctic and the Southern Ocean Coalition, urging them to support the bill. The National Science Foundation and the Department of State have also testified in support of enactment of H.R. 3060.

Madam Speaker, if you care about environmental research, environmental conservation or simply support living up to U.S. international commitments, you should support H.R. 3060. I urge all my colleagues to join me in voting for H.R. 3060.

□ 1600

Madam Speaker, I reserve the balance of my time.

Mr. BROWN of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H.R. 3060, which will allow the United States to implement the Protocol on Environmental Protection to the Antarctic Treaty.

I am pleased that the Science Committee has acted on a bipartisan basis to help preserve one of the last pristine regions of the globe and to ensure that Antarctica's enormous value as a scientific laboratory is not degraded. I congratulate Chairman WALKER for moving the bill expeditiously in committee and for his efforts in working with the other committees of jurisdiction in order to bring the bill before the House with dispatch.

The Antarctic Treaty has been a noteworthy success for more than 35 years in providing a framework for international collaboration in scientific research. The Environmental Protocol builds on the Antarctic Treaty to extend and improve the treaty's effectiveness for ensuring the protection of the Antarctic environment. It designates Antarctica as a natural reserve, devoted to peace and science, and sets forth environmental protection principles and specific rules applicable to all human activities on the continent.

The need to protect the Antarctic environment is fully understood by the scientists from many nations who conduct research there in a broad range of areas in the physical and biological sciences. Antarctica is especially important as a research platform for studies of world climate and global environmental change. But it is also a unique laboratory for research in specialized areas of astronomy and astrophysics and in biology for studying such effects as adaptation of organisms under environmental extremes. Failure to ratify the protocol could impair much of this research.

The Antarctic Treaty parties have devised the Environmental Protocol to provide a set of principles and procedures that will ensure that all nations institute effective environmental safeguards. The protocol has received broad support because it was developed through consultation with the research community and with the nongovernmental organizations that are advocates for the environment.

The protocol was signed in 1991 and was approved by the Senate well over 3 years ago. It is time—it is past time for the United States to move forward to final ratification.

The remaining hurdle to ratification is the requirement to provide new legislative authority to enable enforcement by Federal agencies of all provisions of the protocol. There has been disagreement in the past about how best to ensure that the provisions of the Environmental Protocol are enforced, while avoiding excessive disruption to the Antarctic research program. But as was confirmed by a hearing before the Science Committee this past April, we now have in H.R. 3060 a bill which finds an acceptable compromise for balancing environmental protection concerns against the value of the scientific research program.

H.R. 3060 has been endorsed by scientists, by environmentalists, and by the Federal agencies responsible for administering the U.S. national program in Antarctica. All recognize the importance of protecting this unique world resource, while allowing the valuable research carried out there to go forward. Passage of H.R. 3060 today by the House will move the United States closer to final ratification of the protocol and will help spur action by the remaining nations which have not completed ratification.

Madam Speaker, H.R. 3060 is a bipartisan bill that will ensure that a sensible and comprehensive environmental protection regime is instituted to govern all international activities conducted in Antarctica. The bill has been enthusiastically endorsed by those most affected by its provisions and closest to the issues involved. I urge my colleagues to support passage of this measure.

Madam Speaker, I reserve the balance of my time.

Mr. WALKER. Madam Speaker, I yield 5 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. I thank the gentleman for yielding me the time.

Madam Speaker, as an ardent longtime supporter for the protection of the Antarctic Continent and its surrounding seas, I am proud to be a very strong original cosponsor of H.R. 3060, the Antarctic Environmental Protection Act.

It is now 4½ years since the United States signed the Antarctic Treaty and the Antarctic Treaty consultative parties opened for signature and protocol on environmental protection. This protocol, which was initiated by the United States, has been under consideration by Congress during both the Bush administration and the early years of the Clinton administration, but has not been ratified by Congress. This bill would do that.

I am extremely grateful for the encouragement, prompt response and the leadership shown by Chairman, BOB WALKER. I also want to thank the ranking member, GEORGE BROWN, and the other cosponsors of this bill.

The bill reflect diligent work with the National Science Foundation, the State Department and a group of four environmental organizations which monitor Antarctic activities to produce a bill which succinctly lays out the specifics for guaranteeing environmental protection of the Antarctic and its reservation for purely scientific research. It has truly been a cooperative effort among all interested parties.

I think that the most spectacular benefit has been that the bill that we see before us represents a no-reservations consensus. I want to personally thank Chairman WALKER, who has been so positive in leading this process forward. it does show we can work together on a bipartisan basis.

Madam Speaker, many of us feel that Antarctica is very, very far away. I visited there 2 years ago. After the long flight to New Zealand, a brief stop to suit up at Christchurch, and then a 2,400 mile flight to McMurdo Station, I too, felt it was a long way from Washington. However, the Antarctic symbolize the essence of basic science research in which the United States as clearly established a leadership role.

Presently, 20 countries out of the 26 of the Antarctic Treaty consultative parties have signed the protocol. Most of these countries signed the treaty at Madrid on October 4, 1991. With passage of H.R. 3060 today and, hopefully, swift agreement with the Senate bill that passed the Commerce Committee last week, America will act as a beacon to guide the remaining countries, Russia, Japan, India, Belgium and Finland, to complete the action.

This protocol reaffirms the treaty's reservation of the Antarctic as an area set aside for peaceful purposes and specifically for scientific research. It will protect fauna and flora from the effects of human activities, impose strict limits on the discharge of pollutants, and require environmental impact assessments of all planned governmental and nongovernmental activities. It also protects the Antarctic from all activities except scientific research relating to mineral resources for at least 50 years, unless the there is unanimous agreement of the treaty parties.

Let me just briefly highlight a few of the 136 exciting and unique scientific experiments currently going on in Antarctica or dependent on it. These are activity supported by the National Science Foundation. For example, there is research by an Augustana College geologist involving a hunt for dinosaurs and other animal remains from as early as the Triassic period.

Equally intriguing is research led by the University of Wisconsin and the University of California at Berkeley and Irvine, with others, using the largest neutrino detector on earth to look for those high energy subatomic particles that are spawned by supernovas or other sources beyond our galaxy.

The West Antarctic ice cover is being studied by the University of Texas at Austin, again with others, for its rapid and dramatic changes that can lend insight into our effort to learn about the potential rise in sea level across the globe.

Then, too, studies led by Johns Hopkins University involve the launch of one of the world's largest solar telescopes beneath a huge balloon to help understand magnetic fields at the sun's surface.

On a more commercial note, a Coast Guard ship is now being built in a partnership with the National Science Foundation. This is an unusual cooperative adventure, and construction is now underway.

I urge the House to pass H.R. 3060 as a major step toward carrying out our treaty obligations agreed to in 1991. With support from the House Committee on Science, the Department of State, the National Science Foundation, and representatives from the Antarctica Project, Greenpeace U.S., Greenpeace International, and the World Wildlife Fund, this legislation will establish and codify the work of many nations in the Antarctic.

Madam Speaker, I urge support of this House for the legislation.

GENERAL LEAVE

Mr. BROWN of California. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks in connection with the bill before us.

The SPEAKER pro tempore (Ms. GREENE of Utah). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SCHIFF. Madam Speaker, the bill before us today is H.R. 3060, the Antarctic Environmental Protection Act of 1996. As chairman of the Basic Research Subcommittee, our committee has jurisdiction over the National Science Foundation, the agency who will be most impacted by this bill. They strongly support this bill and my compliments to both sides of the aisle for all their hard work on crafting this legislation.

H.R. 3060 provides the legislative authority necessary for the United States to implement the 1991 Protocol on Environmental Protection to the Antarctic Treaty. The protocol, which resulted from a United States initiative, represents an important addition to the uniquely successful system of peaceful cooperation and scientific research that has evolved under the Antarctic Treaty.

The U.S. Senate gave its advice and consent to ratification of the protocol in 1992. All that remains for the United States to become a party to the protocol is to enact the necessary implementing legislation.

Implementation of the protocol has been a priority of both Republicans and Democrats since the protocol was negotiated in 1991. The protocol builds upon the Antarctic Treaty to improve the treaty's effectiveness for ensuring the protection of the Antarctic environment.

I feel this bill reflects America's continued commitment to the protection of the Antarctic environment. I urge my colleagues to support the bill.

Mr. PORTER. Madam Speaker, I rise in strong support of H.R. 3060. This bill will implement the Protocol on Environmental Protection to the Antarctic Treaty that the United States and 25 other countries agreed to in 1991. The protocol builds upon the Antarctic Treaty to extend and improve the treaty's effectiveness as a means for protecting the Antarctic environment.

The Antarctic Continent is larger than the United States and Mexico combined and represents 10 percent of the Earth's land mass. Antarctica has a central role in regulating the Earth's environmental processes and possesses an abundance of fish and wildlife. The

unique nature of the region also provides a research environment that is crucial to understanding and monitoring global warming, ozone depletion and atmospheric pollution.

The protocol reaffirms the status of the Antarctica as an area reserved exclusively for peaceful purposes, including in particular scientific research, and sets forth a comprehensive, legally binding system of environmental protection applicable to all human activities in Antarctica. In addition, by ratifying this protocol, the United States is providing international leadership. Of the 26 nations that signed the protocol, only 22 have ratified it. With the U.S. commitment, it is believed that the remaining three countries will soon become parties to the protocol.

I urge all Members to support this importance legislation.

Mr. BROWN of California. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WALKER. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. WALKER) that the House suspend the rules and pass the bill, H.R. 3060.

The question was taken.

Mr. WALKER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5 p.m.

Accordingly (at 4 o'clock and 14 minutes p.m.), the House stood in recess until approximately 5 p.m.

□ 1700

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LAHOOD) at 5 p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the chair will not put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order: H.R. 3364, by the yeas and nays; H.R. 3400, by the yeas and nays; and H.R. 3060, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

WILLIAM J. NEALON UNITED STATES COURTHOUSE

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3364, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland [Mr. GILCHREST] that the House suspend the rules and pass the bill, H.R. 3364, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 340, nays 0, answered "present" 1, not voting 93, as follows:

[Roll No. 222]

YEAS—340

Abercrombie
Andrews
Archer
Armey
Bachus
Baesler
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Blute
Boehlert
Boehner
Bonior
Bono
Borski
Boucher
Brewster
Brown (CA)
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chrysler
Clay
Clayton
Clement
Clinger
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Cremeans
Cubin
Cummings
Cunningham
Davis
de la Garza
Deal
DeLauro
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Emerson
English
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Flanagan
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Funderburk
Gallegly
Ganske
Gejdenson
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hutchinson
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Mascara
McCollum
McCrery
McHale
McHugh
McIntosh
McKeon
McKinney
McNulty
Meek
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Orton
Oxley
Pallone
Parker
Pastor
Paxon
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Rivers
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Roth
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schroeder
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torres
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wolf
Woolsey
Wynn
Yates
Young (AK)
Zimmer

ANSWERED "PRESENT"—1

Chenoweth

NOT VOTING—93

Ackerman
Allard
Baker (CA)
Baker (LA)
Barr
Barton
Bateman
Bishop
Bliley
Blumenauer
Bonilla
Browder
Brown (FL)
Brown (OH)
Brownback
Bryant (TX)
Calvert
Chapman
Christensen
Clyburn
Crapo
Danner
DeFazio
DeLay
Dellums
Deutsch
Doolittle
Ehrlich
Engel
Ensign
Fattah
Filner
Flake
Foglietta
Foley
Ford
Frisa
Frost
Furse
Gephardt
Gibbons
Gordon
Hansen
Harman
Hastings (FL)
Hayes
Hunter
Inglis
Istook
Jefferson
Johnson, Sam
Kennedy (RI)
Lantos
Largent
Latham
Lincoln
Martini
Matsui
McCarthy
McDade
McDermott
McInnis
Meehan
Menendez
Metcalf
Moran
Nadler
Ortiz
Owens
Packard
Payne (NJ)
Pryce
Quillen
Rangel
Reed
Richardson
Rohrabacher
Roukema
Schaefer
Schiff
Schumer
Skelton
Smith (NJ)
Stenholm
Thomas
Torkildsen
Torricelli
Towns
Waters
Waxman
Wise
Young (FL)
Zeliff

□ 1729

Messrs. LINDER, TIAHRT, and MOLLOHAN changed their vote from "nay" to "yea".

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to designate the Federal building and United States

courthouse located at 235 North Washington Avenue in Scranton, Pennsylvania, as the 'William J. Nealon Federal Building and United States Courthouse'.".

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. McCARTHY. Mr. Speaker, during Rollcall Vote No. 222 on H.R. 3364 I was unavoidably detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. MORAN. Mr. Speaker, during Rollcall Vote No. 222 on H.R. 3364 I was unavoidably detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. CHRISTENSEN. Mr. Speaker, on Rollcall Vote No. 222 I was unavoidably detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. DEUTSCH. Mr. Speaker, on Monday, June 10, I was unavoidably absent for rollcall vote No. 222, the vote on H.R. 3364. Had I been present, I would have voted "aye."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. (Mr. LAHOOD). Pursuant to provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electric device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceeding.

ROMAN L. HRUSKA UNITED STATES COURTHOUSE

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3400, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland [Mr. GILCHREST] that the House suspend the rules and pass the bill, H.R. 3400, as amended, on which the yeas and nays are ordered.

The Chair will remind Members that this is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 339, nays 4, not voting 91, as follows:

[Roll No. 223]

YEAS—339

Abercrombie
Andrews
Archer
Armey
Bachus
Baesler
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blute
Boehlert
Boehner
Bonior
Bono
Borski
Boucher
Brewster
Brown (CA)
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chrysler
Clay
Clayton
Clement
Clinger
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Cremeans
Cubin
Cummings
Cunningham
Davis
de la Garza
Deal
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Emerson
English
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Funderburk
Gallegly
Ganske
Gejdenson
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Hoyer
Hutchinson
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
McCollum
McCrery
McHale
McHugh
McIntosh
McKeon
McKinney
McNulty
Meek
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Orton
Oxley
Pallone
Parker
Pastor
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Quinn
Rahall
Ramstad
Regula
Riggs
Rivers
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Roth
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schroeder
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wynn
Yates
Young (AK)
Zimmer

NAYS—4

Chenoweth
LaFalce
Torres
Williams

NOT VOTING—91

Ackerman
Allard
Baker (CA)
Baker (LA)
Barr
Barton
Bateman
Bliley
Blumenauer
Bonilla
Browder
Brown (FL)
Brown (OH)
Brownback
Bryant (TX)
Calvert
Chapman
Christensen
Clyburn
Crapo
Danner
DeFazio
DeLay
Dellums
Doolittle
Ehrlich
Engel
Ensign
Fattah
Filner
Flake
Foglietta
Ford
Frisa
Frost
Furse
Gephardt
Gibbons
Gordon
Hansen
Harman
Hastings (FL)
Hayes
Houghton
Hunter
Inglis
Istook
Jefferson
Johnson, Sam
Kennedy (RI)
Lantos
Largent
Latham
Lincoln
Matsui
McCarthy
McDade
McDermott
McInnis
Meehan
Menendez
Metcalf
Nadler
Ortiz
Owens
Packard
Payne (NJ)
Pelosi
Pryce
Quillen
Radanovich
Rangel
Reed
Richardson
Rohrabacher
Roukema
Schaefer
Schiff
Schumer
Skelton
Smith (NJ)
Stenholm
Taylor (NC)
Thomas
Torkildsen
Torricelli
Towns
Waxman
Wise
Young (FL)
Zeliff

□ 1738

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to designate the Federal building and United States courthouse to be constructed at a site on 18th Street between Dodge and Douglas Streets in Omaha, Nebraska, as the 'Roman L. Hruska Federal Building and United States Courthouse'."

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. McCARTHY. Mr. Speaker, during rollcall vote No. 223 on H.R. 3400 I was unavoidably detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. CHRISTENSEN. Mr. Speaker, on rollcall No. 223, I was unavoidable detained, had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. McDERMOTT. Mr. Speaker, during rollcall votes No. 222 and 223 on H.R. 3364 and

3400 I was unavoidably detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Ms. FURSE. Mr. Speaker, on rollcall 222 and 223 I was delayed by the flight coming in. If I had been present, I would have voted "aye" on both of those.

ANTARCTIC ENVIRONMENTAL PROTECTION ACT OF 1996

The SPEAKER pro tempore (Mr. LAHOOD). The pending business is the question of suspending the rules and passing the bill, H.R. 3060.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. WALKER] that the House suspend the rules and pass the bill, H.R. 3060, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 352, nays 4, not voting 78, as follows:

[Roll No. 224]

YEAS—352

Abercrombie
Andrews
Archer
Armey
Bachus
Baesler
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blumenauer
Blute
Boehlert
Boehner
Bonior
Bono
Borski
Boucher
Brewster
Brown (CA)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crane
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Emerson
English
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hutchinson
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDermott
McHale
McHugh
McIntosh
McKeon
McKinney
McNulty
Meek
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Orton
Oxley
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Rivers
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Roth
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schroeder
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stokes
Studds
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torres
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wolf
Woolsey
Wynn
Yates
Young (AK)
Zimmer

NAYS—4

Chenoweth
Cooley
Stockman
Stump

NOT VOTING—78

Ackerman
Allard
Baker (CA)
Baker (LA)
Barr
Barton
Bateman
Bliley
Bonilla
Browder
Brown (FL)
Brown (OH)
Bryant (TX)
Calvert
Chapman
Clyburn
Crapo
DeFazio
DeLay
Dellums
Doolittle
Ehrlich
Engel
Ensign
Fattah
Filner
Flake
Foglietta
Ford
Frisa
Frost
Gephardt
Gibbons
Gordon
Hansen
Harman
Hastings (FL)
Hayes
Hunter
Inglis
Istook
Jefferson
Johnson, Sam
Kennedy (RI)
Lantos
Largent
Latham
Lincoln
McDade
McInnis
Meehan
Menendez
Metcalf
Nadler
Ortiz
Owens
Packard
Pryce
Quillen
Rangel
Reed
Richardson
Rohrabacher
Roukema
Schaefer
Schiff
Schumer
Smith (NJ)
Stenholm
Taylor (NC)
Thomas
Torkildsen
Torricelli
Towns
Waxman
Wise
Young (FL)
Zeliff

□ 1746

So (two-thirds having voted in favor thereof) the rules were suspended and 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. BARTON of Texas. Mr. Speaker, on rollcall No. 222, 223, and 224 I was unavoidably delayed by weather problems that affected airline flights from Dallas to Washington. Had I been present, I would have voted "yea" on all three votes.

PERSONAL EXPLANATION

Mr. JEFFERSON. Mr. Speaker, I was unavoidably detained when rollcall votes 222, 223, and 224 were taken. Had I been present, I would have voted "yea." I was detained because my plane was an hour late in taking off.

PERSONAL EXPLANATION

Mr. BONILLA. Mr. Speaker, on rollcall No. 222, 223 and 224, I was unavoidably detained by bad weather in Dallas on my connecting flight to Washington. Had I been present, I would have voted "yea" on all these votes.

PERSONAL EXPLANATION

Mr. SCHAEFER. Mr. Speaker, I was unable to cast votes on rollcall votes 222, 223, and 224. Had I been present, I would have voted for H.R. 3364, to designate a U.S. courthouse in Scranton, PA, as the William J. Nealon United States Courthouse; H.R. 3400, to designate the U.S. courthouse to be constructed in Omaha, NE, as the Roman L. Hruska U.S. Courthouse; and H.R. 3060, to implement the protocol on environmental protection to the Antarctic Treaty.

PERSONAL EXPLANATION

Mr. LATHAM. Mr. Speaker, I was absent for rollcall votes 222, 223, and 224 on June 10, 1996. Had I been present, I would have voted "yea" on all three votes.

PERSONAL EXPLANATION

Mr. ENSIGN. Mr. Speaker, due to travel difficulties on Monday, June 10, I missed rollcall votes 222, 223, and 224. Had I been present, I would have voted "aye" on each of these rollcall votes.

TRIBUTE TO LSU TIGERS

(Mr. TAUZIN asked and was given permission to address the House for 1 minute.)

Mr. TAUZIN. Mr. Speaker, I rise in this brief minute to allow all of us collectively to share the joy and pride of all the LSU alumni across America with the extraordinary success of the LSU baseball program and the great success of Coach Skip Bertman, who has now brought the LSU Tigers the third championship of the College World Series this weekend.

Mr. Speaker, I ask my colleagues to share with me the pride of this wonderful LSU team and this great coach who will now be the Olympic coach for the United States team in Atlanta. LSU. Go, Tigers.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would ask Members not to doff hats in the Chamber.

TRIBUTE TO LSU TIGERS AND WOMEN'S TRACK TEAM

(Mr. McCRERY asked and was given permission to address the House for 1 minute.)

Mr. McCRERY. Mr. Speaker, I would like to add my congratulations to the LSU Tigers baseball team and say ditto to the words of my colleague, the gentleman from Louisiana [Mr. TAUZIN].

I would also like to remind everyone that just a few seeks before LSU's baseball triumph the women's track team from LSU also won the national championship for the umpteenth time in my lifetime. They have a great program there, so congratulations to the women's track team at LSU and Skip Bertman's baseball team.

Go, Tigers.

INTRODUCTION OF THE CALIFORNIA HOMEOWNER EARTHQUAKE PROTECTION ACT

(Mr. LEWIS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of California. Mr. Speaker, I am today introducing the California Homeowner Earthquake Protection Act, legislation granting tax-exempt status on State authorities established for the purpose of providing earthquake insurance. As a 30-year insurance professional the chairman of the House Appropriations Subcommittee overseeing FEMA and Federal disaster assistance, I am concerned about an emerging insurance crisis in my State.

California Governor Pete Wilson is poised to sign a measure establishing the California Earthquake Authority [CEA], a unique publicly run and privately financed State program to supply earthquake insurance for millions of homeowners in our State. The California Homeowner Earthquake Protection Act will add viability to the CEA and will address a looming and potentially devasting crisis affecting every homeowner—the ability to purchase affordable earthquake insurance.

Under California State law, insurance companies that sell homeowners coverage are required to offer earthquake protection as well. However, as a result of the 1994 Northridge earthquake which resulted in over $1.2 billion in insured losses, many insurance companies are now moving out of the marketplace. In fact, of those companies that offered earthquake coverage before the Northridge earthquake, 95 percent no loner offer policies to homeowners. In the near term, over 1 million families may not have their homeowner coverage renewed.

The CEA is designed to provide $10.5 billion in earthquake coverage funded by insurance carriers, reinsurers, investors, and policy holder assessments. The success of this innovative public-private partnership, which will provide immediate insurance relief for hundreds of thousands of California homeowners, condominium owners, mobile home owners, and renters, depends largely upon the IRS granting the CEA tax-free status. Tax-exempt status would allow the Authority's reserves to accumulate free of Federal income taxes. The IRS, which had promised a tax exemption to the CEA in February, withdrew its decision without warning or explanation in April. Legislation at the Federal level is now necessary to require the IRS to stand by its initial decision.

Continued uncertainty over the tax status of the CEA threatens to kill this public-private partnership. I urge my colleagues to join me, Gov. Pete Wilson, California Insurance Commissioner Chuck Quackenbush, and other in this bipartisan effort to protect California homeowners. We must act now to avert a financial crisis every bit as devastating as the Northridge earthquake itself.

SPECIAL ORDERS

The SPEAKER pro tempore. 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.

AFRICAN-AMERICAN CHURCH ARSONS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolinia [Mrs. CLAYTON] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, church buildings can be burned to the ground, but the spirit of the church will always stand.

The recent rash of church arsons in African-American communities throughout the United States leaves one wondering if anyplace is safe, if anyplace is secure, if anyplace is sacred.

But because those who have done these unthinkable acts have targeted the very places we hold most dear and most precious, there is no doubt in my mind that good will come from this evil.

Even after a ravaging fire, something remains.

It may only be a blade of grass, but from that blade of grass will come a beautiful landscape.

It may only be an idea that remains, a determined spirit, but from that idea, that spirit, will come another church.

As Dr. Martin Luther King, Jr. often stated, eloquently and profoundly, "You can kill the dreamer, but you cannot kill the dream."

Mr. Speaker, I must admit that I was stunned when the church arsons hit home.

Last Thursday, when the Matthews-Murkland Presbyterian Church in Charlotte, NC became another one of the more than thirty African-American churches to be burned over the past 18 months, the shock and amazement of this deed left me dazed and numb.

I thought, How could anyone violate what is most cherished, most precious to a civilized society?

But then, there was Oklahoma City and the World Trade Center in New York.

We live in very puzzling and troubling times.

Yet, from the ashes of Oklahoma and the ruins of New York, something remains, and something emerges.

Good ultimately prevails over evil.

And, it is in that spirit, Mr. Speaker, that I rise to urge all of my colleagues to use this week to also rise in swift resounding voices to condemn this evil and to demonstrate that it will not be tolerated.

President Clinton on Saturday outlined a four-step plan that he has put in place in response to these acts.

Among those steps is the creation of a task force involving the Justice and Treasury Departments and more than 200 law enforement officers.

It is now time for the Congress to step forward.

First, we should all support the bipartisan legislation introduced by our colleagues, Mr. CONYERS and Mr. HYDE.

That legislation would make it easier to bring prosecutions and stiffen the penalties against those who target houses of worship.

Second, I would urge support for a resolution I am introducing, calling on the collective outrage of congress and denouncing these arsons.

It is my hope that such a resolution can be considered this week and that as many Members who wish will have the opportunity to speak in favor of the resolution.

And, finally, we should all, work within our respective communities to help prevent future arsons.

The President told the story of Rev. Terrence Mackey, who awakened one morning to a spot in a field where his church had stood the day before.

Reverend Mackey was concerned about what he could say to his daughter about what had happened.

Eventually, he said to his daughter, "They didn't burn down the church. They burned down the building in which we hold church. The church is still inside all of us."

These acts of hate have inspired acts of love.

Oftentimes when evil people have burned a church building, good people of every race and color and religion have worked together to rebuild the church.

When three African-American churches were burned in Alabama, a group of unpaid volunteers from the Washington area stepped forward to help.

When the St. John Baptist Church in Dixiana, SC was the target of repeated vandalism, a group of African-Americans and whites, Democrats, and Republicans, those with money and those without, organized the Save St. John Baptist Church Committee, and they rebuilt the church.

But this church, just a couple of miles from where the Ku Klux Klan meets, was also burned to the ground.

Yet, with the help of many, diverse volunteers, it too will be rebuilt.

And, when the church in Charlotte was burned down, the pastor preached forgiveness, and the congregation knew in their hearts that help would come to rebuild.

At the end of the day, evil loses and good wins.

On June 15, Reverend Mackey, his daughter, the congregation, and friends will undertake a symbolic march from the site of the old church in Greeleyville, SC, to the site of their new church.

My resolution urges all Members on June 15 to join with Reverend Mackey, his daughter, his congregation and others, in whatever gesture is deemed appropriate, to say to those who would promote evil—that you have burned our churches, but cannot burn our spirit.

Mr. Speaker, after a fire, something always remains, a blade of grass, a spirit.

Mr. Speaker, if I may borrow from the Bible on this occasion, I am reminded of Ecclesiastes, chapter 3, verses 1 through 8.

It states, in part, "To every thing there is a season, and a time to every purpose under the heaven. A time to keep silence and a time to speak."

Mr. Speaker, this is a time to speak, and I urge my colleagues to join me in speaking against these dreadful deeds.

□ 1800

IN HONOR OF GEN. FRED McCORKLE, USMC

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. JONES] is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, I rise this afternoon to recognize a truly outstanding Marine Corps officer and to ask all of my colleagues to join me in giving our congratulations and best wishes to Maj. Gen. Fred McCorkle. General McCorkle leaves North Carolina this month to take command of the 3rd Marine Aircraft Wing at Miramar, CA.

It was recently, in his present assignment as the commanding general at Marine Corps Air Station Cherry Point, NC, that I had the honor of getting to know Fred McCorkle. I quickly found a deep respect for his ability to challenge the men and women under his command, not only to excel within their profession, but to foster a relationship with the surrounding community of Havelock, NC. Beyond his all of duty, he has brought the people of Craven County and the base community closer together. He has become a role model to thousands of young men and women serving in our Nation's Armed Services. It will be difficult to top his accomplishments.

I am confident that we will continue to hear the name Fred McCorkle associated with exceptional work in the Marine Corps. More likely, we will begin to hear how well "the Assassin"—the famous call sign he received in flight school—is doing on the west coast. While the Assassin may, as he says, have "performed open heart surgery, been to the moon, and spoken to Elvis," such achievements do not begin to compare with the fine work he accomplished as the commanding general at Marine Corps Air Station Cherry Point, NC. This year, under his command, Marine Crops Air Station Cherry Point received the coveted Commander-in-Chief's Annual Award for Installation Excellence.

During the last 3 years, General McCorkle has served with distinction as the commander of the Marine Corps Air Bases Eastern Area, and the commanding general at the Marine Corps Air Station, Cherry Point, NC. His service to the Marine Corps, Congress, and to the Nation as a whole, has always been characterized by selfless devotion to duty and unflagging dedication to country and corps. It is a privilege for me to recognize the many accomplishments General McCorkle has achieved during his 28 years of military service.

Born in San Francisco, CA, Fred McCorkle lived most of his life in Johnson City, TN. He went on to earn a bachelor of science degree in education from the East Tennessee State University in 1966, and a masters in administration from Pepperdine University in 1979. After completing Officer Candidates School and the Basic School at Quantico, VA, he attended Naval Flight School at Pensacola, FL, and was designated a naval aviator in January 1969.

General McCorkle went on to enhance his professional education while attending the Marine Corps Command and Staff College in 1980 and the National War College at Fort McNair in 1984. His staff tours include aviation land forces plans officer at the Aviation Plans and Programs Department from 1980–84, and branch head of the Aviation Plans, Programs, Budget, Joint Matters and Policy Branch at Headquarter Marine Corps in 1992.

His operational assignments include billets as commanding officer at the Marine Aviation Weapons and Tactics Squadron One, at Yuma, AZ, from 1986–88; assistant operations officer and operations officer of the 2d Marine Aircraft Wing at Cherry Point, NC, from 1989–90; and as commanding officer of the Marine Aircraft Group 29 at Marine Corps Air Station New River, NC, in 1992.

General McCorkle served in Vietnam with the Marine Medium Helicopter Squadron 262 from 1969 to 1970 where he flew more than 1,500 combat missions. Every day in Vietnam, Fred McCorkle put the future of his country before his own, as he flew an unbelievable average of two combat missions a day. Throughout his career, in fact, he has accumulated more than 5,200 flight hours.

As you might imagine, he has earned several personal decorations that include: the Legion of Merit with three gold stars; the Distinguished Flying Cross with a gold star; the Purple Heart; the Air Medal with single mission award and 76 strike/flight awards; Navy Commendation Medal with Combat "V"; and the Navy Achievement Medal.

Mr. Speaker, Fred McCorkle and his lovely wife Kathy have made many sacrifices during their 28 years of service with the corps. During the past 2 years that I have had the privilege of working with General McCorkle, his efforts have significantly improved the readiness and spirit of the corps, and thus the military preparedness of our Nation. Knowing Fred as I do, I have no doubt that the same can be said about his entire career. North Carolina will miss his presence and professionalism. Those of us who have had the privilege and honor to know Fred and Kathy McCorkle will miss their dedication and friendship.

Assassin, congratulations on your new assignment on the west coast. I wish you well as you assume your new command. You are a great marine and a great American. Good luck and God speed—Semper Fi.

MFN FOR CHINA: TIME TO STAND FOR RECIPROCITY IN TRADE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, tomorrow it is my understanding that the Subcommittee on Trade of the House Committee on Ways and Means will be holding hearings on the very important issue of China and the renewal of most-favored-nation trade status with China. I am here this evening to enter remarks in the RECORD because the committee scheduled these hearings very quickly, without much public notice, and is allowing no Member of Congress to testify on this very important issue.

If I had been allowed to testify tomorrow, I would be one Member of Congress who would state that I strongly believe that this issue deserves more than a perfunctory hearing largely closed to the public, and to the membership, because a new course in our relations with China must be struck; a course that reflects the rule of law and benefits the wider populace of both our great nations rather than the base material interests of a few who trade off that closed marketplace.

Congress has been voting annually on China and its preferred trade status since 1974 when Jackson-Vanik was signed into law, which tied the internal politics of nonmarket economies to their external trading relations with the United States. Jackson-Vanik was a good idea in 1974, and it remains a good idea today if anybody would bother to go back and read it.

The amendment provided a classic carrot-stick approach to policy. The carrot was the U.S. market. The stick was taking away any nation's most favored trading status if it hurt us or it did not live up to our highest ideals. While China has been gorging itself these many years on the carrot of our marketplace, somewhere along the line we lost the stick to effect change in regard to China's attitudes and policies toward our country and toward the citizens of both our nations.

Every year since 1974, President after President, from President Ford to President Clinton, have stood before this Congress and the American people to assure us that our trading relations with China will improve if China's most-favored-nation status is renewed for just 1 more year. This, of course has not happened.

If we refer to this chart here, over the past decade alone the United States has recorded a 1,000 percent increase in our trade deficit with China. Just this year alone, it is projected to be even higher than ever in the past, over $40 billion of additional debt, another record.

Thirty-three percent of China's exports come here to this market. One out of every three products they send someplace else in the world ends up on our shelves. At this pace, China will surpass Japan in the next 2 to 3 years as the nation with which we possess the largest trade deficit in the world. And of course, as our trade deficits have been getting larger and larger every year, the pull-down on our wage levels is greater and greater very year and the erosion of our manufacturing base greater and greater every year as we watch it replaced with service jobs that pay so much less.

If we look at what is happening, however, under China MFN it effectively says to China they have a 2-percent tariff rate to get into our market, but guess how much China's tariff rate is against our goods, even with MFN? Thirty to forty percent. Thirty to forty percent. What kind of a deal is it for our country where we lower our barriers to their goods, but they refuse to lower their barriers to ours? What kind of a deal is it for us?

China is a closed command economy with tariff rates much higher than our own and, beyond that, exchange rates which they manipulate that actually increase the price of our goods into their market by over 50 percent. We know, beyond the exchange rates, beyond tariff barriers, our own U.S. Trade Representative has stated in a report that there are so many nontariff barriers that China also employs to prevent our goods from going into that land, and also is known for other trade abuses involving arbitrary standards, testing, labeling, certification. Their government procurement process remains largely closed to foreign competition. They engage in export subsidies, theft of intellectual property, and they employ an array of barriers to our services and foreign investment.

There is no question who benefits from the renewal of China MFN. It is not the American worker. It is companies like Wal-Mart that employ 700 different contract shops, that employ people in China at 10 cents an hour to make everything from toys to Nike shoes that they then send back into our market, and our people's prices are not lowered. Forty percent of our own apparel industry, for example, has been wiped out, out of this country, replaced by Chinese production, and it is as though nobody here in Washington has even been hit with a brick bat over the head.

Let me say that in the days ahead I will be putting in the RECORD additional information about what China MFN actually means to our country and the people of China. It is time to stand for the rule of law and reciprocity in trade.

NATIONAL GUARD AND RESERVE FORCES IN BOSNIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, I rise today to bring attention to the first class, professional job that our Reserve and National Guard forces are doing who have been called up to serve in Bosnia. These citizen soldiers have voluntarily left their regular employment and have answered the call once again when the country has needed them. As I speak today, men and women from the reserves are filling critical positions in the rebuilding of that wartorn region of the Balkans. These actions have been highlighted today by an article on the front page of the Wall Street Journal. I want to share this article with my colleagues:

[From the Wall Street Journal, June 10, 1996]

EXECUTIVE ACTION—AN ARMY RESERVE UNIT GUIDES RECONSTRUCTION OF POSTWAR BOSNIA

(By Thomas E. Ricks)

PALE, BOSNIA AND HERZEGOVINA.—U.S. Army Col. Michael Hess, in his pin-striped blue suit, leather suspenders, yellow tie and longish hair, looks more like an international banker than a military officer. And the issue on the table at this relief workers' meeting has a distinctly unmilitary flavor.

"This distribution of diapers, where is that going to be?" the colonel asks. In eastern Bosnia, replies the woman from Care International.

Despite his civilian camouflage, Col. Hess plays a key role in the six-month-old U.S. military effort in Bosnia. He is operations officer of the 353rd Civil Affairs Command, a little-known Bronx, N.Y. Army Reserve unit that is quietly coordinating the NATO-led peace-keeping mission here with international civil-reconstruction efforts. With its wealth of military experience and civilian skills, the unit tries to help bond Bosnia together economically, physically and politically. Members currently work with, to name a few, the Sarajevo tram system, utilities, the international agency overseeing national elections and the local World Bank office.

The 353rd can tackle such diverse tasks because its soldiers make up what may be the world's most economically sophisticated military unit. Col. Hess, once an armored-cavalry commander, is Citicorp's relationship manager for Scandinavia, Finland, and the Benelux nations. The 353rd also includes a professor of financial economics, a vice president of the U.S. unit of a Dutch Bank holding company, a Schering-Plough Corp. environmental engineer, a mechanical engineer, the supervisor of bus maintenance for New York City and a Merrill Lynch & Co. broker.

In Sarajevo, the Bosnian capital, the 353rd functions as a band of armed middlemen, melding military units from 34 nations and more than 100 diverse relief and aid groups. "We explain to the military who these guys are and what their capabilities are—and explain to these [other] guys what the military does," Col. Hess says. "The military thinks [relief workers] are a bunch of tree huggers, and they think the military is a bunch of protofascists. In fact, we're all dedicated professionals on both sides," he says.

When U.S. forces entered Bosnia in December, fearful of snipers and mines, combat units of the First Armored Division occupied the limelight. But the past six months have gone more smoothly than expected. U.S. forces have suffered only one hostile death as the three warring factions were separated, heavy weapons placed in holding areas, and minefields mapped and, in places, cleared.

PREPARING FOR ELECTIONS

Now there is more emphasis on civilian tasks, notably on preparing for extraordinarily complex national elections in September. This moves the fighting bankers and bureaucrats of the 353rd to the forefront. If the U.S. mission is judged a success, it may well be due as much to the 353rd's calculators and laptops as to the howitzers and machine guns of the First Armored.

"These guys are doing fantastic work to support the elections," says Ed Joseph, the liaison officer between the military and the Organization for Security and Cooperation in Europe, which will oversee the elections. Already, soldiers of the 353rd have computerized the messy Bosnian voting rolls and

begun teaching instructors who will train poll operators.

As the U.S. military shrinks to fit post-Cold War circumstances, it necessarily makes more use of its 970,000-strong reserves and National Guard. From an old Turkish castle overlooking Sarajevo, a Kansas National guard unit operates a countermortar radar system. Reservists from New York staff the U.S. military press office in Tuzla. A recent Air Force C-130 flight into northern Bosnia had a crew from the West Virginia Air National Guard; the commander is an American Airlines pilot and his navigator a writer of computer war games for BDM International Inc. Many of the reservists will head home this month, having completed their six-month stint.

"They're downsizing the military, but they're not downsizing what the military has to do, so they're using reservists to pick up the load," says Jeff Lane, a military pilot who is a database engineer for Lockheed Martin Corp.

A CENTRAL ROLE

No reserve unit has a more central role than the 353rd. "For most military people, looking at civil affairs is like pigs looking at a wristwatch," Col. Hess says. They "kind of like it, are intrigued by it, but they don't really know what it does." As recognition dawns that American success turns on non-military goals, the 353rd has been allowed to commit "mission creep" and become deeply involved in Bosnia's economic and political affairs.

As troubleshooter for Carl Bildt, the former Swedish prime minister who oversees the civilian rebuilding effort, Col. Hess is here to assess humanitarian problems in Serb-held territory of eastern Bosnia. Sipping espresso in the marketplace of Pale, the Bosnian Serb "capital," he hears a deep rumble in the distance. It isn't clear whether it is an exploding antitank mine or just thunder. Col. Hess seems unruffled. "That's interesting," he shrugs.

He joins a meeting of international aid workers, where his natty attire contrasts sharply with that of the man from the French aid group Medicin Sans Frontieres, with his blue jeans, sandals, shoulder-length hair and cigarette holder.

Col. Hess has been a suit-and-tie man since taking master's degrees simultaneously in European history at Columbia University and in business at New York University a decade ago. For Citicorp in northern Europe, he both handles inquiries and sells the bank's services. Essentially, he says, "I'm a facilitator" for Citicorp—"not very different from this job."

KEY TO PEACE

Each officer of the 353rd feels his speciality holds the key to peace. Maj. William Robbins, Jr., chief of maintenance for the New York City Transit Authority's bus department, is one example. To implement the peace agreement, he says in a gravely New York voice, "the biggest thing is freedom of movement." Thus, his job includes getting more Sarajevo trams on the tracks to free buses for intercity travel—letting more people cross factional boundaries as envisioned by the peace accord signed in Dayton, Ohio.

He strides through Sarajevo's main tram yard wearing fatigues, complete with as Screaming Eagle patch of the 101st Airborne Division on his right shoulder commemorating two years as an infantryman in Vietnam. He pauses before Bus 259, which has 62 bullet holdes in its windshieid and 26 more in the engine panel below. Its engine, wiring and axles are being cannibalized for other buses.

"One of the things I didn't expect is how closely related it would be to what we do" in New York, he says. Bullet holes aside, the main differences are the mines still embedded along the tramway in suburbs formerly held by Bosnian Serbs. Maj. Robbins is lining up a Norwegian aid group to get the mines removed so workers can repair the line. A shell creater in Sarajevo, he adds, isn't really different from a Bronx pothole: "It does the same damage to the undercarriage of the vehicle."

Mines also are a problem for Lt. Col. Mark Dunaiski, a former product engineer from Texas Instruments, Inc., who is the 353rd's electricity liaison officer. For Bosnians, electricity carriers profoundly political implications. "Electricity," he says, "is one of the few national systems . . . that ties them together." Because the system crisscrosses everyone's territory, he says, the various sides must cooperate quietly even when refusing to admit it in public. For example, Bosnian Serbs will provide power to Gorazde, the embattled Muslim pocket in eastern Bosnia, which in turn will pass power to the southern Serb town of Foca. When Col. Dunaiski found that mines along transmission lines were blocking repair work, he had Army helicopters fly local technicians to examine damage from the air.

NUMBER, PLEASE

Col. John Stroeble uses telecommunications to bind together Bosnia's factions. Formerly of AT&T Corp., he sees an analogy between the breakup of AT&T and the breakup of Yugoslavia. Bizarre at first blush—after all, Sprint and MCI never literally opened fire on Ma Bell—the comparison makes sense as he talks about the politics of Balkan area codes. Bosnian Serbs now use the 381 country code, the same as Serbia proper. Col. Stroeble wants them to switch to the 387 used by Bosnia and to re-establish telephone links to Sarajevo, creating the physical conditions for dialogue. "Telecommunications and electronic media were kind of like a weapon in this war," he says.

He also is clearing up after the North Atlantic Treaty Organization. Partly because of its autumn bombing raids against Serb command and control systems, nine of 11 radio transmission towers for telephones in Bosnian Serb territory were destroyed. He is trying to establish cellular service, which "would be quite helpful to the economy and the elections."

MILITARY MIGHT

The soldier-executives of the 353rd sometimes use military might to get their work done. After departing Serbs destroyed the waterworks in a Sarajevo suburb, Maj. Larry Adrian, 353rd water-supply expert who works as an environmental manager for Schering-Plough, asked French and Italian troops to establish a perimeter so a major well field wouldn't be hit during the next transfer of territory under peace-agreement terms.

But he was too late to protect a water station in the hills northeast of Sarajevo. He points at the charred remains of its controls, installed with exquisite workmanship by the Austro-Hungarian empire in 1892. Before abandoning the station, he says, Bosnian Serbs "ripped the guts out, took out the switches and controls, which cost a lot of money, and then they trashed it." He points to pipes conveying water from springs deep inside the mountain. "They just walked through with a sledge-hammer and broken the pipes. It annoys you because it's sheer destruction." He has Italian army engineers building a water bypass so locals can clean the mess.

When Lt. Col. Mark Cataudella, a mechanical and electrical engineer from Providence, R.I., arrived in Sarajevo, his top priority as natural-gas liaison officer was addressing injuries wrought by the city's estimated 67,000 illegal natural-gas connections, which during the seige accounted for most of the energy consumed in the city. The lethal combination of unauthorized taps, homemade burners and odorless gas led to explosions that killed four to six people every month. He worked with a British aid group and the French military to rebuild a gas-distribution facility to odorize the gas and maintain constant pressure. Since then, there have been no deaths from gas explosions.

But the turnover of Serb-held suburbs keeps him busy in unexpected ways. When the first district was transferred, departing residents left behind nasty surprises by opening gas valves, causing several small fires. "For the next transfer, we put soldiers on top of the valves," he says. That created a new problem: "They knew the gas was off, so it made it easier for them to take meters and regulators."

In each area where the 353rd operates, rebuilding is complicated by Bosnia's simultaneous conversion from socialism to free markets. Smoothing that change is the main task of two 353rd members detailed to the World Bank office here. "It used to be the ministry would tell [banks] to lend money to a certain concern, and at the end of the year they'd get an interest payment," says Col. Renato Bacci, in civilian life a vice president of the American-services unit of ABN Amro Holding NV, the Dutch bank holding company.

Col. Bacci, a Chicagoan, is teaching Bosnian bankers about cash-flow statements and balance sheets. His colleague, Lt. Col. Gerry Suchanek, a former Special Forces officer who teaches economics at the University of Iowa, says that "everything I do at home is teaching capitalism. Everything I do here is similar."

Asked what business book best applies to his unit's work here "Managing Chaos" perhaps? Brig. Gen. Thomas Matthews says his soldiers are writing the real book. "Let's put it this way," says the commander, who is a district sales manager for AT&T's Lucent Technologies Inc. spinoff. "The art of war is very mature. It goes back thousands of years to Sun Tzu. The art of peace is much newer. . . . We're learning about it here."

AMERICA'S ECONOMIC LULL BEFORE THE STORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. DUNCAN] is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, I intend to get into something else, but just on what the gentlewoman from Ohio has just mentioned, let me say this: Some people think because the stock market is at record highs that that means that everything is OK, but I think we need to ask ourselves, are we really in the lull before the storm? Because in the last 3 years, 1.5 million people have lost their jobs due to corporate downsizing, and as one of the national newscasts reported a few days ago, almost all of the people, unlike in the eighties, almost all of the people who lost their jobs in the nineties have

stayed out of work on average about twice as long as in the eighties and they have had to take jobs at far less pay than the ones they lost.

In addition to that, we had a $153 billion trade deficit last year, and every leading economist will tell us that conservatively we lose 20,000 jobs per billion dollars. So that means we lost over 3 million jobs due to poor trade policies just in the last year.

And then, even more importantly than that, Mr. Speaker, our unemployment rate is relatively low but our underemployment rate is terrible. We have millions of college graduates who cannot find jobs in the fields for which they were trained, and we are ending up with the best educated waiters and waitresses in the entire world. We need to work on these things if we are going to straighten this country out and make it a land of opportunity again, as if should be.

LIBERAL BIAS OF NATIONAL MEDIA

Mr. Speaker, tonight I wanted to get into the very liberal bias of the national news media.

Mr. Speaker, a couple of weeks ago, the superintendent of the Prince Georges County, MD school system revoked an invitation to U.S. Supreme Court Justice Clarence Thomas to speak at a graduation ceremony.

Another high-ranking Prince Georges official called this action the "epitome of intolerance and bigotry."

She was certainly correct.

Today, in the U.S.A. Today newspaper, columnist Richard Benedetto, has written an outstanding column about this and about the very unfair way in which the liberal national news media treats conservatives.

In fact, this liberal bias, this double standard, is so obvious that longtime CBS correspondent Bernard Goldbert, wrote recently that "the old argument that the networks, and other media elites have a liberal bias, is so blatantly true that it's hardly worth discussing anymore."

In fact, the Freedom Forum and U.S.A. Today recently conducted a poll of Washington reporters and Bureau chiefs and found that only 2 percent classified themselves as conservatives.

At any rate, back to today's column by Mr. Benedetto.

Mr. Speaker, I submit the following article for the RECORD.

[From the U.S.A. Today, June 10, 1996]

MEDIA SILENT ON RIGHT'S RIGHTS

(By Richard Benedetto)

Picture this:

Supreme Court Justice Ruth Bader Ginsburg is invited to speak at an awards ceremony at a suburban Washington, D.C., school. A member of the school board who is also a member of the Christian Coalition objects because Ginsburg supports abortion rights.

The board member threatens demonstrations. The school superintendent, seeking to avoid a messy scene, withdraws the invitation.

Of course, this never happened. But imagine it did.

Women's groups would have been outraged. The American Civil Liberties Union would have denounced it as an egregious breach of free speech. The hue and cry in the media would have made it a national cause celebre. Liberal politicians would have been incensed.

A similar incident did occur last month, except the Supreme Court justice was not Ginsburg—it was Clarence Thomas, a conservative and the only black member of the nation's highest court.

Remarkably absent from the debate were the free-speech groups that usually rush to the defense of those being prevented from legitimately expressing their views, no matter how controversial. Black and civil rights groups also took a pass.

And the national news media largely ignored or played down the story.

It's the kind of thing that provides ammunition to anyone who believes the media are in the clutches of liberals. In this case, the complaint wouldn't be that a liberal bias crept into how the story was reported, but that it influenced how the story was played—or not played.

Why hasn't more attention been paid? Maybe it's because Thomas doesn't hold the "right" opinions.

In the lexicon of political correctness, support of abortion rights is good; opposition to affirmative action is bad. And for those with the temerity to go against the grain, the laws of free speech and rules of civility apparently don't apply.

One of the few national columnists to defend Thomas was Richard Cohen of The Washington Post. While he doesn't subscribe to all the jurist's views, he argued Thomas has a right to be heard. "The black inner city has gone to hell in a handbasket while (Thomas' critics) have been leading the African-American community," Cohen said. "If they are so sure that their path is the correct one, they should spend less time vilifying Clarence Thomas and more time engaging in a battle of ideas."

The invitation for Thomas to speak at the school followed a student field trip to the Supreme Court. There, Thomas was the only justice to invite the students into his chambers. For 90 minutes he patiently spoke and answered questions. The invitation was extended by the PTA as a thank you.

Thomas, unlike the other justices, routinely visits with students when they tour the court.

These days we walk around wondering why our young people seem to be in the grip of a moral and spiritual crisis. When public officials, community leaders and news media demonstrate such double standards, the reasons why should be clearer.

□ 1815

BURNING OF BLACK CHURCHES

The SPEAKER pro tempore (Mr. JONES). Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, this poignant picture in the Washington Times says it all. It is a parishioner praying in a church in North Carolina that has been under siege and burned down last Thursday.

As we reflect on the Constitution of the United States, we realize that the first amendment is one of the more fundamental rights of this Nation. In that amendment, in addition to the right to free speech, is the right to freedom of religion, the opportunity for all of us as Americans to be able to worship in peace and as we please.

In fact, as this Nation was founded, we were founded on the very tenets and underpinnings of religious freedom. It seems, however, a few in this Nation would want to lay siege upon the Constitution of the United States of America. I find it both outrageous and inexcusable and, therefore, am calling upon all of those of goodwill to rise up in opposition to what may be random, what may be conspiratorial but what may be ugly and deadly.

I join my colleague,the gentlewoman from North Carolina, in supporting her resolution calling upon this Congress to denounce these vicious activities. I rise this evening in the shadow of two very serious burnings in Texas, my home State. I rise as a member of the House Committee on the Judiciary, having participated in hearings just a week or so ago calling upon the President and the Attorney General to first of all organize a coordinated effort to attack this siege and I am glad to say that as of this weekend, after a meeting with ministers of churches who have been burned, such a coordinated effort was first established along with an 800 toll-free number and, yes, of course, an increased effort to determine the cause and the perpetrators of these heinous acts.

Tomorrow the House Committee on the Judiciary will mark up legislation dealing with the penalizing and the effort to obstruct those who would lay siege upon the Constitution of the United States of America.

I would simple say the tragedy in Texas has determined that there were at least three perpetrators. But the one thing we do know is that the houses of prayer, no matter where they are, should be sacred institutions of which all of us respect their existence and the right of those individuals to worship.

It is important also that we acknowledge the racial underpinnings of these acts and certainly not run away from the tensions that have been created in the last 2 years amongst our people in this country. It would simply ask, as the ministers have asked, that we pray and that we have the opportunity to join together as humankind to stand up against these tragedies and atrocious acts.

I call upon my colleagues in the U.S. Congress to support this resolution of outrage, and I call upon the President and the Attorney General to seriously emphasize that the perpetrators, wherever they are, will be caught and brought to justice. If need be, I would ask that we entertain the idea of the National Guard being sent into these respective places, so that we can find

some sense of solace and comfort to those who feel they are under siege.

I do ask those who are part of the investigatory process to be sure that they do not make those who are the members of the churches the victims and that the investigation be done in a manner that respects the tragedy that has occurred. We certainly want to get to the bottom of it. We do not want to throw stones. We do not want to have misinformation. But we certainly want to get the right information, the best information, the information that will allow us to fairly solve these crimes.

And most of all, Mr. Speaker, we ask that we will have the ability to save lives and not have something similar to the atrocity and the very sinful and terrible act of the 1963 church bombings that took the lives of four little girls.

I stand here because I want to save lives. Let us join together in this investigation, taking it extremely seriously. Let all parties join together and provide the necessary information on the toll free act. Let us swiftly pass legislation that may in fact prosecute those individuals more quickly and certainly let us rise together as a house to denounce these atrocities collectively in a resolution sponsored by my colleague from North Carolina to denounce these church arson burnings.

Let us join together as Americans so that we can safely and freely pray together in our houses of worship.

OUR NATION'S DRUG POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MICA] is recognized for 5 minutes.

Mr. MICA. Mr. Speaker, I come before the House tonight to talk about a situation as serious as the one my colleague has just enumerated with the burning of the black churches in this country. Certainly I support her comments, and everything should be done in that regard to resolve this situation.

Mr. Speaker, I want to talk about another serious situation, and that is the lack of a national drug policy. I represent central Florida, a beautiful area between Orlando and Daytona Beach. I am so fortunate. Other areas of the country sometimes have problems, and we have problems. But it is normally a very tranquil place. People work and go to school. But lately I get home, got home last weekend and turn on the television. I do not know whether I am in Washington, DC, with the murders, with the atrocities that are being committed by certain individuals in our society or whether I am in Detroit or New York or wherever. Sometimes you read the conflicts. But last weekend, we had a 13-year-old car hijacking. We had the incident of 18-year-olds involved in murders, some double murders. I look out in the community, and I have seen people that I have worked with who have lost family now in this drug war. I wonder where our Nation's drug policy is.

Really, what you sow, I guess, is what you reap in this business. I am really disappointed in the President and this administration. I come before the House tonight to talk about the drug policy. I am afraid that under the President, it has been an absolute disaster. I guess when you take some actions like the President has taken, first thing he did was dismantle the drug czar's office and fire everyone in the White House with only a handful left working on the drug czar.

Then he appointed Joycelyn Elders our Nation's number one health official. And what did she say? She said: Just say maybe, maybe we should legalize drugs. Then we stopped sharing the drug information with our South American and other allies in the drug region. We saw how our policy was a disaster in that regard, only through an uproar in Congress did some of that get changed.

Then we witnessed the destruction of our drug interdiction program, how we found recently assets that were destined for drug interdiction got diverted to Haiti, to other projects, how the Coast Guard, who in the Caribbean had a $630 million budget and now is getting up to maybe $370 million to fight drugs, a dramatic decrease in interdiction because this President wanted the money to go for treatment. I submit to my colleagues tonight that treating just folks in this drug war is like treating the wounded in a battle.

Mr. Speaker, we have seen the results. The results are absolutely startling. Tonight I want to talk about a report that is out by the Drug Abuse Warning Network which talks about the increases of cocaine, which talks about the increases of marijuana, which talks about the increases of heroin. It is not just among our adult population. It is now in our children.

Look at this chart, which details, and you can see from the 1980's, how drug abuse and drug use are going down. In 1992, when this policy kicked in, you see what has happened here, with 12th graders, with 10th graders, and even 8th graders. This is not an acceptable situation.

Let me read from this report that just came out last week. The Drug Abuse Warning Network, commonly known as DAWN, collects data from hospitals and other reporting agencies. The news according to this report is terrible.

Let me quote it: Compared with the first half of 1994, which was the high water mark for drug related emergency room cases, cocaine related emergency increased 12 percent, from 68,000, to 76,000. In heroin related episodes, that rose 27 percent. Marijuana related episodes increased 32 percent and methamphetamines and some of the designer drug cases grew by about 35 percent. So we have seen the results in our emergency rooms and our communities, with some of our children, some of our young people out of control.

Mr. Speaker, let me also cite this report that we have seen what has happened with cocaine prices. On cocaine prices, we see the consequences of the changes in this administration's policy. Cocaine prices actually went down, and we made cocaine more available. Prices were from $172 a gram to $137. So in interdiction where we have dismantled the program we see the direct results.

I serve on the committee that oversees our drug policy. Let me tell you, the report that we came up with on our assessment of this situation is detailed in this report released in March. I brought it before the Congress. It should also be startling to everyone in the media, everyone in the public, and everyone in this Congress. This details increases in heroin use, cocaine use, designer drug use. What is interesting even in the marijuana area is that the marijuana that was used in the 1960's and 1970's was nowhere near as powerful as what this report says is 30, 40 times as powerful and is messing up the brains and the genes and the minds of our young people. That is one of the problems that we see with crime, with disorder and again with the use of these drugs by our young people.

□ 1830

So the reports are in. The Congress, my subcommittee over at International Affairs and Oversight has released this report. We now have the report of the drug abuse warning network that shows that the problem is even worse than what this chart details before us.

But I think, my colleagues, that it is time that we took back our children, I think it time that we took back our schools, that we took back our streets, we took back our communities, the violence that we have seen, the crime that is related to drug abuse. My sheriffs and police chiefs have told me that 70 percent of the criminals that they have incarcerated are involved with drugs, and narcotics and illegal substances.

So we know where the problem is. It is not going to be answered by curfews, it is not going to be answered by regulating cigarettes, it is not going to be answered by uniforms or V-chips. It is going to be answered by the highest leadership of this country, the White House, taking this issue seriously. It is going to be answered by this Congress providing more resources to a drug interdiction program and education programs, some of which have been gutted by this administration, and making drug abuse and misuse a serious topic of conversation because it is ruining our ability to live as a society.

We heard about the black churches that have been destroyed across the Nation. Well, just in this city since I have been in Congress the last 3½ years, 1,000, in excess of 1,000, young black males between the ages of 14 and 45 have lost their lives in a drug war. I asked the President in any war I would send in the National Guard, and when we saw what was going on here with the deaths, he denied our activity. I participated in a hearing in San Juan today, and we found that where they brought in the National Guard where they had high intensity or problems that, in fact, they took their streets back.

So we are going to have to take whatever measures are necessary because we are in a war. The victims in this war are children. We are losing a generation. Our jails are filled. We cannot put any more people in prison, so we are going to have to concentrate on what has become a national scandal and a national problem, and that is drug abuse and drug misuse. The direction the President has been heading in is the wrong direction. We need to get in the right direction, and we need every American to speak out on this, not just in Congress, but throughout the land.

Mr. Speaker, we must solve this problem or we are not going to again have safe streets or have our children have an opportunity for the future.

CHURCH BURNINGS STRIKE MY DISTRICT

The SPEAKER pro tempore (Mr. JONES). Under a previous order of the House, the gentleman from Texas [Mr. HALL] is recognized for 5 minutes.

Mr. HALL of Texas. Mr. Speaker, last night two churches in Greenville, TX, the fourth district that I represent, were damaged by fires which are suspected to be acts of arson. These are the latest in a long and tragic series of church burnings that have struck predominantly black, southern churches in the past 18 months. Whether these burnings eventually are found to be part of a conspiracy, isolated incidents, or "copy-cat" crimes, these are crimes that must be given top investigative priority.

Members of the blue dog coalition, of which I am a member, have joined with members of the Congressional Black Caucus in asking Attorney General Janet Reno to give this issue the full and focused attention of the Department of Justice. In recent weeks, we have received assurance that the Department is committed to thorough investigation of these burnings, and yesterday Attorney General Reno gave her personal assurances to a delegation of ministers. As we speak here tonight, agents from the FBI and the Bureau of Alcohol, Tobacco and Firearms are in Greenville investigating these recent burnings.

I would like to commend the efforts of the distinguished gentleman from Louisiana, Mr. CLEO FIELDS, and the distinguished gentleman from Alabama, GLEN BROWDER, for their leadership on this issue, and I join others in the blue dog coalition, the Congressional Black Caucus, other Members of Congress, and the majority of Americans in condemning these acts of violence. Whether these are crimes of hate or random incidents of vandalism and arson, this is a disturbing pattern of violence in America that must receive our serious attention.

The issue is not merely the physical damage resulting from these fires. I am confident that the congregations of Greenville's New Light House of Prayer and the Church of the Living God will unit to repair their churches and will be joined in that effort by the Greenville community at large. The issue is that these fires represent an act of violence that must not be tolerated in a free and civil society. When we read about church burnings or awaken one morning to discover that a suspicious fire has damaged a church in our own community, we are reminded that religious freedom is the solid rock upon which our great Nation was founded and which must be preserved and protected.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H. CON. RES. 178, CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 1997

Ms. GREENE of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 104–615) on the resolution (H. Res. 450) waiving points of order against the conference report to accompany the concurrent resolution (H. Con. Res. 178) establishing the congressional budget for the United States Government for fiscal year 1997 and setting forth appropriate budgetary levels for fiscal years 1998, 1999, 2000, 2001, and 2002, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3603, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

Ms. GREENE of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 104–616) on the resolution (H. Res. 451) providing for consideration of the bill (H.R. 3603) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1997, and for other purposes, which was referred to the House Calendar and ordered to be printed.

IMPACT OF REPUBLICAN CUTS ON MEDICARE AND MEDICAID

The SPEAKER pro tempore. Under the Speaker's announced policy on May 12, 1995, the gentleman from New Jersey [Mr. PALLONE] is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, on previous occasions during these special orders I have talked about the impact of the Republican cuts in Medicare and the fact that the Republican leadership proposals on Medicare would cut the Medicare Program so much that most of the money, or a good percentage of the money that would be cut, would be used for tax breaks for wealthy Americans and also that the changes in the Medicare Program that have been proposed by the Republican leadership would negatively impact the Medicare Program by essentially depriving many senior citizens of their choice of doctor, pushing them into managed care programs; if they did not go into managed care of HMO programs, they would actually experience rather large increases in out-of-pocket expenses because the protections that exist under current law whereby a doctor can charge only 15 percent more than what Medicare pays would basically be repealed.

I have been very critical of the various components of the Medicare Program that the Republicans have proposed. Well, tonight I wanted to repeat some of that, but perhaps even more so, go into some of the changes that are being proposed for the Medicaid Program because tomorrow we are likely to take up on the House floor the Republican budget bill, the conference bill that comes back from both the House and the Senate, and that includes major provisions and incorporates the changes, if you will, in the Medicare and the Medicare Programs that the Republican leadership has proposed.

In addition, starting tomorrow and after tomorrow, once that budget is adopted, as I expect it will be by the Republicans or by the Republican majority, we will start seeing individual committees take up different components of that budget proposal, including the Medicare and the Medicaid components, and actually come forward, the committees will come forward, with legislation that provides a lot more details about exactly how the Republicans and the leadership plan to make changes in Medicare and Medicaid. Specifically, tomorrow my committee, the Committee on Commerce, which has a Subcommittee on Health and the Environment, will actually have a hearing on the Medicaid changes that would likely be brought

up and voted on in the committee some time later this week.

The problem that I have with the Medicaid Program in some ways is very similar to the problem that I have with the Republican Medicare proposal. The cuts are too deep, they negatively impact the program because the money is taken away from the program and used for other purposes, primarily tax breaks for wealthy Americans, but in the case of the Medicaid Program, unlike the Medicare Program, the Medicaid Program is essentially repealed outright because its entitlement status, the guarantee that Medicaid recipients have now that they will receive certain health care coverage or even health care coverage, is basically taken away, and the program is what we call block-granted to individual States. The States get a certain amount of money. They can decide pretty much on their own how they decide to disburse that money. If they decide that certain categories of people should no longer be eligible for Medicaid, it is pretty much up to them to make that decision, and even those who continue to be covered by Medicaid in many cases will find that the scope of their coverage or services that are rendered available to them are significantly less or significantly poorer quality.

Now, many people think of the Medicaid Program as a program for poor people, and that is essentially true, and the Medicare Program, of course, is for all seniors regardless of their income status. Medicaid, on the other hand, is for people of any age who fall below a certain income. But in this country, in these United States, most of the Medicaid Program money, most of the money that the Federal Government and the State governments contribute to Medicaid, actually pays for senior citizens who are staying in nursing homes. So Medicaid is, although it is not exclusively for senior citizens by far, the majority of the money goes to pay for senior citizens services, and it is just as important to the seniors of this country, almost as important, I should say, as Medicare itself.

I want to keep stressing that, that Medicaid is primarily a program, or at least financially a program, that pays for seniors' health care, primarily again in nursing homes.

Mr. Speaker, I wanted to talk about some of the reasons more specifically why I oppose this Republican Medicaid Program and the changes that are being proposed by the Republican leadership. The budget that we will be voting on most likely tomorrow would reduce Federal spending on Medicaid over the next 6 years by $72 billion. This means that compared with what the Congressional Budget Office, or the CBO, estimates is necessary to maintain the program's current level of coverage, the Federal Government would be spending $72 billion less, a cut in Federal Medicaid spending would be 16 percent below the amount CBO estimates is necessary or needed to maintain the program at its current level.

So once again you are going to be hearing from the other side of the aisle, and they are going to be saying, well, we are actually increasing the amount of money that we spend on Medicaid in the same way that we are increasing the absolute amount of money that we are spending on Medicare. But if you look at inflation and the actual cost to take care of the people that are in the Medicaid Program now, just as in Medicare, and project how many people would be in those programs over the next 5 or 6 years, you realize very quickly that the amount of money that is going to be made available will not cover the needs of those Americans who would normally be eligible for Medicaid or Medicare.

In addition, Medicaid, unlike Medicare, is 50 percent paid by the States. So what the Federal Government does in how it relates to what the States pay is also significant, and under the Republican budget, which we will be voting on most likely tomorrow, the States would be allowed to decrease their spending, and State Medicaid spending would fall by $178 billion over the next 6 years, more than twice as much as the Federal spending would be cut.

□ 1845

So we could say that the total cut in Medicaid spending, both Federal and State, would be $250 billion, or 18 percent.

There is no way, Mr. Speaker, this program can continue to cover this same number of people and provide the same level of services with that level of cut. It is unprecedented. Of course, it is not intended to cover the same amount of people. The anticipation has to be that a lot of people will simply not be eligible for Medicaid anymore.

As I said, the Republican bill would repeal the Medicaid Program and replace it with a block grant to the States. More specifically, the Republican bill repeals the individual Medicaid entitlement effective October 1 of this year.

What does that mean when we talk about entitlements? Entitlements historically have been if you are eligible because of income or other criteria for a program, you are guaranteed that you would have that health care coverage. Essentially what this Republican bill does is take away the entitlement status of Medicaid, so no one is actually guaranteed that they are going to have health insurance. Basically, States would be entitled to fix the amounts of Federal dollars and could vary the benefits they offer from person to person and area to area.

I want to stress again, and I do not think I can stress enough, that we are primarily here, in terms of dollars, talking about nursing home coverage for senior citizens. The Republican bill puts the elderly, especially the frail elderly in nursing homes, and their families at risk of paying large amounts of out-of-pocket expenses for needed care and of losing much of their current coverage altogether.

The Republican bill repeals the current entitlement that low-income Americans have needed nursing home care, again effective October 1. Again, if you were below a certain income now, you are guaranteed nursing home coverage. You will not be under this bill. The bill repeals the current requirement that nursing home services and other benefits be sufficient in scope, allowing States to limit coverage to, say, 14 days per month, or 2 months per year. Elderly nursing home patients and their families would have to pay for the care received during those periods the States chose to cover. Not only can the States decide not to cover certain people for nursing home care, but they can decide they will only cover them for 14 days, half a month, or a certain number of months per year, and basically say you have to pay; and since these people do not have the money to pay themselves, their families, their children, their grandchildren, would have to pay those expenses in the nursing home.

The Republican bill also repeals the current law requiring that States pay nursing homes reasonable and adequate rates for the services they provide to Medicaid patients, and it prohibits nursing homes from suing States in Federal court to enforce the reasonable and adequate payment standard.

Oftentimes what happens now is that States will decide that in order to save money, they will reduce the reimbursement rate that goes from Medicaid to the nursing homes. A lot of times in the past the nursing homes could get together and say, look, that is not enough money to pay for care. We would have to cut back on the amount of nurses that are available. We would have tot cut back on various services. They sue in the Federal court and they say, "This is not enough to pay for the proper services that we offer," and many times they win. Sometimes that do not. They would not be able to bring suit anymore, and there would not be a requirement anymore that the States set a rate at what is reasonable to actually cover the costs of the nursing home care.

The Republican bill also repeals the current law prohibition against the imposition of cost-sharing requirements on Medicaid nursing home patients. So, as a result, I will give an example, States could require each beneficiary to contribute $25 per day, say, toward the cost of nursing home care. Since

most of the beneficiary's income is already applied towards the cost of care, because we are talking about low-income people, the burden of this additional cost-sharing would, as a practical matter, fall on the individual's family.

Mr. Speaker, what we are seeing here is a major shift historically. When seniors were not able to afford nursing home care, the State and the Federal Government contributed and paid for that care. What we are going to see increasingly is that the burden will fall more and more on the children and the grandchildren. I think some people say that is fine, let the children or the grandchildren pay; but when we think about the fact that those children may have the educational expenses for their children or may have other costs that they incur in order to pay for their children or their regular lives, it is very difficult for many of them to now have to shell money out of pocket to pay for nursing home care for their parents or their grandparents.

Mr. Speaker, I wanted to talk a little bit about what this Republican Medicaid plan does for children. The bill basically strips over 18 million poor children of the health insurance coverage which they are guaranteed under current law, children with disabilities or health conditions that are expensive to treat, and their families are at a particular risk of losing coverage.

The bill repeals the current entitlement to a basic benefit package for every American child under 13 living in a family in poverty. This repeal, which will essentially terminate health insurance coverage for over 18 million children, would become effective October 1. The bill also repeals the current requirement that States provide basic health care coverage to children age 13 up to 18, living in poverty, and under the Republican bill, coverage to these children would be at the option of each State.

Finally, the Republican bill repeals the current law requirement that physician, hospital, and other so-called guaranteed benefits be sufficient in scope for children. As a result, States would be allowed to limit children to, say, one physician visit per month or 5 hospital days per year. Just as with the seniors in the nursing homes, the children, the coverage for children, could be limited by just taking out whole categories of children who would not have health insurance, and would then be among the ranks of the uninsured, or basically by limiting the kinds of services that the children would receive under the program.

I see that my colleague, the gentleman from New York [Mr. HINCHEY], is here. I yield to him to talk about Medicaid or Medicare, which I know is very important to him and his district.

Mr. HINCHEY. Mr. Speaker, I thank the gentleman for blocking out this time and giving me an opportunity to join him in this discussion.

I know that the gentleman is very concerned, as I am and I think many of the people in this House are, about the future of both Medicare and Medicaid. Last week we saw once again the trustees, the Medicare trustees, issue their annual report. It is a report, of course, that they issue every year. When they issued their report last year, the Medicare trustees reported that legislation that would reduce costs by only $89 billion over a 7-year period would be sufficient to maintain Medicare's financial security. So it is not an awfully difficult job to do. A relatively small amount of money over that 7-year period will ensure the future stability of Medicare for at least another decade beyond that.

Most of this legislation, which would extend Medicare's viability another decade, required only the continuation of existing Medicare laws that were scheduled to expire. So, simply by taking laws that are about to expire and extending them into the future, that alone will provide us with most of the funds that we need to ensure the strength and viability of Medicare for at least another 10 years. Many of us, including you and I, cosponsored legislation that would continue those laws and would meet that $89 billion goal.

Relatively small shifts in reimbursement levels and technical changes can produce substantial savings without requiring any dramatic overhaul of the Medicare Program. Our colleagues on the other side of the aisle here, whose real intention is to destroy Medicare, are proposing to cut much greater funds out of the program. Their proposal last year, of course, was for $270 billion out of Medicare. They have dropped that back a little bit this year. It is something in the neighborhood of $220 to $240 billion that they would cut out of Medicare this year in their budget proposal over a 7-year period.

We know that there have been many times in the past, and Medicare has been around now for 30 years, there have been many times when the trustees have reported that Medicare would run out of funds, in some cases in as short a time as only 2 years. There were a couple of periods back in the decade of the 1980s, for example, when the trustees came in with their report and said unless the Congress takes some action of some kind to strengthen the fund, the fund will be exhausted in 2 years. Of course, Congress took that action, and the fund was extended for years into the future.

Now the trustees, in their most recent report, have said that the fund is secure for another 5 years. There is nothing that has to be done for another 5 years and it will be secure, but sometime within that 5-year period the Congress will have to act.

That has always been the case. Medicare was created on a pay-as-you-go basis back in 1965. It was not as though Lyndon Johnson, who was President then, found a big pot of money someplace and said, well, this is going to be the Medicare trust fund. We have just discovered this fund and we are going to turn it into the Medicare trust fund. Nothing like that, of course, happened. What they did was set up the Medicare Program and established its funding on a pay-as-you-go basis, year after year after year, assuming that the program would be effective, that the American people would support it, and so therefore the Congress would continue to support it with the necessary funds.

Now the majority party here has come and has reacted to this recent revelation, this recent report from the trustees that stipulates that Medicare is fine for 5 years, and they are trying to instill panic in the general population, particularly those people who are receiving Medicare, elderly people. They are vulnerable to this. They are worried about their health care. So when someone in the House of Representatives stands up here on the floor and stamps their feet and makes a big to-do, pretending that Medicare is about to go bankrupt, when in fact it is stronger today than it has been many times in the past, senior citizens become concerned, because it is the health insurance that they need to get the health care they need to sustain their health and to sustain their lives. Their children become concerned, too, because without Medicare they know that they would have to sustain substantial costs which in many cases for working people would be far beyond their ability to sustain.

Mr. Speaker, it is really, I think, scandalous the way some people here have tried to turn this routine report from the Medicare trustees that comes out every year, how they have tried to turn it into a political football, and they are trying to exploit this report by pretending it is something that it is not. It is not a call for alarm, certainly not panic. It is simply the requirement, annual requirement that the law stipulates that the trustees must do, and that is to report to Congress and to the United States every year on the condition of the fund. The fund, with 5 years, is obviously a lot stronger than it was back in the 1980s, when a number of times, at least twice, there were only 2 years left in the fund.

Congress has responded throughout this 3-year period. In the last 13 years, for example, Congress has adjusted the Medicare fund nine times to respond to recommendations that were contained in the annual report of the Medicare trustees. So this report this year is nothing extraordinary, it is nothing new. It is the routine, annual reporting of the trustees to the Congress, and it is our responsibility to respond to that either this year or next year.

The proper response is, as I indicated when I first started speaking a few moments ago, the proper response is to look at the existing law, take some of those things that are about to expire, extend them on into the future so that they will produce the needed revenues, and the mere $89 billion over 7 years, a far cry from the $270 billion that our friends on the other side of the aisle are trying to chop out of the program, simply by extending provisions in the existing law you can obtain the $89 billion over 7 years and ensure the strength and solvency of the fund for at least another decade, which is the kind of thing that the Congress has done over and over and over again throughout the 30-year history of Medicare.

But it comes as no surprise to you nor to me that these folks are trying to exploit this report, to turn it into a source of panic and concern, when really there is no need for concern, let alone panic. It comes as no surprise to us because we know that the majority leader of the Senate, who is now about to retire, was bragging here on an October day last year when he was addressing a very conservative group of people here, when he was trying to appeal to them as a candidate for the Republican nomination for President, he was trying to appeal to them by saying to this very right-wing group, "If you want someone who is really conservative, then I think I am the guy you want, because I have been against Medicare from the very beginning." He bragged about being one of only 12 people to vote against Medicare when it was first proposed on the floor of this House. he was a Member of the House in those days, in 1965.

He bragged about being only one of 12 people to oppose the Medicare legislation, and he seemingly makes no bones about it, frankly. He was proud of the fact that he was against it then. He said he has been against it ever since, and he is against it today. Why, he explained? Because, and this is the real kind of silly part of his argument, he said, "Because I knew it would not work then and I know it does not work now."

The fact of the matter is that millions of American seniors have benefited from the Medicare Program. It has provided them with excellent health care; not that it is perfect by any means. There are things we have to do and will do to improve the program. But the fact of the matter is that Medicare has served the senior citizens, 65-year-or-older population in this country, very well now for more than 30 years. And of course we know that the Speaker of our own House, coincidentally that same week in October of last year, speaking to a group of insurance executives at the time, said this to them.

He said, "We are not going to attack Medicare directly. No, no. We are not going to do that. That would be politically unwise," he said. "What we are going to do is attack it circuitously, by going around the back, withdrawing the funds from the program"; hence their proposal for a $270 billion reduction, "withdraw the funds from the program and let Medicare wither on the vine."

□ 1900

That was his approach to these insurance executives, who of course many of them would like to see Medicare be destroyed, because that would give them some opportunity to perhaps sell some health care insurance to some people who do not need it now because of the fact that they have Medicare.

So it comes as no surprise to us, it ought to come as no surprise to the American people that there are certain people in this House as well as in the other body that are trying to exploit this routine report from the Medicare trustees, turn it into something it is not, pretend that it is cause for concern and try to exploit it for political reasons, which I think is frankly unconscionable. Nevertheless, that is what they are trying to do, when in fact this is a routine report.

It is simply the trustees fulfilling their obligations to report to the Congress and to the American people, and this Congress or the next one, which will be elected in November, will do exactly what Congresses have done in each and every case in the past. They will do the responsible thing. They will extend these programs out. They will take the appropriate action to ensure that this Medicare Program, which has served the country and particularly our elderly population so well now for so long, will continue to do precisely that.

So I wanted to come over and join you in this discussion because I think that these are matters that are important and ought to be said. In fact, I think that they ought to be said as often as possible.

Mr. PALLONE. I appreciate the gentleman coming down and saying the things that he said. It is so true. I think it is really an ideological phenomenon that basically the Republican leadership does not favor Medicare or Medicaid, and that is essentially because I think that they believe that whether it is for seniors or it is for low-income people, there really should not be a government-funded or run health care program.

The bottom line is that these programs were established because we knew that the majority of seniors were not able to get health insurance. When Medicare was established in 1965, the majority of seniors did not have health insurance coverage. Certainly people who are eligible now for Medicaid who are very low income, there is no way for them to get health insurance coverage unless the Government provides a program like Medicaid.

But what the gentleman was saying about how the Republican leadership is trying to use this Medicare trustees' report as a way to justify their radical changes, if you will, that they are suggesting for Medicare, is so true.

I just have some statistics here that show that right now the Medicare trust fund actually has a $125 billion balance and there is no danger that claims will not be paid. I have people coming up to me because they hear what the Republicans say, and they say, "Is my Medicare going to be paid this year?"

As the gentleman points out, even though the trustees' report indicated that it would only be solvent for another 5 years, that is actually better than many previous trustees' reports which were only for 2 years. Also, when the gentleman was talking about the actions by the House, the Democrats in 1995 and 1996 actually proposed on the floor amendments to the budgets that would have corrected the problem.

We had a vote on a proposal of the gentleman from Florida [Mr. GIBBONS], the ranking member on the Committee on Ways and Means, the Democratic ranking member, last year during the budget debate to cut, I guess, $90 billion out of Medicare. That is exactly what the trustees' report said was necessary in order to keep the program solvent for the next decade. The President's budget was offered on the floor this year that would have achieved the same goal, and the Republicans voted against it.

Basically what they are trying to do is, they are trying to increase the cuts significantly more, as the gentleman said, than what is necessary to keep the program solvent. I have maintained that is primarily in order to pay for these tax breaks that go primarily to very wealthy Americans.

So I think it is only fair, as the gentleman is doing, to point out where this debate really is. What we are seeing are efforts on the part of Speaker GINGRICH and the Republican leadership to make real changes in the Medicare Program and also in Medicaid, as I was talking earlier that are essentially going to have a negative impact on these programs and ultimately force them to disappear or, as I guess the Speaker said, wither on this vine. I think that was his quote, that Medicare should wither on the vine.

Mr. HINCHEY. It is clear that that is his intention. I think you are right for pointing out that there are certain ideological differences. There are things relating to public policy that separate the Democratic Party from the Republican Party, not every member of the Republican Party, because there are people in the Republican Party who very much appreciate Medicare, who like it, regard it as something very positive and want to support and sustain it.

It happens, however, that the leadership in this House feels quite differently and the leadership in the Senate feels quite differently. They are very strongly opposed to it. They have said so themselves. They make no bones about it. They are not reticent about their opposition to it. They have been quite clear in the things that they have said. They are opposed to the continuation of Medicare, as they are opposed to the continuation of Medicaid, and they are trying to destroy these programs by taking the lifeblood from them, the funding that is necessary to keep them going.

Something else that the gentleman said really stuck me, also. I was at a housing unit over in Binghamton, which is a city in my district, over the weekend. It is a very lovely place. It is well run, it is well kept. It is 16 years old, was funded by the Federal Government. It was built 16 years ago but it is maintained so well that one would think it was only 4 or 5 years old. it is in very good condition.

This is a building that houses senior citizens and people with multiple disabilities. If it were not for buildings like this, these people frankly in many cases would have no place to go. So here they have an opportunity to live independently and live in a secure environment and one that is quite pleasant. In fact, in the back yard there was a lovely landscaping operation and a garden where people had planted some vegetables, tomatoes, and things like that, to harvest in the summer harvest.

They were deeply concerned when I talked to them about Medicare. They had heard some of the things that were reported here. They had heard about the Medicare trustees' report, they had heard about the kind of twists on that report that had been placed upon it by certain Members of this House on the other side of the aisle, and they were deeply concerned.

They were wondering if they were going to continue to have their health insurance, if it was going to continue to be viable. I had to assure them that, yes, of course it was, that this report was not anything unusual, it was simply the routine report put out by the trustees.

But there are people here in Washington who do not like Medicare. They have never like it, as BOB DOLE has said quite clearly. He was against it from the very beginning back in 1965. He did not like it then, he does not like it now. That is his right, of course, not to like it. He is certainly entitled to his opinion.

We think he is wrong. We believe earnestly that he is wrong. We recognize that Medicare has served this country very well, particularly our elderly population and the families of older people as well. But they do not like it and they are opposed to it. They would like to see it ended, and they are trying to destroy it by these continuing efforts to cut the funds out of the program so that, in the words of Speaker GINGRICH, it would just wither on the vine.

Mr. PALLONE. I am somewhat familiar with the gentleman's district, not so much with Binghamton but with Endicott, which is also in your district, I believe.

Mr. HINCHEY. Yes, it is.

Mr. PALLONE. Because my father-in-law and mother-in-law both grew up, until they went off to college, lived in Endicott, and I have been up there a few times. It in many ways very similar to a lot of areas in my district where there is an aging population in many ways. You have a lot of the senior citizens, maybe a little out of proportion to some other areas of the State or other States.

The problem that I see with all this, not only with Medicare and Medicaid, with the Republican proposals, is that if you cut people off the rolls or if you cut back the services that are covered by Medicare and Medicaid you cause, which is what they are doing basically, a lot more out-of-pocket expenses. What I see is the burden shifting increasingly to the children and the grandchildren of these senior citizens. Because many of them are not going to be able to afford the additional costs out of pocket.

Some people have said to me, "Oh, that's okay, let the children and the grandchildren pay for it." First of all, you have the phenomenon that some will not. But beyond that, how far can they go? A lot of younger people have their own children to raise and they are not expecting that they are going to have to shell out large amounts of money to pay for nursing home care for their parents or their grandparents or these other doctor and physician services.

What we are talking about here is not just something that relates to senior citizens but relates to the population as a whole because of the cost shifts that would occur. I do not know that we have been able to get that out a lot, but I think that it is a phenomenon that we need to speak out about.

Mr. HINCHEY. The gentleman is absolutely right, of course. It is critically important. I know the families in my district, and I know that my district is not unusual, this is true of families across the country, are struggling today because of the fact that incomes have been stagnating, in some cases even declining. From 1989 to 1992, average incomes in this country for working people actually went down. That is an extraordinary fact. So working people are having a difficult time as it is just trying to maintain their standard of living. In many cases it is slipping a bit. They are trying to put some money aside for the education of their children, perhaps for their retirement, in the case of young people trying to put some money aside for the purchase of a first home or perhaps to start a business, something of that nature. and if they had to suddenly be forced to bear the additional costs of tending for the health care needs of their parents and grandparents absent Medicare and Medicaid, I think for many people that I know, certainly in my family and many of my friends and the people that I know and the people that I represent across my district, it would be an absolute impossibility. They just could not do it.

This is a situation that although it affects our elderly population, our senior citizens, most directly because it is their health care, after all, but by extension it affects in a very direct and very solid way everybody in the country. Everyone in this country would be affected if we were to lose the Medicare Program. I think that that is why this program is supported so overwhelmingly. Every indication, polls and other samplings of public opinion indicate that the American people support Medicare, they understand its value, how it has helped their parents and grandparents, what it means to them and their economic circumstances, and they support its continuation. They want it improved as you and I want it improved. There are problems with Medicare in the area of fraud and abuse that need to be improved and I am happy that the administration has taken some very solid steps recently updating the computer operation so that cross-checking of bills can be done much more quickly and much more accurately. There have been instances of double billing in Medicare from some doctors. Most doctors, of course, would not do that. But in any population of any group of people, you are going to find some who will try to exploit the system. And so we have had examples of double billing from some physicians in Medicare, and these changes in the administration of Medicare that are being brought on line by the Clinton administration, updating the computers, making them more powerful, giving them the ability to cross-check and cross-reference bills, will sharply reduce the incidence of fraud and abuse in the Medicare system, and we need to continue to do that.

It is estimated that as much as $1 billion a year is found in fraud and abuse in Medicare. I think if we continue to work on that, we can get that down to a very small number. I do not think that we are ever going to eliminate it completely, but I think we can get it down to a very small number and that will be additional funds, of course, which will be available to improve the quality of the program and the quality of health care that is available to the people who depend upon it.

Mr. PALLONE. One of the things that I was going to get to tonight, and

obviously there is so much to be said about Medicare and Medicaid that we could talk forever, but one of the things that Democrats have been critical of in the Republican changes to the Medicaid Program is a provision that actually repeals statutory safeguards that have protected against some fraud and abuse. I think people have the notion that the reform proposals that have come forward on the floor here over the last year would somehow curb fraud and abuse, but in many cases they repeal existing statutory protections against fraud and abuse.

For example, in the Medicaid Program over the past 10 years the largest single abuse of Federal Medicaid funds has been the use by some States of what is called illusory financing schemes. This is where they have these fictitious payments to disproportionate share hospitals and then the State substitutes Federal for State dollars effectively reducing the State's share of program costs.

In 1991 and again in 1993 Congress enacted legislation designed to curb these abuses where they set up these fictitious funds and the Republican bill expressly repeals these statutory safeguards essentially reopening the door to abuse of the Federal Treasury by States if they want to lower their own Medicaid spending without reducing the amount of Federal Medicaid funds that they would fall down on.

□ 1915

So again, one would think when we are getting a reform proposal that we would be cutting back on the fraud and abuse, but in effect what this does, in block granting the money, it actually takes away some of the safeguards that have been used by the Federal Government to prevent the States from basically coming up with these illusory finance schemes.

We might say what State would do that, but, of course, States do that because they are trying to save money and cut back on the amount of State dollars and use the Federal funds in ways they are not supposed to.

Mr. HINCHEY. Absolutely. I served in the State legislature, and I know State legislatures and Governors are not embarrassed about trying to use Federal funds in creative ways to solve their own budgetary problems.

In New York, for example, where the State still does not have a budget in place, it is months overdue, if they had the opportunity to manipulate Federal funds in a way that would allow them to produce a budget easily, without them having to do some difficult things within the context of their own responsibility, I believe they would do it and they would not care about the loss of the Federal program. They would just sort of gloss over that.

So there is a lot of irony here, unquestionably. Not only do our friends on the other side of the aisle over here want to cut Medicare by $270 billion so they can pay for a $245 billion tax cut, most of the proceeds of which would go to upper-income people, but, as the gentleman pointed out, they are slashing away, and the bill is still before the House, the one that calls for a $270 billion cut, they are slashing away at the existing provisions which attack fraud and abuse.

What they would do in that bill is this: They would raise the standards of proof so it would be more difficult for investigators and law enforcement people to prove fraud in the system. So if there were people out there ripping the system off, under their proposal it would be tougher to catch them. So the white collar crooks ripping off the Medicare system would get away with murder based on their proposal because they would make it much more difficult for the authorities to catch up with them.

And, in addition to that, they go further. When and if they were ever caught under their proposal, they reduce the penalties. So anyone caught abusing the system through fraud or other ways, not only would it be tougher to catch them under their proposal but if they were ever caught the penalties for stealing from the system would be substantially reduced.

It is an incredible irony and I think it indicates quite clearly how dedicated they are to the destruction of the Medicare Program. They want to take the money out of it and use if for unnecessary tax cuts. And, for the most part, people are sensible enough not to want them because they understand that that money ought to be used to keep this program strong, and if there is any extra money lying around here in Washington it ought to be used to balance the budget.

Not only do they want to do that, but out of one side of their mouth they talk about the budget deficit and out of the other side they talk about big tax cuts. It is quite extraordinary, frankly.

Mr. PALLONE. I agree. And the other thing that has really been, I think, not exposed enough is this whole way in which they go about adding more out-of-pocket expenses under Medicare. Last year when we had the Medicare proposal, they were actually increasing the costs of the part B premium, the amount that seniors pay under Medicare for their physician's care. Those premiums were skyrocketing over the next 5 or 6 years, and we managed to basically scuttle that because the President said he would not sign it. I guess he actually vetoed the bill.

But now what they are trying to do in this bill that is going to come to the floor tomorrow is essentially say that if an individual refuses to join an HMO or a managed care system, and they want to stay in the traditional Medicare Program where they choose their own doctor or their own health provider, then they no longer have the guarantee that the doctor or provider cannot charge them 15 percent beyond what Medicare pays. There is actually no limit.

So when I hear my colleagues on the other side say, well, you are given all the choice you want here; you can stay in traditional Medicare or go to an HMO, or you can have all the choices you want, what kind of choice do you have if you stay in the traditional Medicare Program and then the doctor can charge you an unlimited amount of copayment? You are not going to be able to stay with this very long unless you have unlimited resources, which obviously most seniors do not.

I have been trying to explain that as much as possible to my own constituents because I think they cannot imagine a situation where the doctors can charge an unlimited amount beyond what Medicare bills. But that is only forbidden now because of the statutory restrictions on it.

Mr. HINCHEY. Right. There are statutory restrictions which were put into place not too long ago, as a matter of fact, were they not? I think a decade or so ago.

Mr. PALLONE. That is right.

Mr. HINCHEY. They were put into place because it had become clear that overbilling had become rampant in the system, and this was something that was done to ensure fairness and to prevent overbilling.

I think the point that the gentleman has just raised is important, and it reminded me of something that I have here. The Physician's Payment Review Commission, which is a nonpartisan panel of experts that advises Congress on Medicare policy, had the following to say. They said, and I quote, this change that our friends, the Republicans want to make here, which would allow unscrupulous physicians to overbill Medicare patients by large amounts, they say, and I quote, "could leave beneficiaries exposed to substantial out-of-pocket liability in the range of 40 percent of the bill."

So the effect of their proposal, which will be, I think, here before us tomorrow or later this week, is it tomorrow?

Mr. PALLONE. Probably tomorrow, but I guess we do not know for sure.

Mr. HINCHEY. Yes. Could be tomorrow or could be Wednesday. In any case, what they want to do is take the limit off the billing ceilings for health care, and that would expose Medicare beneficiaries, the people who are reliant upon Medicare, to pay out of their pockets an additional 40 percent.

Now, again, what they are trying to do here is transparent. It is so easy to see through their motivation. They are trying to destroy confidence in the program. They think that if somehow they could get this bill passed, I do not

know how they think they could get it passed, I mean the President would obviously veto if it ever gets to him, the Senate probably has more sense than to ever take it up, but what they want to do is to establish a new law which would require Medicare beneficiaries to pay, on tap of their copayments and on top of other insurance that they might have now, under their proposal, an additional 40 percent out-of-pocket for routine health care procedures.

Now, that is guaranteed to undermine the public's confidence in the Medicare system and it is precisely what they want to do. It is clearly their motivation. It is so transparent that anyone, no matter how myopic they might be, can see through it.

So over and over again they want to destroy this Medicare Program in one way or another by cutting the funding out of it, by pretending the Medicare trustees report is something it is not, trying to elicit fear on the part of people who are depending upon Medicare, and now by attempting to pass a bill which would provide that doctors can charge almost as much as they want and elderly people would have to pay 40 percent out-of-pocket.

It is really, I think, scandalous.

Mr. PALLONE. I am glad you mentioned this. I was actually assuming, which I see from the document I have, which is similar to yours from this Physician's Payment Review Commission, I was assuming that that 40 percent included the copayment, but that is actually beyond the copayment.

Mr. HINCHEY. Yes.

Mr. PALLONE. So you could have a 20 percent copayment and then have this 40 percent out-of-pocket beyond the traditional copayment, which is incredible when you think about it. Who is going to be able to afford that? I mean, very, very few.

Mr. HINCHEY. Oh, yes. That is exactly right. On top of everything else it is as much as an additional 40 percent. So if their bill ever became law, what we would have in the case of a senior citizen who required some surgery of some kind, say for example, that in an addition to the payments that would be made through Medicare and whatever additional insurance they might have, they would then be faced with the need to pay thousands of additional dollars out of their own pocket. And that is just absurd.

Mr. PALLONE. The other thing that I was thinking about when the gentleman was talking about this extra out-of-pocket expense is the fact that the majority of seniors now are covered by medigap. So they are already buying a supplemental insurance policy, in many cases called medigap, that covers services and out-of-pocket expenses in some cases as well.

I know that I saw an article in the New York Times just a few weeks ago that talked about how costs for Medigap supplemental insurance were going up in our States, the New York metropolitan area, New York, New Jersey, and Connecticut, something like 14 percent over the next year. So when one thinks about all these extra out-of-pocket costs for the seniors that would result, I would assume also that those Medigap premiums would soar as well, because as fewer services were covered, we would see even a higher cost for Medigap.

How far can these people go? How far can the seniors go?

Mr. HINCHEY. Well, there seems to be no limit on the temerity of some of the majority party in this House and their ability to attack Medicare and Medicaid.

I know you have talked about Medicaid earlier. In my State, and I assume it is probably similar in New Jersey, 80 percent of the funding in the Medicaid Program in New York goes to pay for the expenses of senior citizens and people with multiple disabilities in nursing homes or similar settings.

Mr. PALLONE. Exactly.

Mr. HINCHEY. Obviously, what would happen to the families of those people if Medicare were changed in the way that they are proposing to change it, to block grant it, reduce the amounts of money that is available, send what is left in the form of block grants to the States, the States then would have to add on administrative costs or take out of that administrative costs because now they will have to run the program and be responsible for parts of it. They would have to hire people to do that. They would have to have office space and most of the things that would be associated with making additional costs, which would take money out of the Medicaid Program.

As the gentleman mentioned earlier, there is always the temptation for State governments, when they have access to Federal funds, to use them in what might be called creative ways and to spend that money out of the Medicaid system to help balance a budget or to do something else for some other kind of expenditure in some way.

The result of all of that would be far less money available for Medicaid recipients, elderly people in nursing homes, people with multiple disabilities in nursing homes. I ask myself, what would the families of those people do? How would they cope with that? How would they manage under those circumstances?

I can tell the gentleman in the case of many of the people I know, the families of people who have elderly parents in nursing homes or who have someone in their family who is severely handicapped with a severe physical disability as a result of an automobile accident, perhaps, or as a result of a condition at birth in some instances, they simply would not be able to deal with it. They do not have the financial resources.

So people would end up being taken and put into closets somewhere. We have all heard the horror stories that existed prior to the establishment of Medicare and Medicaid; how people, left to their own devices, without the resources to handle these situations in competent ways, what they had to resort to. And I know that we would be in many instances put back into those same circumstances. We have to prevent that and the way we can prevent it is by keeping these programs alive and preventing the opponents of Medicare and Medicaid from having their way, preventing them from destroying these programs, which is precisely what they want to do.

Mr. PALLONE. I appreciate what the gentleman is saying, and I think that over the next few weeks we will be pointing out more and more about how Medicare and Medicaid are negatively impacted by these Republican proposals.

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In many ways, even though we have not talked as much, we have talked about it, but there has not been as much discussion on the floor about Medicaid. In many cases the changes proposed on Medicaid are even more drastic, but I think fewer people will be covered. The impact on senior citizens is just as great, as the gentleman said, because so many senior citizens in nursing homes or other institutions will no longer be covered or will not have adequate coverage and will see increasing out-of-pocket expenses.

The same things we talked about for Medicare in terms of the overcharges, that is also in the Medicaid legislation that the Republicans have proposed. Those overcharges will not be paid by the seniors but will be paid by the family in many cases.

I thank the gentleman for coming down and joining me in discussing this. I know that over the next few weeks we are going to be talking about it more and more, and even though the budget comes before the House tomorrow, a lot of the details will be worked out in the various committees leading up to reconciliation, as we call it, later this year. So we are going to have to continue to fight this battle to preserve Medicare and Medicaid.

Mr. HINCHEY. I thank the gentleman. This is one of the most critical subjects we have before this Congress, and the more light we can shed on those proposals, the better off the American people will be. They will be able to make competent decisions based on factual information rather than pretend on hysterical statements that we have seen coming out of some of the people in the House over the last couple of days.

Mr. PALLONE. I thank the gentleman.

CONCERNS FOR AMERICA'S FUTURE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Indiana [Mr. SOUDER] is recognized for 60 minutes as the designee of the majority leader.

Mr. SOUDER. Mr. Speaker, Saturday was a historic day in America, well, at least in Indiana or at least in my house, because my daughter graduated from high school and it was a big event. I do not feel like I should have a daughter graduating from high school. It makes one feel older. It makes one reflective about when they graduated and what their hopes and dreams were at that point in life. Everything seems like it is going to go on forever, that the risks are small, that the adventures are great.

I remember my dad gave a plaque to my band instructor in my little high school in Leo. He thought it was the most hilarious thing, and the band director thought it was the most hilarious thing, and they posted it up over the band director's office so that every day when we practiced we had to see this sign that said, "Why can't all of life's problems come when we are young and know all the answers?" I think that is the way many young people feel.

At the same time, we get the sense that many of them are very concerned about their future as well. I think any parent, and many children, who look at what is going on around them, wonder what is going to happen in the next, 10, 20, 30 years. What if the vision on MTV actually becomes the complete reality in a few years? What if the attitudes towards the opposite sex that are reflected in those music videos, the rape, the abuse, the derogatory language toward women, would become the standard in our society? What if the violence that we see in the movies, and in those videos, and the talk of suicide that is rampant in today's rock music would become the reality of the society, even more than it is today?

What if the TV show families, very few of which represent the majority of America, were to become the reality of America for my daughter and my two sons? The Internet and computers have brought an incredible opportunity for all Americans in the education area. We, on our home computer, to be able to tap into the encyclopedias, to be able to tap into the type of educational games and the many things that all of us can go through Internet and other things is miraculous. But on the other hand one can get manuals on how to perform rape and all sorts of pornography right into our house, where we have little or no control as a family, and some of us can get accidentally into our house even when we want to try to control it.

In addition to that, what about the incredible national debt that has just been dumped on my daughter? We just heard a special order which illustrates why we cannot get real change in America. Medicare is going broke. They can talk around it as much as they want to talk around it, but the fact is that it is going broke and every report brings its final reckoning day another year closer in spite of the administration's attempts to cover it up.

And what do we do? We come up with this excuse and this kind of rhetoric, and we do not address it. We have all this big fuss about whether or not the Republicans were mean-spirited and shut down the government because of trying to cut government for senior citizens, when in fact our program was 75 cents a month different from the President's program, when in fact the President had proposed less growth in Medicare spending than the Republicans did just 2 years before we came into office; when in fact the President's proposal wanted to wait and delay those changes until after the election.

The ultimate of the problem that we came to try to Washington to try to change, we in the freshman class, yet we just heard an hour about there not being a problem in Medicare and whistling in the dark as the program goes broke.

My daughter is being struck with a long-term national debt because this government and the people in Washington do not get what the people in America do, which is, unless we change our behavior and start transferring some of the power back to Indiana and back to the homes and individuals and businesses and communities where they can take control of their lives, my daughter and my sons are going to be stuck with everybody else's debt from their irresponsible spending and lack of willingness to gain control of that.

And, furthermore, as we watch our freedoms being eroded, both because of the breakdown of moral values in our society and the breakdown of the willingness of local communities to handle the problems and the general takeover by Washington over our lives and our decisions and our flexibility, and see that power come here to Washington, what type of society is my daughter going to have? How much freedom is she going to have to maneuver?

Are we going to have so killed our market that we are only going to have a few oligopolistic companies or monopolistic companies from which to choose for a career? Is it going to be such a government that we have no economic growth because the government takes such a huge percentage of the taxes or runs up the deficit so high that the interest rates absorb a phenomenal number?

Unless we somehow change the inflationary nature of the health care for senior citizens from 10 percent down to more approximating the 2 percent of the health care growth rate that occurs in the rest of society, our entire Nation is going to go broke.

Unless we deal with Social Security, 43 percent of my daughter's income, 43 percent, will be going to FICA taxes within the next 15 years. We have to deal with these questions, and we in Washington cannot just keep trying to excuse it so we can get elected to the next one and hope we can retire before we have to deal with it and stock our children with it.

But these are not even the main concerns that I want to talk here about tonight. I came here to talk about two, and they are not directly related but they affect our families and our society. One is welfare, and the other is drug abuse.

One of the problems in our society is that we cannot really have freedom unless we have personal responsibility. If people do not exercise personal responsibility, freedom is gradually eroded.

Mr. Speaker, I do not think that putting a policeman on every street corner and building prisons everywhere is going to solve the problem of crime. But the people in America and the people in Indiana are not going to stand for the inability to walk in their neighborhood, the inability to go shopping, the inability to talk to their neighbors without fear of being shot. So they will demand that we put a policeman in every corner and build more prisons if we have to. Freedom gets eroded.

The same if we do not control the pornography and the sexual appetites in this country. If we have to worry whether our daughters and wives and our families and single women are concerned whether they are going to get raped, then we are going to have more crime protection and more liberties will be restricted. If we do not get control of the budget and more and more money goes to taxes, more liberties will be restricted there. With freedom comes responsibility.

I believe that one of the dangers of what this administration is doing is they talk the conservative talk. When the President was here early this year, he sounded like the former occupant of my congressional seat, Dan Quayle. He sounded like somebody who was going to promote family values.

He said the era of big government was over. He talked about balancing the budget. In fact, he has gone around the country running all of these different ads about what a great conservative he is, but the problem is that the actions do not match.

Let us look particularly at welfare. We can have an honest difference in policy as to what the Federal Government should do and what the government should do on welfare, but what really frustrated me, I was a staffer here on the House side for 4 years and on the Senate side for 4 years and 2 years in the district, so I have been around. But to be in the middle of it, it

is really disappointing to see how much posturing there is and how little really comes often from the heart.

There are honest liberals and honest conservatives, but much of it is just reelection gimmicks, and the rhetoric on the House floor gets very disturbing when we see that. It is one thing if a person says, "Look, I believe we need a welfare program, we need to expand that welfare program." I believe that we have at least one Member of the House who is a member of the Socialist Party and is open about what he believes. One should stand up and say, "I believe the Federal Government should do this."

But it is another thing to say, "I do not believe the Federal Government should do it," but then, as the President does, veto every welfare reform bill that comes to him and try to say in TV commercials that in fact he supports welfare reform.

We have been trying to do some welfare reform, but quite frankly part of the reason we are vulnerable when we do things like oppose the minimum wage—which I opposed not because I am not concerned about working families who are trying to make it on a low income, but I am concerned about the people who are going to be laid off because of this bill—but part of the reason many of my friends in the Republican Party voted for the minimum wage bill and why Republicans do not seem to know how to handle the welfare issue, is that we have not articulated a vision for how working families and those people struggling to get out of poverty, those people who are working poor and trying to move up to the next level, we as Republicans have been remiss in trying to articulate a vision. So, we become vulnerable when some of these controversies occur.

Let me start with a very simple point which to me seems so basic, that it is amazing that here in Washington we have to debate it.

That simple point is this: I do not believe that anybody on welfare should be making more or have any more take-home income than somebody working full-time on minimum wage. That seems so simple, does it not? That if somebody is working 40 hours a week for minimum wage, why should somebody not working be making more money through government transfer payments?

I had in our family business in my small town, this has been a number of years ago, we had what we called the second spot on one of our delivery trucks. It was an entry level position, a turnover slot that paid just slightly more than the minimum wage at that time.

I had a college graduate come in looking for a job, and at that point he was getting welfare benefits and his wife had a baby. He said that he would really like to work. He believed that it was the right thing to do to work, but in fact he could bring in this many more dollars staying on welfare than he could working, and would I meet the difference? He said if I came within a thousand dollars of the difference he would take the job, and I did.

There is something wrong with a society where that is the case. Right now, depending on your family mix and what State one is in and a few variables, somebody on welfare can usually get around $15,000. A minimum wage is more like $10,000.

I would take that differential, and by this I do not mean AFDC. We hear Aid to Families with Dependent Children as the welfare program. We have housing programs, we have Medicaid with health care, we have child care programs, we have transportation programs, we have job training programs. I mean the whole range of those benefits. We ought to have a basic point that says it is not going to be above minimum wage, take the dollar differential and help those who are working.

The people who are working should be getting the health benefits in the transition, so that each dollar they make, they get to keep most of it, so that we have the change in the Federal benefit level being slightly less than the change in what they are earning, so there is always an incentive to earn more which we do not currently have in our system.

It seems so eminently logical that we think somewhere along the line someone would try to do this, that instead of rewarding not working we would reward working, and we would build that incentive in for the working families and try to encourage people to work rather than order them to work. We can continue to try to order people to work but we also need to encourage people to work.

We also need to trust more in the people back home. Quite frankly, the people in Indiana, in fact the people in northeast Indiana, know a whole lot more about how to deal with the welfare problem than the people here in Washington know how to deal with the problem in northeast Indiana. This is generally true but it is not just rhetoric anyone.

We have Governors all across this Nation who have been innovative in their attempts to handle the welfare question, whereas Washington has floundered and been ineffective on the welfare question here in Washington.

We had the President praise the Wisconsin program and he said he would try to grant them a waiver, and he was a bit stunned when we actually passed it through the House. We are tired of the talk; we want to see the walk. We passed it through last week and now the Wisconsin model can go forward.

□ 1945

Furthermore, we heard a little bit more about Medicaid a little bit earlier tonight. Do you know in a Government Reform subcommittee that has oversight of this, what stunned me was, do you know that in the Medicaid Program, even though it has been increasing, the actual dollars to poor children and the actual dollars to the seniors have been declining. Do you know why? Because this Congress made—not this particular Congress, but the Congress here in Washington over the last couple years—made people who abuse drugs and alcohol eligible for Medicaid.

A tremendous growth in the Medicaid Program was mandated out of Washington that the State of Indiana and other States, Indiana, for example, did not cover that, had to absorb the cost of drug and alcohol abusers.

So we hear rhetoric about Medicaid helping poor children and rhetoric about Medicaid helping seniors, but in fact a Washington mandate said that they had to cover drug and alcohol abusers. Part of the reason, in fact a major reason why we are giving flexibility to the States on the question of Medicaid is so they can set their standards. And in Indiana, there will be more dollars for low income children and more dollars for seniors under the Republican plan because not every drug abuser and everybody who is abusing alcohol, who I feel very sorry for them, but there is a little bit of a question here, when working families cannot get health coverage and people who choose life styles that are self-destructive can get health coverage, there is some kind of a mismatch. It is your tax dollars that are being spent this way.

So my first point, and I will not belabor this first point any further, is that I think we can generally agree that the welfare program, as it currently stands, is not working.

Let me move to the drug issue. I have talked here on the House floor a number of times, and my friend from Florida, JOHN MICA, earlier talked about this tonight. But in Fort Wayne and in northeast Indiana we have had a tremendous problem with crack cocaine, in particular, as well as other forms of cocaine. We have had a huge increase in LSD, and we have been battling this problem for longer than most cities. It came down from Detroit 12 to 14 years ago and has been expanding.

This mentality of the drug abuse, particularly, and it is not just in the, while much of the activity is taking place in the central city of Fort Wayne, those who are abusing it are not just those residents there. The people from the suburbs and small towns have come in and they destroy those neighborhoods by patronizing the dealers in those neighborhoods. It has now started to expand outside of the central city of Fort Wayne. It is concentrated in the central city of Fort Wayne.

There that culture of crime and the desire for quick money has—not every case of these have been proven to be

drug related, but they are usually drug abusers and the culture has infected it. We see at two different times about a year apart pizza delivery boys being shot for the cash they have on them. We had a 13 year old shot by a younger child. Police Chief Neil Moore in Fort Wayne told me a terrible story about a little girl who he found naked in a crack house, who had been selling her body for rocks of crack cocaine. And she was so small that they could fit a, they cut holes out of a burlap bag to put her arms and legs through and she was selling her body for drugs.

Yet what do we see coming out of Washington? We see, if you are going to smoke, do not smoke cigarettes, smoke marijuana. I did not inhale. Oh, we are going to take the things that we are using down there and divert one of the AWACS things up to Alaska to look for oil spills. We are going to send one over to Bosnia. And relax some of the interdiction efforts of the drugs are pouring into my hometown and around this country.

And it is not surprising that we have seen an increase in the amount of cocaine coming into America. We have seen an increase in the purity of that cocaine coming into America. And we have seen a decline in the price. While Washington is talking and posturing in other ways, we have been drowning. And we have reversed, instead of going down as we were for years in drug abuse, we are going back up. Instead of young people going down in their approval of marijuana and cocaine, it has gone back up. We are inundated again when you to go the mall, it feels like I am back in the late 1960's again. You see marijuana leaves on hats and on shirts and on the front of album covers. All of a sudden we are back in a drug culture.

I was fortunate enough to go with Congressmen HASTERT and ZELIFF and MICA down to Mexico and Central America and South America. And we met with the leaders of those countries and were saying that they needed to crack down on the cocaine and the coca leaves and the coca growing and all the transit into America. But do you know what else they said, they said, your appetite for drugs in America is also destroying our countries. And while they need to work harder at interdiction efforts, we also need to realize that we are not just destroying America, we are destroying the countries who want that money that our abuse and insatiable demand for drugs is causing.

When we look at this soaring drug and alcohol abuse in our society and the terrorism that it is causing in our neighborhoods and when you go in, have I visited a number of African-American schools in inner city Fort Wayne. One thing that always strikes me is almost every student there will have some story about how they are scared to go out at night, how a cousin was shot, how somebody was going through the neighborhood and got shot, that their lives are filled with terror because we are refusing to grapple with this problem in America.

So drug abuse is a big problem. So what are we going to do? Well, the first thing is we need growth and opportunity. Yes, that means one of the things we need is tax cuts. I know that that just drives the other side of the aisle crazy, but it works. And we need various types, both in the general society so there is economic growth, also in the urban areas and places where unemployment is high. That is not my focus tonight. But tax cuts do work. If the Government sucks all the dollars here to Washington and does not turn it into industries where you have high productivity rates, where you have a high velocity of the money, to use the business term sense, I have both an undergraduate business degree and a master's degree and velocity of money is one of the key things that you can get out of private sector that you do not get out of public sector. Unless we have that economic growth we can sit here and talk and we can play money shuffle games all we want, but unless that money grows, all we are doing is reshuffling a deck rather than, as Kennedy and Kemp, would say having a rising tide that lifts all boats.

Then I also agree, I think it was Congressman RANGEL who has said that we also have to worry about those boats that got stuck on the shoals. In other words, while a rising tide might lift most boats, some do not lift. And I am not going to argue that there should not be a minimal safety net.

In think, as Nicholas Eberstat has argued in an eloquent paper that I heard him present a number of years ago, there is a difference between destitution and poverty. Poverty is a relative term. You will never get rid of poverty. But destitution is an absolute term. Nobody should freeze; nobody should die of hunger; nobody should not have some sort of a roof over their heads. They do not necessarily need a color TV. They do not necessarily need individual private rooms for each of the kids. There is a standard here. But we ought to have the decency to say there is going to be a minimal safety net in society.

Furthermore, for those people who want to move up, for those people who want to work, we need some job training programs. I differ from some of my Republican colleagues, I think we have a lot of problems with affirmative action, but I believe affirmative action has played an important role. And I believe it would be a mistake to suddenly eliminate all these programs.

I also believe in certain things we need reach out efforts to reach out to particular minority communities often who felt disenfranchised in society and when all of a sudden you say here is an opportunity does not mean they necessarily rise up. They may have faced past discrimination. They may have faced past persecution, or they may simply not have had the family exposure around them to see how to capitalize on those opportunities. I do not believe it is inappropriate for Government to sometimes help give a hand up. But the goal needs to be how do we move somebody with the hand up. How do we move them into the workplace? How do we make them productive citizens? How do they become full and participating members of society, not to breed the dependence which the current government programs have largely done.

Furthermore, I believe that we need to look at some of the innovative proposals that have been put out. I am a cosponsor of Congressman TALENT of Missouri and Congressman WATTS of Oklahoma's different package to promote urban opportunity. I also, my former boss in the U.S. Senate, DAN COATS, has an initiative to do that. I think we should encourage and the party should encourage those.

I myself have pushed the charitable deduction, an increase in the charitable deduction. Let me tell you why. I have seen programs in urban centers around this Nation that have had a huge impact. Very seldom have they been Government programs. Let me give you a couple examples.

Rev. Lee Earl of Detroit, who is now working with Bob Woodson at the National Center on Neighborhood Enterprise, at one conference where they had grass roots activists, foundations, people from the government, he was getting this pitch about why religious groups should not have any access to the funds.

He said, let me tell you, and this is a paraphrase, I do not want to pull all these words in Lee's mouth, but the paraphrase is this. He said, my church operates a child care center. My church does job training. We have housing. We do drug rehab. We do all these different things, and we are having an impact on the city. Yet what I see out of the Federal Government, talking to HUD in particular, are housing projects that are crumbling, drug treatment programs that do not work, job training programs that do not work, and I see the whole range of failed programs. Yet you tell me that unless I do it your way we do not get access to the funds.

Part of the problem here is that I, like many Americans, am nervous about who might get the dollars if you do it through the regular Government transfer programs.

Let me give you another problem with the Government transfer programs. I just spoke at the Abundant Life Ministries, a jail ministry program, about 2 weeks ago. They have turned down a big Government grant.

They have been tremendously effective. I have met with a couple of individuals who have been through 13 different drug treatment programs and they know how to beat every system. But when they gave their life to Jesus Christ they changed. And Abundant Life Ministries can get the Government money to help more people like them as long as they do not mention Jesus Christ. As long as they take out the components that works, they can have the money.

Now, this is going to be the way the Government operates. So one of the things we need to do—let me give you another example. There is a teen pregnancy program in northeast Indiana operated by a Christian organization that just got a grant. They can only talk about teen pregnancy if they do not mention anything about religious in the teen pregnancy. Excuse me?

If this is going to be the way the Government grants programs work, we need to make sure that more of the dollars get into the private sector where they are actually having an impact.

In San Antonio alone, with Juan Rivers and Freddie Garcia's program down there, I personally met over 200 addicts and dealers who have now become Christians, who are back in their communities, who have been working and having an impact on drug abuse. Yet the department of alcohol and mental health in Texas for awhile was considering shutting them down because they do not have degrees. They are not licensed drug counselors.

Do you know what? The magic of this is they were not doing drug counseling. They were changing people's lives. When people's lives changed, they got rid of drugs.

We need to figure out how we balance the rights of individuals not to fund churches on the other side and at the same time get money into the hands of programs that are actually working.

In my home district, for example, Rev. Ternae Jordan's son was at a music lesson at a local YMCA. He was sitting on the couch out by the door and was shot in the back of the head by two kids who were shooting outside. The whole city was traumatized by the event. The son recovered, but it led to Reverend Jordan starting a program called Stop the Madness, trying to crack down and encourage neighborhood groups to work on the drug program.

Mr. Speaker, recently I was privileged to attend the seventh anniversary celebration at the Greater Progressive Baptist Church in Fort Wayne, IN honoring Rev. Ternae Jordan. Pastor Jordan has been a leader in Fort Wayne in many ways, not the least being through his antidrug organization, Stop the Madness. I particularly enjoyed this eloquent tribute by Cheryl Story, which I now include in the RECORD.

NOW, LET'S TALK ABOUT THE PASTOR

(By Cheryl Story)

As a Pastor, Rev. Jordan, along with Angela, must not only have Faith, (belief without proof, but they must have Hope: Desire joined with expectation, the opposite of doubt with an anticipated promise of expected benefits and blessings.)

Now Rev. Jordan's substance material is ordained by God. Therefore, regardless of the magnitude of the metamorphosis of his physiological structure, that is whether he gets old, his hair turn gray, if his teeth fall out, whether he gets ugly or remains handsome, Ternae Sr.'s substance will not change. It does not matter how much he accomplishes and achieves in this life or how many mistakes he makes, how much good he does or how many lies you tell on him, his substance remains the same for he will always be a Preacher and a Pastor.

The Pastor is on duty 24 hrs. Day & Night. He polices the Community, he provides assistance/comfort to those in need. He must be an Educational Instructor, Therapist/Counselor, Philosopher/Psychiatrist, Mediator, some folk's 1st Attorney, a Marriage Officiator, a Funeral Eulogist, a Sick Room Specialist and a Dying Hour Confidant.

The Pastor must be a Persuaded Preacher, for he is a Salvation Salesman, a Paradise Pusher, a Jesus Junkie, a gansta for God, a Jehovah Witness, your best friend and satan's worse enemy. For Faith can and will move Mountains.

What is it that turns an ordinary man into an Addictive Apostle who is obviously strung out on a Jesus, who hung out on a Hill, who sends us a comforter, who calls himself The Holy Ghost, that runs with a Spirit that spoke Himself into being GOD, who ordained this man before he entered his mother's womb? I tell ya it was "Faith!" For March of 1989, Rev. & Angela took leave of their home, accepted the Greater Progressive Baptist Family, stepped out on Faith and told their God, "Send me, I'll go," and left their Comfort Zone behind them.

"THE EVIDENCE OF THINGS NOT SEEN"

Evidence is the Proof of a Pastor's Faith. Let me give you a little documentation and you can determine the truth. When Pastor arrived, if you joined one of the four Auxiliaries you were guaranteed to automatically become an officer. Now we grown spiritually from skeletal Auxiliaries to full scale Ministries. We've got an up-front discipled Deacon Brd., a unified Trustee Brd., morning & night Bible Study & Prayer Meetings. I remember when our one choir consisted of the Nelson & Trice families with 5 or 6 others mixed in, now God has blessed us to have a full choirstand of children's choir, a dynamic young adult choir, a 30 & over Generation choir a full Mass Choir. We got Pam, 2 Dres, Tony, 2 Pianists, Gor'don and Sheila all in the same House. I'm talking about Faith & Evidence now.

The Lord has blessed us with CWF, a Brotherhood Men's Support Group and Promisekeepers. We had an old organ and ragged mikes, now we got high tech equipment and state of the art sound room. Sometimes we couldn't even make payroll or pay our bills and God has given us financial increase thru tithing members. Seven years ago, if you came to Church at 12:30 p.m. you could pick & choose your own "Praying ground" now it's standing room only by 11:00 a.m. We got Birthing of a Vision and Stop the Madness now has nationwide video presentations.

We've got an intergrated Congregation and we participated in inter-racial Church Fellowhips. Pastor Jordan is a Jefferson Community Service Award winner, the NAACP's Golden Anniversary Man of the Year and everybody else's Man of the Year. Certainly God has ordered the Steps of Rev. Ternae Tsgarias Jordan and We've Come This Far by Faith!

Also in addition to the Stop the Madness program in Fort Wayne, I just visited a couple of weeks ago with Rev. Jesse White and his daughter's wonderful computer program. Rather than just talk about the problems, Rev. John Perkins from Pasadena, CA, said too many people get their satisfaction from feeling good about talking about the problems rather than doing something about the problems.

Reverend White has a computer program where people come back, get the training and then either get a job or move up in their jobs because they have the skills with which to work in the job market.

It is one thing to whine about stuff; it is another thing to do it. People like their church and their program need to be encouraged, as another pastor in Fort Wayne, who is a friend of mine, Rev. Otha Aden has a similar program in the southeast side of Fort Wayne working with kids in the after school southside opportunities program where he, too, has working with local businesses, has computers there and is trying to promote among the young people in that hard hit area the importance of getting the training so that they can be important factors in the growth of Fort Wayne and in their neighborhoods and their families.

Another friend of mine, Shirley Woods, has started a center right in the middle of an area. There are five different crack houses in the immediate vicinity of where she started this neighborhood center for Saturdays and afternoons after school and in the summer, and it is not just an activities center for the kids. She also has some educational training and family training programs with the families and trying to work with the virtues and the things that families need to rehabilitate their families.

There are just a few. Another program in Fort Wayne at the Cooper Teen Center, they have been out here a couple times to visit with me. Andre Patterson and Carl Johnson have a program, Simba, of black pride and self-esteem with these kids and giving them training skills.

There is hope. I have been into Newark, South Bronx, I have been in the center of, just after the riots in LA, into San Antonio, inner city Chicago, some of the toughest housing projects, as well as in a rural area in Appalachia for multiple days, that everywhere you go, even where it seems most dismal, somebody is having an impact.

There are these little flower gardens in the middle of the toughest area where people are having an impact. What we need to do in America is figure out how to encourage those little

gardens, how to give them the funds and encourage people to give them the funds so that they grow.

□ 2000

Rather than stomping them out through massive government from implying to America that the solution to America's problems is the Federal Government, or any government really, that it can be a supplement, it can be a time to be there when you are in great need, it can give a stimulus and some training. But it is not the ultimate answer to our problems.

That is the vision that we Republicans are trying to communicate, that the answers to America lie in people's heart, they lie in the families, they lie in the communities, they lie in the local governments, and only then to Washington, and hopefully we can accomplish that, and we will continue to try to communicate that message, and I thank the people in northeast Indiana for giving me the chance and for having so many of us here who share these views, and hopefully for my daughter who just graduated and for my sons who are still coming up, that they can look at America with hope and with opportunity rather than the type of America that we can see on MTV and the type of pessimism I fear we are going to have if we fall back into the trap of the deficit spending in the collapse of the families and morality.

CHURCH BURNINGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana [Mr. FIELDS] is recognized for 60 minutes.

Mr. FIELDS of Louisiana. Mr. Speaker, Members of the House, tonight I am joined by my colleague, the gentleman from Illinois [Mr. JACKSON], who will also talk about an issue that we both have a great deal of compassion about as well as other Members of this Congress who will join us later to talk about an issue that we are somewhat complexed about because of the amount of church burnings across America, particularly in the southern part of our country. So tonight, Mr. Speaker and Members of the House, we would like to take the remainder of this hour to talk about the church burnings across the southern part of the country.

Mr. Speaker, over 63 churches over the past 5 years were burned. All of these were African-American churches; 20 of those cases have been solved at this point. And before I go any further, I would like to commend the Justice Department, who has been working extraordinarily hard in trying to bring a resolution to the many recent church burnings across the country, and in particular I want to commend Deval Patrick, who is the Assistant Attorney General for Civil Rights. That department has been working profusely night and day to try to ascertain as much information as possible as relates to these burnings, and I would like to commend him and his staff for all the work that they are doing, and I would like to also commend him for the support that he has given to legislation to make penalties much more tougher and bring people to justice much quicker. And he will be on the Hill tomorrow, as I appreciate it, trying to convince the Committee on the Judiciary to pass legislation in that regard.

I would also like to commend Jim Johnson, who is with the Department of the Treasury, who is the Assistant Secretary for Enforcement. They are working night and day to try to get as much information as possible as relates to the church burnings, and he has worked relentlessly in trying to obtain as much information as possible; and, of course, the personnel over at the entire division, Janet Reno, who on yesterday and on today met with many of the pastors of the churches that were burned from across the South, and I appreciate her compassion and the diligence she has shown in trying to bring people who are the perpetrators of these crimes to justice.

The President should be commended as well for his commitment to expending as much resources as possible through this administration to ascertain any information that is possible to bring these senseless burnings to an end.

Mr. Speaker and Members, I would like to share with the Members of the House very briefly the most recent churches that were burned across the country. I mentioned that there was 63 in the past 5 years, 20 of those cases unresolved, and I think as of last night 21 because a fire was, as I appreciate it, a church was set afire on last night in the State of Texas.

In the State of Alabama, Mr. Speaker, there are a total of 5 churches that were burned. On December 22, 1995, Mount Zion Baptist Church, which is an African-American church, was burned in that particular State. On January 11, 1996, Little Mount Zion Baptist Church in Green County was set afire. On that same day Mount Zoar Baptist church in Green County was set afire. In both of these cases or both of these churches, the ATF agents have already ruled that arson was the cause of these fires. On February 28, 1996, New Liberty Baptist Church in Tyler was set afire, and on March 25, 1996, Missionary Baptist Church in Selma. A total of five churches in the State of Alabama have been burned since December 22, 1995, to this present day.

In the State of Georgia there was one case of arson. On March 27, 1996, Gay's Hill Baptist Church in Millen was burned.

And in Louisiana, my State and my own district, we have had over five church burnings. One was Saint Charles Baptist Church, which was the fifth church that was burned, and that was burned on April 11, 1996, which is the most recent burning in the State of Louisiana. On February 1, 1996, Cyprus Grove Baptist Church in East Baton Rouge Parish was set afire, and Saint Paul Free Baptist Church in East Baton Rouge Parish and Sweet Home Baptist Church in Baker, which is adjacent to East Baton Rouge Parish, and St.Thomas Chapel Benevolent Society in East Baton Rouge Parish. All four of these churches, Mr. Speaker and Members of the House, were set afire the same night, and on April 11, 1996, as I stated earlier, Saint Charles Baptist church was set afire as well.

In the State of Mississippi we have identified two to three cases of arson. On March 5, 1996, St. Paul Church was burned, and on March 30, 1996, El Bethal Church was burned.

And in North Carolina there were four incidents. One that comes to mind the quickest was the 93-year-old wooden sanctuary that was once used by the congregation of Matthews-Murkland, which was a Presbyterian church, and that was in Charlotte, North Carolina, and that church was burned on June 7, which was the most recent burning in 1996.

And in South Carolina there were five churches. Mount Zion AME Church was burned, and on August 15, 1995, St. John Baptist Church; June 22, 1995, Macedonia Baptist Church; and April 13, 1996, Rosemary Baptist Church. Finally, on April 26, 1996, another Baptist church was burned in the State of South Carolina, and the gentleman from South Carolina [Mr. CLYBURN], who had worked profusely on this and also in the CBC to inform Members of these church burnings, has been working very hard with ATF and with the FBI and the Justice Department to try to get as much information as possible, and perhaps he will join us in this colloquy later tonight.

The State of Tennessee had a total of six burnings. January 13, 1995, Johnson Grove Baptist Church in Denmark and Macedonia Baptist Church in Crockett County; they both burned the same night, on the 13th of January. On January 31, 1995, Mount Calvary Baptist Church was burned, and on December 30, 1995, Selma Baptist Church in Fruitland was burned, and on January 8, 1996, Inner City Church in Knoxville was burned to the ground, and on May 14, 1996, Mount Pleasant Baptist Church, which is being investigated at this point, is still under investigation, and they have not yet ruled this church to be a church that was burned by arson.

And last, the State of Texas, on June 6, 1996, New Lighthouse of Prayer in Greenville.

And a Church of Living God was burned in Virginia on February 21, 1996;

Glorious Church of God and Christ in Richmond was burned.

The gentleman from Illinois [Mr. JACKSON], we have talked about what could we do as Members of Congress to try to assist in stopping this avalanche of church burnings across the southern part of our country, and we were happy to learn that the ATF decided to publicize a 1-800 number, so we urge Members of this Congress to please inform their constituencies of the 1-800 number that their constituents can take advantage of if they know of any information whatsoever about any of these church burnings, and I am told that toll free number is 800-ATF-FIRE, which is a 24-hour a day, 7-day-a-week number where any citizen in this country who has any information whatsoever about church burnings in America can, in fact, call this number, and agents will respond.

We feel that this country should have zero tolerance for anyone who would have the audacity and the gall to burn anything, but particularly, particularly, a church. For a person to light a match to a place of worship in this country shows no respect, first of all, to himself, to the individual who chooses to do it, and certainly does not show any respect to human life. And we are committed to work with the Justice Department, the ATF, and the FBI, and all of the investigative agencies. As Members of Congress, we are committed to supporting this effort so that we can bring it to some conclusion.

And this is a bipartisan effort, both Democrats and Republicans. We all agree that there should not, none of us, have any tolerance for individuals who would burn a place of worship. We started this coalition with the blue dog Democrats, as a matter of fact, about 3 months ago when these church burnings first started to set some type of pattern across the southern part of our country, and then that coalition expanded, of course, to the entire Congress.

So I am thankful to all of the Members who have been participating in briefings on church burnings, and I am very thankful to the Justice Department and the administration for their zero-tolerance attitude for this type of behavior and action across the country.

At this time I am going to yield to my colleague from Illinois, Mr. JACKSON.

Mr. JACKSON of Illinois. Mr. Speaker, let me thank the distinguished gentleman from Louisiana [Mr. FIELDS] for allowing me the opportunity to participate this evening in this special order. I certainly want to join my colleagues along with the gentleman from Louisiana [Mr. FIELDS] and the gentleman from Illinois [Mr. HYDE] from the other side of the aisle, and the gentlewoman from North Carolina [Mrs. CLAYTON], the gentleman from Georgia [Mr. LEWIS], members of the Congressional Black Caucus, members of the progressive caucus in this Congress, in condemning those who are burning churches, defacing synagogues in our Nation, and certainly congratulate those who are seeking to bring the perpetrators to justice.

Attorney General Janet Reno has been working diligently along with Deval Patrick, along with the members of the FBI and the ATF, to bring these perpetrators to justice. It is my understanding, after having talked with Mr. Patrick, that this is one of the largest civil rights investigations that has ever taken place in our Nation's history.

I am hoping that the distinguished gentleman from Louisiana, after I read a brief history of church burnings in our Nation, put them in some particular context, will certainly join me in a colloquy about church burnings and what it is that we can do to bring an end to this climate.

There are those who have said in the civil rights community that this is not only an indication of the climate and the times that we find ourselves in, but that there is indeed a conspiracy, if not a conspiracy of individuals who have met on this subject, certainly a conspiracy of culture.

□ 2015

If there can be said to be a bright side about these incidents, it is that blacks and whites, Christians, Jews, Protestants, and Catholics, the Rainbow Coalition and the Christian Coalition have united against these acts and they have come together calling for more Federal resources to go into the investigative efforts to bring the perpetrators to justice.

Mr. Speaker, some in the civil rights community have referred to this form of church-burning as cultural conspiracy, a cultural conspiracy that tolerates, if you will, a kind of racism. The fires have drawn the attention of rights' groups because of the historical legacy of black churches being repeatedly burned during the 1950's and the 1960's. While others have indicated that while those in white sheets have historically been burning churches, we are now living in a climate where those in blue suits are legislating against the civil rights of many Americans, and also those in black robes are indeed passing down judicial decrees that are severely restricting the principles of equal protection under the law.

When we look at what has taken place in this Nation since 1990, 57 houses of worship have been destroyed as a result of fire and vandalism in 15 States. Only 13 cases have been successfully prosecuted and closed. A total of 30 incidents have been reported thus far in 1996 alone. Since 1986, there have been reports of suspicious fires almost ever year. Most blazes occurred in rural, isolated areas where water had to be transported to the site by volunteer companies.

In eight of the cases, where arrests have been made, perpetrators have been white. One was even a fireman. Seventeen fires were set during black history month or other important civil rights anniversaries, such as Martin Luther King, Jr.'s assassination; the march across the Edmond Pettis Bridge in Selma, AL in the month of March; or near the time the Martin Luther King, Jr. Holiday is celebrated.

The States that have been hardest hit are Tennessee with eight churches, Louisiana with five churches, Alabama with five churches, and in Louisiana, four of the five churches were torched on February 1, 1996, in East Baton Rouge Parish. I believe the gentleman from Louisiana represents this parish.

The interesting thing about February 1, 1996 is that it is the anniversary of the Greensboro sit-in's, where students from North Carolina A&T State University—my alma mater in 1960—fought for public accommodations. Of the Louisiana churches—Cyprus Grove Baptist Church, St. Paul's Free Baptist Church, Sweet Home Baptist Church, Thomas Chapel Benevolent society—all four were located within a 6-mile radius of each other. The St. Charles Baptist Church, the fifth church, was burned on April 11, 1996 in Paincourtville, Louisiana and citizens, again, who are concerned should know that that number is 888-ATF-FIRE. If there is any information that you can provide and that Members of Congress can provide through their networks to alert the proper authorities about these church burnings, they certainly should do that.

I want to put this in a particular historical context, which I think is certainly appropriate for these times. I wanted to do a little research before commenting further on the climate within which churches have historically burned in this Nation. Before I go any further, I certainly want to commend the gentlewoman from North Carolina, Mrs. EVA CLAYTON, for the legislation that she is sponsoring, along with other Members of Congress who are sponsoring legislation to challenge perpetrators of church-burnings and synagogue defacings in our Nation.

I think what is probably most instrumental when we look at church-burnings in our Nation is that while we are living in a climate and in an environment where there are those who would say that race is still not a factor in American life, while we are hearing more decrees from the court that are certainly suggesting that the court should be going in a direction of colorblindness.

There is one thing that is clear about American history, and that is that race is really not a side issue. It is not an

addendum to American history. It is central to the entire history of our Nation from a constitutional perspective: three-fifths human voting status, article 1, section 2 of the constitution; the "such persons" clause, article 1, section 9; the persons held to service or labor clause, article 4, section 2, paragraph 3; article 5, prohibiting any amendment of the slave trade and capitalization tax clauses before the year 1808.

It was William Lloyd Garrison and his liberator who condemned the Constitution at that time as a covenant with death and in agreement with hell. It is only because of constitutional amendments, amendments that ended slavery, that guaranteed the right to vote, that subsequently established the principles of equal protection under the law for all Americans, that the Constitution has indeed endured.

Look at our Nation's Capitol. Even the location of our Nation's Capital, it was determined, should be the by-product of a compromise made at the time the Congress was in Philadelphia. The Congress of the United States is presently located between Maryland and Virginia, the compromise between a free State, Maryland, and that of slave State, Virginia. Look at the number of States that were entered into the Union on the issue of race. Slave and free States were admitted together to keep balance in this institution between those who were interested in abolishing the institution of slavery and those who wanted to keep it.

I raise these particular concerns because when we look at the Tilden-Hayes Compromise of 1877, when a Democratic President was subsequently elected, and by and large a conservative court ran the Supreme Court of the United States, there was an assumption about the progress that many minorities in our Nation began making after 1863. Twenty-two African-Americans served in this institution as a result of the Emancipation Proclamation. Beyond that, 131 historically black colleagues were also founded.

But once the Tilden-Hayes compromise took place, when Democrats and Republicans, two parties with one assumption at that time—to stop the progress that African-Americans and other minorities were making in our Nation so quickly—they withdrew troops from the South that is, they withdrew Federal protection from the South, and as a result, the Klan, the Ku Klux Klan, those Knights of the Ku Klux Klan became more evident. Beyond that, churches began to burn at unparalleled rates.

So in 1996, when we look at the parallels between what took place in 1896 with Plessy versus Ferguson and decisions that are coming out of our Court in 1996, we are certainly looking at a climate where we are withdrawing some of the principles that indeed fought historically against these acts, acts against church burning, acts against racial hatred in the South.

So I would certainly put in that context a challenge to both Democrats and Republicans on both sides of the aisle as we try and find creative solutions to resolving this particular crisis. We must, when they talk about cultural conspiracy, and I have heard several civil rights leaders refer to this as a cultural conspiracy.

What do they mean when they say cultural conspiracy? I am the gentleman from the south side of Chicago. I am a big Chicago Bulls fan. Everyone in the Congress certainly knows that. I do believe that Michael Jordan and Scotty Pippin of the Chicago Bulls will win a championship and bring it home to Chicago.

When Michael Jordan shoots a 3-point shot, I say to the gentleman from Louisiana [Mr. FIELDS], he manages to shoot that shot from the 3-point line, and wherever he is, Jesse, Junior, in Chicago jumps up excited because Michael Jordan just made a basket. But guess what? Michael Jordan fans in Los Angeles also jump up and shout. Michael Jordan fans in Dallas and Michael Jordan fans in Florida, Michael Jordan fans all across our country and indeed Michael Jordan fans around our world, they jump up, a kind of conspiracy, if you will, for Michael Jordan, because he represents the common denominator through which all of us relate, many of us relate to the Chicago Bulls.

When we talk about cultural conspiracies with respect to church burnings, when politicians fan race hatred, fan the fears of racial animosity within our Nation at the top, they create a kind of cultural conspiracy. In 1964, in reaction to Brown versus The Board of Education, Goldwater ran his campaign talking about States' rights. It was a way of saying that States had a way under the equal protection clause of the Constitution of the United States.

In 1968, in response to the 1967 and 1968 riots, Nixon ran his campaign on law and order. In 1972 Wallace ran his campaign in reaction to integration on busing. In 1976, even Carter, a Democrat, ran his campaign and announced his candidacy from Georgia, gave a speech in Indiana, talking about ethnic purity; a Democrat. In 1980 Reagan talked about welfare queens, and in 1988 it was Bush who used Willy Horton, and even our own President, in 1992, who used Sister Soljah in his bid to become the President of the United States.

In 1996 what are the issues that are quickly approaching the election season? Affirmative action, a big issue in California, the CCRI, California Civil Rights Initiative; welfare reform. We have taken care of many of the substantive issues, but what is left are those issues that exacerbate those racial fears and racial tension. My appeal in this climate to both parties to help avert this whole notion of a cultural conspiracy would be that we rise above racial politics in 1996 and do what is in the best interests of the American people.

Mr. FIELDS of Louisiana. Mr. Speaker, I think I hear what the gentleman is saying. The gentleman is saying, as I appreciate it, that we as public officials who are looked upon on a day-to-day basis for leadership, be it in our own districts or be it throughout the country, we have to be, first of all, more tolerant of each other, and we must also realize that we have to lead by example and try to talk about concentrating more on those things that bring us together than to put so much emphasis on those things that may divide us.

I think the gentleman is correct. Many times, all too often people in public life, people who run for office use issues as a wedge rather than a magnet to bring people together, but a wedge to divide. I do not know if this is what we get, the church-burning is a result of what we get as a result of dividing and not healing and bringing people together. I do not know if that is the reason or not.

But I do think the gentleman certainly makes a very compelling argument in that respect. It goes to show you that people do in fact, if that is one of the by-products of division in this Congress, division in government, if one of the by-products is somebody going to go put a match to a church, then we have to be very careful in terms of how we lead and govern.

Mr. JACKSON of Illinois. If the gentleman will continue to yield, Mr. Speaker, can we indeed separate church-burnings from the blowing up of a Federal building in Oklahoma, anti-Federal Government; the Government is too large, the Government is the source of our problem? Can we indeed separate church-burnings from the Freemen's movement and militias on the rise across our Nation, those who are declaring that their individual plots of land are not part of the United States?

I am suggesting that there is a cultural conspiracy that is much broader than just the churches. We are living in a very dangerous climate where we are not only burning churches but we are also burning opportunity, and while we are burning opportunities not only for African-Americans and Latino-Americans, we are also burning opportunities in large numbers for poor white Americans, and many of those poor white Americans, along with African-Americans, Latinos, and others, are indeed reacting to this climate.

One of the things we must do is rise above it. They take their cues from us. If they see us on this floor race-baiting and using cold words and cold language

to accomplish short-term political ends, if they see us doing it at the national Presidential level, if they see us doing it in the U.S. Senate, the byproduct is certainly intolerance that takes place within our communities, which no freestanding and no uplifting human being should absolutely tolerate.

Mr. FIELDS of Louisiana. I thank the gentleman, Mr. Speaker. That leads me to the point of legislation. The gentleman spoke of the legislation that was introduced by the gentlewoman from North Carolina [Mrs. CLAYTON] and also to legislation that was introduced by the gentleman from Michigan [Mr. CONYERS] and the gentleman from Illinois [Mr. HYDE] as a matter of fact. I am a coauthor of those pieces of legislation, and will be fighting profusely to pass those pieces on this floor, and to even make them stronger, because in listening to the President's address on Saturday, I do agree with the President. This legislation not only needs to be supported by Members of Congress but it also needs to be strengthened. I am going to be working with members of this body to strengthen this legislation.

I agree with you, we need more than legislation, because we have heard time and time again, one cannot legislate morality. We need more than tougher laws on the books. We need more than a good speech from an individual or a group of individuals. We need positive action. I think that just seeing Democrats and Republicans come together on legislation to prevent further harm to churches or to try to show some attention, bring some attention on a very serious problem is a good indication that we can in fact work together.

But all too often we do it later, rather than sooner, and I think you are right, we have too much race-baiting, for lack of a better word, in this country. It is not only in the Congress, it is in State legislatures. Now there is affirmative action, a thing that was created by people, legislators who thought and who felt a genuine need in their heart and mind and in their soul to bring people together and to give individuals who have been discriminated against for years and years an opportunity, no a guarantee but a mere opportunity to be treated fair.

□ 2030

That thing we call affirmative action is now a racial buzz word, and people use it to divide people instead of bringing people together, and I think that is unfortunate. But the gentleman is right, we have to lead by example. If we want racial harmony in our society and in our country, then the best example is the one that we make ourselves, and it is not only on this floor but throughout our daily lives.

Mr. JACKSON of Illinois. One of the things I did when I ran for Congress in the Second Congressional District of Illinois is I indicated I would rather lose my race right rather than win it wrong, that I did not want to come to Congress at anyone else's expense.

In the Second Congressional District I ran against some very formidable opponents, but one of the things I did not want to do was destroy their reputations or their character just so that JESSE Jr. could serve in this body. I knew I was young enough, had the energy enough to run every time until I won, with the ability to build the consensus that was necessary to provide the kind of hope for the people of my district.

I say that to put it in any context. When we hear Presidential candidates who run for political office and on the one hand they equate the song "We Shall Overcome" with whistling "Dixie," there is no difference, a Presidential candidate said, between "We Shall Overcome" and whistling "Dixie," they are both freedom movements.

Well, if whistling "Dixie," protecting the Confederacy, is part of a freedom movement and "We Shall Overcome" can be equated, it certainly suggests that either we are all missing the boat or that something is taking place within our Nation that has not been healed even since the Civil War. So I would certainly challenge those Presidential candidates to keep the Presidential campaign focused on issues of substance to people as it affects their daily lives.

The gentleman mentioned affirmative action. I heard some of our colleagues earlier on the other side of the aisle talking about affirmative action. He is right. In 1996 affirmative action has become a buzz word.

But the reality is affirmative action is really an outgrowth of the 1954 Brown versus Board of Education decision. Affirmative action is a conservative remedy to offset historical action, historical negative action against groups of people in our society that have been historically denied.

For example, I did a television show last weekend with one of the distinguished gentlemen from the other side of the aisle, and we talked about affirmative action. We talked about affirmative action as equal opportunity, that is, providing opportunity for those who have been historically locked out in our society, and I might add that the primary beneficiaries of affirmative action in our Nation have been white women, not African-Americans. While there are those in our country who would paint affirmative action as the program that has provided unusual, unfair advantage to African-Americans, the primary beneficiaries of affirmative action in the State of Illinois and in States around our Nation have been businesses owned by white women.

But why is affirmative action so important? Yes, white women have been discriminated against, African-Americans have been discriminated against, and there is a legacy of ongoing discrimination that still takes place within our Nation.

The example that I use so regularly across our country is this. When we look to find qualified basketball players to play at any Big 10 or Division I basketball school in our country, we go all over the country. We have boosters who write the coach and say, "Coach, listen, there is a 7-foot-4 basketball player here in our local township who can play basketball. Why don't you give them an opportunity, give them a tryout, send them a letter or try and get them to sign a letter of intent?"

So we go all over the country, primarily because we have an institution in place called boosters to provide information for coaches, and that is why we find so many prominent African-Americans playing basketball in Division I schools.

The problem is this: When it comes around to finding qualified African-Americans who can teach or qualified women who can teach, qualified African-American female, Latino and Asian-American administrators at these schools, suddenly the same aggressive recruitment mechanism that went into finding qualified ball players is not applied when it comes to finding qualified teachers. They always say, "Well, we looked in the local pool, the local municipality and we couldn't find African-Americans or women or Latinos or Asian-Americans who were qualified."

What affirmative action simply suggests as it relates to that kind of opportunity is that those institutions must be as aggressive in trying to find qualified black Ph.D.'s and female Ph.D.'s and Latino Ph.D.'s just as they went and found qualified African-American ball players who play ball in parks across our country and in our high schools.

Mr. FIELDS of Louisiana. I agree with the gentleman. I think one of the problems we have with affirmative action is a perception problem. People try to view affirmative action as two parallel lines, if you will, where we take somebody who is not qualified and we elevate them to the level of somebody who is. But in all actuality, that is not affirmative action.

Affirmative action should be viewed instead as a circle, where every person in the circle, they are all qualified to do the job, to perform the obligation of the contract, but there is one problem. Though there are women in the circle, they never get chosen. Very few of them get an opportunity to fly a plane, though they are qualified pilots. Though there are a lot of African-Americans in the circle who can perform the obligation of the contract,

they never get an opportunity to even bid.

So affirmative action is not two parallel lines where we take somebody who is not qualified and elevate them to the level of somebody who is. It is instead a circle where everybody within the circle, one of the prerequisites that one must have in order to get into the circle are qualifications. A person has to be qualified to get into the circle.

The only problem is, but for affirmative action, many qualified people within that circle would never get an opportunity to compete. People do not get jobs because of affirmative action. Women do not get jobs because of affirmative action, blacks, Hispanics, Latinos. They get jobs because they are qualified. They only get an opportunity to compete.

I want to also mention a meeting that I had today. We started the special order off talking about the church burning and now the byproducts of it. I met with the ministers from my district. About four of them were in my office today, after meeting with the Justice Department, and it is amazing, I guess it is not really amazing but it is encouraging, which is a better word, to see these ministers who have had their churches burned to the ground, not lose faith.

One of the ministers when asked by, I guess, the Justice Department what penalty he thinks should be imposed, he said, "Well, 15 years of going to Bible school, or 10 years of going to Bible study and working with the choir and the church." These are individuals who have lost their buildings, not their churches, because it takes more than a torch to burn a congregation. That was only a building.

To know that those congregations all across the southern part of our country are still meeting, meeting in homes, meeting in parking lots, even meeting at other churches and those ministers still leading that flock, it brings a breath of fresh air. So for individuals who think they can kill the spirit by burning the church, they are going to have another think coming, because it really does not even weaken it. I have even been in my own State where it has made some of these churches even stronger.

I would like to thank those individuals. I do not know about in other areas of the State but the local community. When we went through this calamity in Louisiana of the initial church burning, four in on night, to see the business community and to see the community at large come together to try to pool resource to help support those congregations is absolutely extraordinary.

It just goes to show the good that we have in so many people. If we can just advocate that good, not only in times of disaster as the gentleman stated, but advocate that good will that we all have within ourselves as often as possible, then hopefully those kind of hate crimes will go away and be a thing of the past.

Mr. JACKSON of Illinois. Let me say if there is any bright side to this very unfortunate series of events that have been taking place in our Nation, it is that African-Americans and Jewish-Americans and I have seen Catholic Americans along with Protestant Americans come together, the Rainbow Coalition coming together philosophically with the Christian Coalition to condemn these acts. This is something that historically I would think, considering the partisan nature of politics in our country, would not necessarily be the case, but they have moved beyond their partisan differences, because any group of individual who would attack a church is certainly beneath the dignity of what we refer to and call ourselves Americans. And so those who are doing it should stop and those who have information about those who are doing it should call 888–ATF–FIRE and certainly call the ATF and let them know that they have some information about these unfortunate turn of events in our country.

I thought it was important to put these church burnings in a historical context, because all too often the history of racism and sexism and classism and church burnings and climate setting in our Nation and the role that we play as elected officials in fanning those fires, that is, helping those fires get worse. We are not just burning churches, we are also burning opportunity in our Nation. Burning opportunity forces reaction in our Nation in terms of those who are getting an advantage through affirmative action, through other programs that were designed to help the poor regardless of their race, sex, color or class, in this particular climate we see that there is an emergence, if you will, of more church burnings and this kind of racial hatred.

I want to go back just quickly to affirmative action because we are talking about not just burning churches but burning opportunity in our Nation. To hire someone because they are unqualified is absolutely illegal. That is illegal in our Nation. Affirmative action does not mandate that one hire someone because they are unqualified. I think the analogy that the gentleman from Louisiana raises about an airline pilot is certainly correct. You do not hire an African-American to fly a plane or hire a woman or a Latin or an Asian-American to fly a plane simply because of their color. Who would want to fly in a plane in this country if you hired someone who did not know how to fly a plane? That is ridiculous. But it does mean that if African-Americans and if women historically have not flown planes in our Nation, have not been given an equal opportunity of flying a plane, then the airline industries across our Nation must go out of their way and do something that they have historically not done, go out of their way to find qualified African-American men from Tuskegee, Tuskegee pilots, find qualified women, black, white, brown, Asian, who can fly planes and give them an opportunity.

I cannot help but remember and think about the significance of the late Secretary of Commerce Ron Brown's most recent trip to Bosnia-Herzegovina, the former war-torn Yugoslavia. Ron Brown was a big supporter of affirmative action. I certainly hope that his support of affirmative action and equal opportunity does not get lost in his legacy. But for Ron Brown's very unfortunate and untimely demise along with many of our mutual friends who were on that plane, the only thing we probably would have known about that trip from the media accounts was the fact that they were giving hamburgers to soldiers in the former Yugoslavia. But when the plane crashed, we also discovered something else. We found out who else was on the plane, business people, predominantly white businessmen, CEO's of major corporations across our country, who were going to Yugoslavia to rebuild the former war-torn republic, really to receive a grant from the Federal Government that we had provided in this institution for any U.S. company that wanted to go there and rebuild it. They were using a military plane, they were using military personnel, and the Secretary of Commerce was escorting those businesspeople, predominantly white, male-owned companies on a trip for opportunity.

Why was Ron Brown such a big supporter of affirmative action? Because he wanted those business people on those trips that only he knew as Secretary of Commerce that he was really taking to come back to the United States and do business with African-Americans and women and Asians and Native Americans and those who for whatever reason could not be participants on those international trips. Ron Brown knew that the U.S. Government was providing opportunity for those business people in foreign markets and they also had some obligation as a matter of law, not as a matter of good will or good feeling or how we think about people but as a matter of law to come back to this Nation and do business with African-Americans and with women and with Asians who could not make that trip. Ron Brown was about expanding opportunity, and affirmative action was a factor in his program.

Mr. FIELDS of Louisiana. I thank the gentleman for those comments. In closing, I can only say that we have a long way to go and we can make it there if we do it together and we can get there a lot quicker. There is an old

saying that you can get it a place a lot quicker if everybody pulls in the same direction. The more we pull in the same direction, the sooner we will get to that destination, that promised land, so to speak, that Dr. King talked about where we all could work together and more forward. Hopefully one day we will not have these senseless burnings like we have today, senseless bombings like we have had in the past, but people will grow to be tolerant of each other and respect each other and learn how to live with each other.

I would only say in closing to those churches and those ministers and those congregations, I am just pleased that Attorney General Janet Reno and the President; Deval Patrick, the Assistant Attorney General; the ATF and all the enforcement mechanisms that we have at our disposal here in this government are all working together in concert with each other to try to change or to try to at least bring these individuals, the perpetrators of these heinous crimes to justice so that they can be duly prosecuted under the law.

□ 2045

That is their function. We can do something probably even more profound than that. Not only can we pass legislation, and we will, but we can lead by example and try to bring out the best in people.

There is no rhyme nor reason whatsoever for an individual to put a torch to a church, a place of worship in this country. That is a sad day in our society when we have individuals setting fires at places of worship, and we would hope that it would cease and would cease right away.

And for those individuals in our respective districts who know any information whatsoever, it is incumbent upon us to publicize this 888–ATF–FIRE number. That is our responsibility, I would say to the gentleman from Illinois. It is our responsibility to go back to our respective districts in these several States and try to public that 888——

Mr. JACKON of Illinois. ATF–FIRE.

Mr. FIELDS of Louisiana. ATF–FIRE number, and encourage any individuals with any information whatsoever to call that number and give it to the proper authorities so that we can at least bring those individuals to justice.

Mr. Speaker, I yield back the balance of my time to the gentleman.

Mr. JACKSON of Illinois. Mr. Speaker, I certainly want to thank the distinguished gentleman from Louisiana for his very kind and very gentle remarks. I would certainly hope those of us in this body, really on both sides of the aisle and certainly those of us who occupy the Supreme Court of the United States and the White House, that we would be particularly sensitive that it is but by the grace of God that the churches that have been burnt, that there have not been full congregations or any congregations in those churches at those times.

But let us also be cognizant of the role that we play with our debates on the floor of this House, with the way in which we conduct ourselves in our Democrat versus Republican politics back home, with the implementation of strategies that have not brought out the very best in people but have, indeed, exacerbated fears and brought out the very worst in people.

I certainly want to commend the distinguished gentleman from Louisiana for the way in which he has conducted himself publicly and the role he has tried to play it bringing African-Americans, white Americans, Asian-Americans, native Americans and all of the different of Americans under one big tent called America.

With that, Mr. Speaker, we yield back the balance of our time.

Mr. HILLIARD. Mr. Speaker, a southern nightmare has returned to the once quiet and tranquil rural counties of America's southland which has many of our citizens concerned.

A wave of church arsons is sweeping across the South, taking with it many rural, mostly black churches, as well as the confidence and security that many of these communities once felt.

Mr. Speaker, if this were 1956, I would blame it on the States's-Rights activists, but this isn't 1956, this is 1996, and I thought Bull Conner was dead.

Just like a bad dream which comes in the middle of the night, so also, come these arsons, enveloped in darkness and all too reminiscent of the Bad Old Days when the nightriders of the Ku Klux Klan practiced their evil under the cover of darkness and with the assistance of the torch.

The number of incidents, as of May 21, 1996, given in testimony before the Judiciary Committee, was 57 across the United States.

Now, the number of church arsons has risen to 58.

The number has risen to 58 because this last Sunday, another fire tragically burned the Rising Star Baptist Church, in Greensboro, AL, to the ground, and leaving an entire congregation without a house of worship.

The fire is still under investigation. Tragically, under the cover of darkness, a beautiful quiet community in west Alabama's agricultural heartland has again experienced another church arson. This makes the ninth arson of a black church in Alabama.

In light of these events, the names of these Alabama churches now evoke a rollcall of despair, a string of broken dreams, and a hallmark of heartache. Allow me to cite the names of the Alabama churches which have burned: Mount Zion Baptist Church; Mount Zoar Baptist Church; Little Zion Baptist Church; New Liberty Baptist Church; Jerusalem Baptist Church; Bucks Chapel Church; Oak Grove Missionary Baptist Church; Pine Top Baptist Church; and now Rising Star Baptist Church.

Mr. Speaker, I can not say definitely that these fires are the direct result of a resurgence of racism, but they are the deliberate result of hatred, ignorance, and lawlessness.

Although these fires have burned down many rural churches in Alabama and across the United States, these fires have not burned out my optimism for the progress which Alabama and the South have made in my lifetime, in the area of race relations.

I know, it is a far from a perfect situation which exists today in Alabama, or in America, but if we realize this fact, and continue to progress and grow, we will reach Dr. King's promised land. And just like Dr. King, "I may not be with you, when you get there," but if this day comes after my work on earth is done, I assure you that I will be there in spirit.

In closing, allow me to say that crosses may not be burning in Alabama tonight, but our churches are in flames and these criminals must be brought to justice.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SCHRIFF (at the request of Mr. ARMEY), for today and Tuesday, June 11, on account of official business.

Mr. ROHRABACHER (at the request of Mr. ARMEY), for today, on account of delayed transportation.

Mr. HASTINGS of Florida (at the request of Mr. GEPHARDT), for today and Tuesday, June 11, on account of personal reasons.

Mr. UNDERWOOD (at the request of Mr. GEPHARDT), for today and the balance of the week, on account of official business.

Mrs. LINCOLN at the request of Mr. GEPHARDT), for today and the balance of the week, on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mrs. CLAYTON, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. JONES) to revise and extend their remarks and include extraneous material:)

Mr. BURR, for 5 minutes, on June 11.

Mr. BURTON of Indiana, for 5 minutes each day, today and on June 11, 12, 13, and 14.

Mr. RIGGS, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

Mr. SMITH of Michigan, for 5 minutes each day, on June 11, 12, and 13.

Mr. BUYER, for 5 minutes each day, on June 11, 12, and 13.

Mr. MICA. for 5 minutes each day, today and on June 11, 12, and 13.

Mr. CHAMBLISS, for 5 minutes each day, on June 11 and 12.

(The following Member (at his own request) and to revise and extend his remarks and include extraneous material:)

Mr. HALL of Texas, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. PALLONE) and to include extraneous matter:)

Mrs. MALONEY.
Mr. DELLUMS.
Mr. POSHARD.
Mr. FAZIO of California.
Mr. WARD.
Mr. LANTOS.
Mr. MONTGOMERY.
Mr. CONYERS.
Mr. BERMAN.
Mr. TORRICELLI.
Mr. HASTINGS of Florida.
Mr. ACKERMAN.
Mr. PAYNE of New Jersey.
Mr. DEUTSCH.

(The following Members (at the request of Mr. JONES) and to include extraneous matter:)

Ms. ROS-LEHTINEN.
Mr. BOEHNER.

(The following Members (at the request of Mr. FIELDS of Louisiana) and to include extraneous matter:)

Mr. BENTSEN.
Mr. FARR of California.
Mr. PARKER.
Mr. KENNEDY of Rhode Island

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1634. An act to amend the resolution establishing the Franklin Delano Roosevelt Memorial Commission to extend the service of certain members; to the Committee on Resources.

ADJOURNMENT

Mr. JACKSON of Illinois. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 49 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, June 11, 1996, at 9 a.m.

NOTICE OF PROPOSED RULEMAKING EXTENSION OF PERIOD FOR COMMENT

U.S. CONGRESS,
OFFICE OF COMPLIANCE,
Washington, DC, June 7, 1996.

Hon. NEWT GINGRICH,
Speaker of the House, U.S. House of Representatives, Washington, DC

DEAR MR. SPEAKER: Pursuant to Section 304(b) of the Congressional Accountability Act of 1995 (2 U.S.C. §1384(b)), I am transmitting on behalf of the Board of Directors the enclosed notice for publication in the Congressional Record.

The Congressional Accountability Act specifies that the enclosed notice be published on the first day on which both Houses are in session following this transmittal.

Sincerely,

GLEN D. NAGER,
Chair of the Board.

JUNE 7, 1996.

OFFICE OF COMPLIANCE

NOTICE OF PROPOSED RULEMAKING—EXTENSION OF PERIOD FOR COMMENT

A Notice of Proposed Rulemaking [NPR] for the proposed regulations implementing Section 220(e) of the Congressional Accountability Act of 1995, was published in the CONGRESSIONAL RECORD dated May 23, 1996. This notice is to inform interested parties that the Board of Directors of the Office of Compliance has extended the period for public comment on the NPR until July 1, 1996. Any questions about this notice may be directed to the Office of Compliance, LA 200 John Adams Building, Washington, DC 20540-1999; phone (202) 724-9250; fax: (202) 426-1913.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3448. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of May 1, 1996, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 104-230); to the Committee on Appropriations and ordered to be printed.

3449. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—List of Regulated Substances and Thresholds for Accidental Release Prevention; Final Rule—Stay of Effectiveness (FRL-5516-6) received June 6, 1996, pursuant to 5 U.S.C. 801(a) (1) (A); to the Committee on Commerce.

3450. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—40 CFR Parts 1528 and 1552 Acquisition Regulation (FRL-5517-4) received June 6, 1996, pursuant to 5 U.S.C. 801(a) (1) (A); to the Committee on Commerce.

3451. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's major final rule—Risk Management Program Regulations for Chemical Accident Release Prevention, as required by section 112(r) of the Clean Air Act—received June 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3452. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Ohio (FRL-5506-5) received June 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3453. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Protection of Stratospheric Zone (FRL-5518-1) received June 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3454. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Indiana (FRL-5509-5) received June 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3455. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; State of New Mexico; Approval of the Vehicle Inspection and Maintenance Program, Emissions Inventory, and Maintenance Plan; Redesignation to Attainment Albuquerque/Bernalillo County, New Mexico; Carbon Monoxide (FRL-5514-2) received June 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3456. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plans; California State Implementation Plan Revision, Five Local Air Pollution Control Districts (FRL-5464-4) received June 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3457. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Virginia; Approval of Alternative Compliance Plans for the Reynolds Metals Graphic Arts Plants (FRL-5514-6) received June 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3458. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Shelton, Washington) [MM Docket No. 95-156] received June 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3459. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Woodville and Liberty, Mississippi; Clayton and Jena, Louisiana) [MM Docket No. 94-115] received June 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3460. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Blossom, TX, DeQueen, Arkansas, and Coalgate, Oklahoma) [MM Docket No. 95-75] received June 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3461. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Clovis and Madera, California) [MM Docket No. 90-45] received June 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3462. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—

Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Woodville and Liberty, Mississippi; Clayton and Jena, Louisiana) [MM Docket No. 94-115] received June 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3463. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Chester, Shasta Lake City, Alturas, McCloud and Weaverville, California) [MM Docket No. 94-76 and MM Docket No. 94-77] received June 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3464. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.606(b), Table of Allotments, TV Broadcast Stations (Virginia Beach, Virginia) [MM Docket No. 95-77] received June 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3465. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Shelton, Washington) [MM Docket No. 95-156] received June 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3466. A letter from the Director, Regulations Policy Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Revocation of Certain Regulations Affecting Food [Docket No. 95N-310F] received June 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3467. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Environmental Review for Renewal of Nuclear Power Plant Operating Licenses (RIN: 3150-AD63) received June 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3468. A letter from the Director, Defense Security Assistance Agency, transmitting notification of a cooperative project concerning a NATO mid-term modernization program which will improve the airborne early warning and control system [AEW&C] mission capabilities of NATO E-3A aircraft, simulators, and training cargo aircraft (Transmittal No. 11-96) received June 7, 1996, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

3469. A letter from the Director, Defense Security Assistance Agency, transmitting notification of an umbrella cooperative project with Canada covering future collaboration on research, exploratory development, and advanced development whose maturation may lead to technologically superior conventional weapon systems (Transmittal No. 12-96) received June 7, 1996, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

3470. A letter from the Director, Defense Security Assistance Agency, transmitting notification of a cooperative project concerning improvements to a modular electronic subsystem for the purpose of enhancing both air and ground electronic warfare detection capabilities (Transmittal No. 10-96) received June 7, 1996, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

3471. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Notification of Foreign Official Status—Elimination and Reinvention of Regulations (Office of Protocol, Department of State) (22 CFR, Part 4) received June 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

3472. A letter from the Secretary of Health and Human Services; transmitting the semiannual report on activities of the inspector general for the period October 1, 1995, through March 31, 1996, and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3473. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-268, "Police Officers Outside Employment Amendment Act of 1996"—received June 7, 1996, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

3474. A letter from the Federal Co-Chairman, Appalachian Regional Commission, transmitting the semiannual report on activities of the inspector general for the period October 1, 1995, through March 31, 1996, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3475. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Texas Regulatory Program (Office of Surface Mining Reclamation and Enforcement) [SPATS No TX-027-FOR] received June 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3476. A letter from the Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service, transmitting the Service's final rule—Pacific Coast Groundfish Fishery; Whiting At-Sea Processing [Docket No. 951227306-6117-02; I.D. 053096A] received June 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3477. A letter from the Program Management Officer, National Marine Fisheries Service, transmitting the Service's final rule—Gulf of Mexico Fisheries Disaster Program [Docket No. 960322092-6159-02; I.D. 032596B] received June 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3478. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Seymour, TX—Docket No. 95-ASW-01 (Federal Aviation Administration) (RIN: 2120-AA66) (1996-0036) received June 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3479. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Guymon, OK—Docket No. 95-ASW-22 (Federal Aviation Administration) (RIN: 2120-AA66) (1996-0037) received June 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3480. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Artesia, NM—Docket No. 95-ASW-08 (Federal Aviation Administration) (RIN: 2120-AA66) (1996-0035) received June 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3481. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Victoria, TX—Docket No. 95-ASW-20 (Federal Aviation Administration) (RIN: 2120-AA66) (1996-0052) received June 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3482. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Guthrie, TX—Docket No. 95-ASW-17 (Federal Aviation Administration) (RIN: 2120-AA66) (1996-0050) received June 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3483. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Proposed Establishment of Class E Airspace; Soncra, TX—Docket No. 95-ASW-07 (Federal Aviation Administration) (RIN: 2120-AA66) (1996-0045) received June 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3484. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (24) [Amendment Number 1733] (Federal Aviation Administration) (RIN: 2120-AA65) (1996-0016) received June 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3485. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (27) [Amendment Number 1732] (Federal Aviation Administration) (RIN: 2120-AA65) (1996-0015) received June 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3486. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Decision of the United States Supreme Court Concerning an Agency Interpretation of the Federal Hours of Service Laws; Change in Agency Interpretation; Enforcement Policy Regarding Violations of Laws as Previously Interpreted (Federal Railroad Administration) (49 CFR Part 228) received June 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3487. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Security Zone Regulations: U.S. Coast Guard Base Miami Beach; Miami Beach, FL [COTP Miami 96-039] (RIN: 2115-AA97) received June 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3488. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone: Lake Erie, Detroit to Cleveland [CDG09-96-002] (RIN: 2115-AA97) received June 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3489. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone: Ohio River, Miles 309.0 to 312.5; Vicinity of the Huntington West End Bridge, Huntington, WV [COTP Huntington 96-008] (RIN: 2115-AA97) received June 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3490. A letter from the General Counsel, Department of Transportation, transmitting

the Department's final rule—Special Local Regulations: Harborwalk Boat Race; Sampit River, Georgetown, SC [CGD07-96-015] (RIN: 2115-AE46) received June 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3491. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Regulatory Reinvention Initiative: Pipeline Safety Program Procedures; Reporting Requirements; Gas Pipeline Standards; and Liquefied Natural Gas Facilities Standards (Research and Special Programs Administration) [Docket No. PS-125; Notice 2] (RIN: 2137-AC28) received June 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3492. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—National Standards for Traffic Control Devices; Metric Conversion (Federal Highway Administration) [FHWA Docket No. 96-20] (RIN: 2125-AD63) received June 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3493. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Polices Relating to Rulemaking Proceedings (RIN: 2105-AC55) received June 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3494. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Kaiser, MO; Camdenton, MO; Sedalia, MO; West Plains, MO; Point Lookout, MO; St. Charles, MO; Monett, MO; Butler, MO; Monroe City, MO; etc. (11) (Federal Aviation Administration) [Docket No. 96-ACE-2] (Rin: 2120-AA66) (1996-0053) received June 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3495. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standards for Approval for High Altitude Operation of Subsonic Transport Airplanes (Federal Aviation Administration) (RIN: 2120-AB18) received June 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3496. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-10 Series Airplanes and Model MD-11F (Freighter) Airplanes (Federal Aviation Administration) (Docket No. 95-NM-120-AD) (RIN: 2120-AA64) received June 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3497. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Textron Lycoming Model TIO-540-S1A Reciprocating Engines (Federal Aviation Administration) (Docket No. 91-ANE-29) (RIN: 2120-AA64) received June 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3498. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-9-80 Series Airplanes, Model MD-88 Airplanes, and MD-90 Airplanes (Federal Aviation Administration) (Docket No. 96-NM-111-AD) (RIN: 2120-AA64) received June 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3499. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aviat Aircraft, Inc. Models S-1S, S-1T, S-2, S-2A, S-2S, and S-2B Airplanes (formerly known as Pitts Models S-1S, S-1T, S-2, S-2A, S-2S, and S-2B Airplanes) (Federal Aviation Administration) [Docket No. 96-CE-23-AD; Amendment 39-9645; AD 96-12-03] (RIN:2120-AA64) received June 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3500. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Canadair Model CL-215-1A10 Series Airplanes (Federal Aviation Administration) (Docket No. 96-NM-61-AD) (RIN: 2120-AA64) received June 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3501. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes (Federal Aviation Administration) (Docket No. 96-NM-56-AD) (RIN: 2120-AA64) received June 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3502. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Twin Commander Aircraft Corporation 500, 680, and 690 Series Airplanes (Federal Aviation Administration) (Docket No. 96-CE-22-AD) (RIN: 2120-AA64) received June 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3503. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; The New Piper Aircraft, Inc. Models PA31, PA31-300, PA31-325, and PA31-350 Airplanes (Federal Aviation Administration) (Docket No. 90-CE-60-AD) (RIN: 2120-AA64) received June 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3504. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Jetstream Model 4101 Airplanes (Federal Aviation Administration) (Docket No. 95-NM-133-AD) (RIN: 2120-AA64) received June 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3505. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 B2 and B4 Series Airplanes, Excluding Model A300-600 Series Airplanes (Federal Aviation Administration) Docket No. 95-NM-161-AD) (RIN: 2120-AA64) received June 6, 1996, pursuant to 5 U.S.C. 801(a)91)(A); to the Committee on Transportation and Infrastructure.

3506. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a letter from the Chief of Engineers, Department of the Army concerning Humboldt Harbor and Bay, CA, dated October 30, 1995, submitting a report together with accompanying papers and illustrations (H. Doc. No. 104-231); to the Committee on Transportation and Infrastructure and ordered to be printed.

3507. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Post-Vietnam Era Veterans' Educational Assistance: Miscellaneous (RIN: 2900-AH64) received June 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

3508. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Autopsies (RIN: 2900-AI07) received June 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

3509. A letter from the Chairman, U.S. International Trade Commission, transmitting a copy of the 85th quarterly report on trade between the United States and China, the successor states to the former Soviet Union, and other title IV countries during 1995, pursuant to 19 U.S.C. 2440; to the Committee on Ways and Means.

3510. A letter from the Under Secretary of Defense, transmitting the Department's report entitled "Quality of Research Under the DOD Small Business Innovation Research [SBIR] Program," pursuant to Public Law 102-564, section 106 (106 Stat. 4256); jointly, to the Committees on National Security and Small Business.

3511. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 96-31: Assistance Program for Russia, pursuant to Public Law 103-87, section 577(a) (107 Stat. 973); jointly, to the Committees on International Relations and Appropriations.

3512. A letter from the Board of Directors, Office of Compliance, transmitting a notice for publication in the CONGRESSIONAL RECORD, pursuant to Public Law 104-1, section 304(b)(1) (109 Stat. 29); jointly, to the Committees on House Oversight and Economic and Educational Opportunities.

3513. A letter from the Assistant Secretary of the Army (Civil Works), transmitting the U.S. Army Corps of Engineers Division Restructuring Plan, pursuant to Public Law 104-46, title I (109 Stat. 405); jointly, to the Committees on Transportation and Infrastructure and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GOODLING: Committee on Economic and Educational Opportunities. H.R. 3268. A bill to amend the Individuals with Disabilities Education Act, to reauthorize and make improvements to that act, and for other purposes; with an amendment (Rept. 104-614). Referred to the Committee of the Whole House on the State of the Union.

Mr. DREIER: Committee on Rules. House Resolution 450. Resolution waiving points of order against the conference report to accompany the concurrent resolution (H. Con. Res. 178) establishing the congressional budget for the U.S. Government for fiscal year 1997 and setting forth appropriate budgetary levels for fiscal years 1998, 1999, 2000, 2001, and 2002. (Rept. 104-615). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 451. Resolution providing for consideration of the bill (H.R. 3603) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and related agencies programs for the fiscal year ending September 30, 1997, and for other purposes (Rept. 104-616). Referred to the House Calendar.

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. BLILEY (for himself, Mr. DINGELL, Mr. BILIRAKIS, Mr. WAXMAN, Mr. MOORHEAD, Mr. BRYANT of Texas, Mr. OXLEY, Mr. TOWNS, Mr. SCHAEFER, Mr. STUDDS, Mr. UPTON, Mr. PALLONE, Mr. FRANKS of Connecticut, Mrs. LINCOLN, Mr. GREENWOOD, Mr. DEUTSCH, Mr. CRAPO, Mr. RUSH, Mr. DEAL, of Georgia, Ms. FURSE, Mr. BILBRAY, Mr. STUPAK, Mr. WHITFIELD, Mr. MANTON, Mr. GANSKE, Mr. RICHARDSON, Mr. GORDON, and Mr. MARKEY):

H.R. 3604. A bill to amend title XIV of the Public Health Service Act (the "Safe Drinking Water Act"), and for other purposes; to the Committee on Commerce.

By Mr. LEWIS of California:

H.R. 3605. A bill to amend the Internal Revenue Code of 1986 to clarify the exemption from tax for State funds providing coverage for losses on property arising from earthquakes; to the Committee on Ways and Means.

By Ms. LOFGREN:

H.R. 3606. A bill to amend the Communications Act of 1934 to restore freedom of speech to the Internet and to protect children from unsuitable online material; to the Committee on Commerce.

By Mr. SANDERS:

H.R. 3607. A bill to amend chapter 35 of title 44, United States Code, popularly known as the Paperwork Reduction Act, to ensure that Federal agencies give priority to reducing paperwork burdens on small businesses having 50 or fewer employees; to the Committee on Government Reform and Oversight, and in addition to the Committee on Small Business, 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. SANDERS (for himself, Mr. FRANK of Massachusetts, Mr. BARRETT of Wisconsin, Mr. STARK, and Mr. MILLER of California):

H.R. 3608. A bill to amend section 818 of the National Defense Authorization Act for fiscal year 1995 to prohibit additional payments for restructuring costs under defense contracts and to revise certain reporting requirements relating to such costs; to the Committee on National Security.

By Mr. SHAYS (for himself and Mr. FARR):

H.R. 3609. A bill to authorize appropriations for the payment of U.S. arrearages in assessed contributions to the United Nations for prior years and to authorize appropriations for the payment of assessed contributions of the United States for U.N. peacekeeping operations; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 351: Mr. MOORHEAD.

H.R. 1010: Ms. LOFGREN, Mr. FORD, Mr. SCARBOROUGH, Mrs. SCHROEDER, and Mr. EHLERS.

H.R. 1733: Mr. BURR.

H.R. 2246: Mr. WYNN and Ms. JACKSON-LEE.

H.R. 2391: Mr. FUNDERBURK and Mr. WELDON of Florida.

H.R. 2442: Mr. HALL of Ohio and Mr. ROHRABACHER.

H.R. 2587: Mr. LONGLEY.

H.R. 2701: Ms. VELAZQUEZ.

H.R. 2867: Mr. HOSTETTLER.

H.R. 2925: Mr. KINGSTON.

H.R. 2962: Mr. ACKERMAN, Mr. MILLER of California, Mr. GEJDENSON, and Mr. VENTO.

H.R. 3083: Mr. GALLEGLY.

H.R. 3087: Mr. NORWOOD

H.R. 3119: Mr. PETERSON of Minnesota.

H.R. 3161: Mr. KOLBE and Mr. GORDON.

H.R. 3199: Mr. SHAW, Mr. WELLER, Mr. QUILLEN, and Mr. COMBEST.

H.R. 3234: Mr. GOODLING, Mr. UPTON, Mrs. MYRICK, Mr. RADANOVICH, Mr. SOUDER, Mr. DOOLITTLE, and Mr. WELDON of Florida.

H.R. 3244: Mrs. COLLINS of Illinois, Mr. ARMEY, Mr. TOWNS, Mr. HASTINGS of Florida, Mrs. MEEK of Florida, Mr. FRAZER, and Mr. ROMERO-BARCELO.

H.R. 3251: Mr. HEFLEY.

H.R. 3252: Mr. WATT of North Carolina, Mr. WYNN, Mr. FATTAH, and Mrs. CLAYTON.

H.R. 3294: Mr. SPRATT and Mr. DELLUMS.

H.R. 3332: Mr. RANGEL, Mr. DELLUMS, Mr. SCOTT, Mr. CLYBURN, Mr. JOHNSTON of Florida, Mrs. COLLINS of Illinois, Mr. FRAZER, Mr. DEFAZIO, Mr. STARK, and Mr. EVANS.

H.R. 3354: Mr. NETHERCUTT.

H.R. 3449: Mr. BONILLA, Mr. EVANS, and Mr. LAUGHLIN.

H.R. 3465: Ms. JACKSON-LEE of Texas, Mr. GEJDENSON, Mr. SHAYS, Mr. OLVER, Mr. HAMILTON, Mr. HOYER, Mr. LEWIS of Georgia, Ms. RIVERS, and Mr. DOOLEY.

H.R. 3525: Mrs. MYRICK, Mr. CHABOT, and Mr. FATTAH.

H.R. 3551: Mr. WELDON of Florida and Mr. LOBIONDO.

H.R. 3571: Mr. FRISA, Mr. ENGEL, Mr. HOKE, Mr. ACKERMAN, Mr. MANZULLO, Mr. LAZIO of New York, Mr. SCHUMER, Mr. MANTON, Ms. MOLINARI, and Mr. NEAL of Massachusetts.

H.R. 3577: Mr. ROHRABACHER, Mr. TRAFICANT, Mr. BURTON of Indiana, and Mr. DORNAN.

H. Con. Res. 145: Mr. CALVERT.

H. Con. Res. 173: Mr. SAXTON, Mr. VISCLOSKY, Mr. MCNULTY, and Mr. SERRANO.

H. Res. 30: Mr. PASTOR.

H. Res. 439: Mr. TATE.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3603

OFFERED BY: MR. DEFAZIO

AMENDMENT. No. 1: At the end of the bill (page 69, after line 5), insert the following new section:

SEC. . (a) LIMITATION ON USE OF FUNDS.—None of the funds made available in this Act may be used for predator control efforts under the Animal Damage Control Program in the western region of the United States, except when it is made known to the Federal official having authority to obligate or expend such funds that the control efforts protect human health or safety or endangered or threatened species.

(b) CORRESPONDING REDUCTION IN FUNDS.—The amount otherwise provided by this Act for salaries and expenses with respect to the Animal Damage Control Program under the heading "ANIMAL AND PLANT HEALTH INSPECTION SERVICE" is hereby reduced by $13,400,000.

H.R. 3603

OFFERED BY: MR. GOSS

AMENDMENT. No. 2: Page 17, line 17, after the first dollar amount, insert the following: "(reduced by $16,209,000)".

H.R. 3603

OFFERED BY: MR. GOSS

AMENDMENT. No. 3: Page 51, strike line 17 and all that follows through page 52, line 24, and insert the following:

PUBLIC LAW 480 PROGRAM AND GRANT ACCOUNTS

For necessary expenses for commodities supplied in connection with dispositions abroad pursuant to title II of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1721 et seq.), $837,000,000, to remain available until expended.

H.R. 3603

OFFERED BY: MR. GOSS

AMENDMENT No. 4: Page 51, line 23, strike "1727–1727f,".

Page 52, line 4, insert "and" before "(3)".

Page 52, line 7, strike "; 'and (4)" and all that follows through "Act" on line 9.

Page 52, line 11, insert "such" before "title".

Page 52, line 12, insert "such" before "title".

H.R. 3603

OFFERED BY: MR. HOBSON

AMENDMENT No. 5: On page 69, after line 5, add the following new section:

SEC. . None of the funds made available in this Act may be used to administer a peanut program that maintains a season average farmers stock price for the 1997 crop of quota peanuts in excess of $625 per ton.

H.R. 3603

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT No. 6: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 726. None of the funds appropriated or otherwise made available by this Act for market access activities under section 203 of the Agricultural Trade Act of 1978 (7 U.S.C. 5623) may be used to promote the sale or export of alcohol or alcoholic beverages. None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries of employees of the Department of Agriculture who provide assistance under such section to promote the sale or export of alcohol or alcoholic beverages.

H.R. 3603

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT No. 7: At the end of the bill (page 69, after line 5), insert the following new section:

SEC. 726. None of the funds appropriated or otherwise made available by this Act for market access activities under section 203 of the Agricultural Trade Act of 1978 (7 U.S.C. 5623) may be used to promote the sale or export of alcohol or alcoholic beverages. None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries of employees of the Department of Agriculture who provide assistance under such section to promote the sale or export of alcohol or alcoholic beverages.

H.R. 3603

OFFERED BY: MR. LUCAS

AMENDMENT No. 8: Strike section 728, page 66, line 15, through page 67, line 3.

EXTENSIONS OF REMARKS

WILL THE DETROIT NEWSPAPER AGENCY PLEASE COME TO THE BARGAINING TABLE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 10, 1996

Mr. CONYERS. Mr. Speaker, 333 days ago more than 2,000 union employees of the Detroit Newspaper Agency were forced to strike after the Detroit News and Detroit Free Press refused to bargain with them in good faith. In the 5 years before the strike, the relevant unions conceded to management demands to eliminate nearly 1,000 jobs and gave up countless pay raises to help make these newspapers profitable, but this profit only made the newspapers eager for more.

When these papers began to earn more than $1 million per week, instead of using this money to rehire workers and restore pay raises to the workers who made it possible, they said it was time for more sacrifices.

Today, the Detroit News and Detroit Free Press are losing almost $5 million per week because of reaction to their antiworker business tactics, but the newspapers claim that they no longer need the striking workers. Even though the NLRB has issued two unfair labor practice complaints against the Detroit newspaper for their bad faith bargaining and unilateral imposition of changes in working conditions, they refuse to even begin negotiating with the unions.

I urge my colleagues to join with me in reexamining the Newspaper Preservation Act of 1970 which sanctions, joint operating agreements, like the one under which the Detroit newspapers operate. The joint operating agreement gives the combined Detroit News and Detroit Free Press a powerful weapon against the unions by providing them limited antitrust immunity for the purpose of combining certain operations, such as printing and other production operations.

Before the workers were forced to strike, the Detroit Newspaper Agency earned $56 million in 1 year; this year, with the workers striking, they are expected to lose $250 million. It is clear that Gannett and Knight-Ridder are willing to sacrifice their economic well-being in order to gain the upper hand in labor-management relations. I urge the Detroit Newspaper Agency to please come to the bargaining table and end this impasse.

HONORING THE 50TH WEDDING ANNIVERSARY OF MR. AND MRS. FRANK FOUREZ, JR.

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 10, 1996

Mr. POSHARD. Mr. Speaker, I rise today to honor a truly remarkable accomplishment. On June 29, 1996, Frank and Lawanda Bea Fourez of Christopher, IL, will celebrate their golden wedding anniversary. I refer to this as an accomplishment because anyone that has been married knows the work involved in maintaining this blessed institution. It requires love, patience, and above all, a devotion to your mate to supersedes all else. I want to personally congratulate the Fourez on reaching this milestone, as well as send my best to their large and undoubtedly proud family.

It seems that Frank and Lawanda Bea understand devotion. Just 20 and 16 when they wed, the couple has spent over two-thirds of their lives together. Since their union they have witnessed the fallout from a world war, the beginning and end of the cold war, and all of the trials and tribulations of a young Nation taking on the challenges of world leadership and its own civil harmony. And through all of these monumental changes, their life together has been incredibly consistent. They have relied on the staples of family and community, living in Christopher for all 50 years. The Fourezs had seven children, and are enjoying a bounty of grandchildren and great-grandchildren, currently numbering 16. Loyalty is a way of life, as Frank worked as a sales manager for Central Wholesale Liquor Co. in Mt. Vernon for 35 years before retiring.

Mr. Speaker, it takes truly special people to persevere and thrive throughout a 50-year relationship. The Fourez family clearly is an example that our entire Nation can look to in terms of family values and the vital place of a loving family in our society. I wish Frank and Lawanda Bea limitless joy while they celebrate this occasion and many more years of happiness. It is an honor to represent them in the U.S. Congress.

TRIBUTE TO CAPT. ROBERT J. PLANTE

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 10, 1996

Mr. FARR of California. Mr. Speaker, I rise today to pay tribute to a man who has served and led his country in the Navy for over 28 years. Capt. Robert J. Plante, who began his career as a naval aviator in February 1968, is now retiring as commanding officer of the Fleet Numerical Meteorology and Oceanography Center in Monterey, CA, a position he assumed in 1992.

Captain Plante has led a distinguished life. He graduated from the University of Illinois/Illinois Institute of Technology in 1966 with a bachelor of science degree in chemical engineering and political science. By 1973 he had not only completed naval flight training but also became an aircraft commander at the Naval Air Station in Brunswick, ME, and successfully completed his masters degree in meteorology from the Naval Postgraduate School.

For the following 9 years after graduation, Captain Plante served his country at numerous Navy bases around the world. He earned such titles as officer in charge, Naval Weather Service Environmental Detachment for the Midway Islands; command duty officer and aviation division officer at Fleet Weather Control at Norfolk, VA; meteorological officer aboard the USS *Saratoga*, and finally, from 1979 to 1981, officer in charge, Naval Oceanography Command Detachment, Keflavik, Iceland.

In the ensuing years Captain Plante continued to move up in both rank and duties. After his graduation from the Naval War College in Newport, RI in 1982 he became the commander of the Naval Oceanography Command. Two years later he was assigned to commanding officer of the Naval Oceanography Command Facility at Bay St. Louis, MS. For the following 3 years Captain Plante distinguished himself as Division Director for the Oceanographer of the Navy, Division Director for Welfare Systems Engineering Policy and Standards at the Space and Naval Warfare Systems Command, commanding officer of the U.S. Naval Oceanography Command Center/Joint Typhoon Warning Center at Guam, and finally in August 1990 he assumed his duties as Chief of Staff for the Commander at Naval Oceanograph Command.

Captain Plante is the distinguished recipient of the Legion of Merit Medal, the Meritorious Service Medal with a gold star. The Navy Commendation Medal with two gold stars, the Navy Unit Commendation Ribbon and the National Defense Service Medal. Along with these esteemed awards Captain Plante has also been prestigiously recognized as "Fellow" in the American Meteorological Society.

The above list of titles and awards which Captain Plante holds is only a part of the reason for this tribute to a great man. His constant drive to succeed, his continued push to assume more responsibilities, and his outstanding leadership qualities are the main reasons we recognize him today. I know I am speaking for all of my constituents to say that we are lucky to have benefited from Captain Plante's service to his country.

REMARKS HONORING TROY CHAMBER PRESIDENT ROY E. CARLSON

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 10, 1996

Mr. BOEHNER. Mr. Speaker, it is my privilege and pleasure to recognize Roy E. Carlson for his years of service to the chambers of commerce in Ohio and Michigan. Roy has been with the Troy Chamber of Commerce for the past 10 years, and with his previous experience, has been professionally associated with the chamber for a total of 30 years. He has decided to retire at the end of this month. Though all of us who know Roy are happy for him for his upcoming retirement, we know his shoes will be hard to fill.

Roy has devoted his time promoting economic development wherever he worked. Prior to his 10 years of service to the Troy Area Chamber of Commerce, Roy was executive vice president of the Findlay, OH, Area Chamber of Commerce. Before that he was manager of the Marshall MI, Chamber of Commerce. He is also active in the Ohio Development Association, Chamber of Commerce Executive of Ohio, and the Japan-Ohio International Network.

I have had the opportunity to get to know Roy over the past 6 years and watched him work tirelessly to promote growth in the Troy, OH, area. His labor has benefited the community by bring new business opportunities and jobs for Miami County and the surrounding area. His drive and vision for Troy and Miami County have truly made a difference. Roy's position as president of the Troy Area Chamber of Commerce may be filled, but Roy can never truly be replaced.

Therefore, Mr. Speaker, I wish to recognize Roy E. Carlson for his service to his community through his leadership in the chamber of commerce. May be enjoy his years of retirement and take great pleasure in knowing that what he has accomplished over the years through his economic development efforts has touched the lives of those in the communities where he has served.

TRIBUTE TO JUDGE WILMONT SWEENEY

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 10, 1996

Mr. DELLUMS. Mr. Speaker, it is with great pride and appreciation that I call to your attention the extraordinary accomplishments of a devoted public servant, a noted and revered jurist, and a dear friend and colleague.

Judge Wilmont Sweeney has just retired from the Superior Court of Alameda County, where he had served for 17 years and had been presiding judge of the Juvenile Division for 15 of those years. He was appointed by Gov. Jerry Brown, Jr., in 1979, elected in 1980 and reelected in 1986. Prior to that he had been appointed in 1974 by Gov. Ronald Reagan as judge of the Municipal Court of the Berkeley-Albany Judicial District of Alameda County, and elected to that position in 1978. His rulings and contributions on the bench have been hailed by many for their legal acumen, wisdom, and care for children and the families that have come before him. He has been a leader, locally and at the State level, in promoting juvenile law legislation and in raising public awareness of children's issues.

Prior to his judicial service, Wilmont Sweeney had served as a member of the Berkeley City Council—1961 to 1974—and as vice mayor of the city—1967 to 1974. To that task he brought his thoughtful deliberation, advice, and decisionmaking to a whole range of nettlesome issues in a community that was the epitome of diverse interests and opinions. He became legendary for his reasonableness and ability to help bring persons with opposing points of view to positions of agreement, compromise, or accommodation.

From 1955 to 1974, Wilmont Sweeney was in private practice, handling all kinds of legal cases, in Oakland, CA. He first worked with criminal law attorney Clinton White as a sole practitioner. He then served as a partner with the law firm of Wilson, Metoyer, Sweeney, and Broussard.

Wilmont Sweeney was born in Austin, TX. He served to sergeant in the U.S. Army during World War II from 1944 to 1946 and then in the U.S. Army Reserve from 1948 to 1949. He received a B.A. in 1950 from the University of California, Berkeley in Political Science and a J.D. In 1955 from Hastings College, San Francisco, CA. While at Hastings, he was the Note and Comment Editor of the Hastings Law Journal from 1954 to 1955. He was admitted to the California Bar, the U.S. Court of Appeals, Ninth Circuit, and the U.S. District Court, Northern District of California in 1955, and to the U.S. Supreme Court in 1967.

Judge Sweeney has served on numerous public service boards, commissions, and committees; and, he has been the recipient of many awards and recognition for that service. Just a few examples will be given here: the Benjamin Ide Wheeler Award as Berkeley's Most Outstanding Citizen in 1971; the W. Byron Rumford Humanitarian Medal in 1987; Certificate of Commendation for outstanding accomplishments on behalf of abused and neglected children from the State of California's Department of Social Services in 1987; Judge of the Year Award from the Alameda County Lawyers Club in 1988; Unsung Hero Award from the Oakland Crack Task Force for his outstanding community involvement in drug prevention and education in 1990; the State's first Juvenile Court Judge of the Year Award by the Juvenile Court Judges of California in 1992; and, the Chief Probation Officers' Timothy Fitzharris Award in recognition of his major contributions to the field of probation services.

On Thursday, June 13, 1996, the Alameda County Bar Association and a host of friends will honor Judge Sweeney upon his retirement as judge of the superior court and presiding judge of juvenile court. I join in thanking Judge Sweeney for all his numerous contributions to the well-being of our society, and for his selfless efforts that span 35 years of elected public service. Additionally, I would note that all of us have been very blessed and fortunate to have had such a remarkable human being in our midst.

CONGRATULATIONS TO THE CASEY-WESTFIELD SOFTBALL TEAM

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 10, 1996

Mr. POSHARD. Mr. Speaker, as spring fades into summer and commencement addresses are heard across this great land, it is time for another seasonal rite, that of State softball championships. I rise today to congratulate the young women of Casey-Westfield High School in Casey, IL, who recently captured their fourth class A State championship in the last 10 years. They continue to be a source of enormous pride for their entire community, and I hope they relish this tremendous accomplishment for years to come.

Head Coach Denny Throneburg and assistants Dave Shawver and Michelle Stinson deserve a great deal of credit for directing the Lady Warriors to a school record 38 win season. Coach Throneburg has been at the helm since the program's inception 19 years ago, and currently has an astonishing 527–50 record during that time. During their championship run, the Lady Warriors surrendered just two runs in three games posting two shutouts, including a 9–0 win in the title game. This kind of dominance was a fitting close to a remarkable season.

Mr. Speaker, as an ex-baseball coach, I appreciate what it takes to field such a superb unit. Softball is a team game, but it breaks down to individuals knowing their assignments and executing them at crucial moments. This requires fundamentals, intelligence, and a commitment to excellence that is beautiful to behold when it manifests itself. I believe it was best summed up by a spectator at this year's State tournament who told Coach Throneburg that the State tournament just was not the same without Casey-Westfield involved. This is high praise for not only a class team and coach, but for the entire school, the families, and all of the fans of these talented women. I am very proud to represent Casey in the U.S. Congress, and I wish the players all of the best in their future endeavors. I would like to read their names for the record: Kylie Redman, Terri Kemper, Trisha Hupp, Bethany McClellan, Melinda Hickox, Heather Sanders, Debbie Hall, Jenny Wimbley, Monica Sudkamp, Rachael McClellan, Heather Black, Katie McClellan, Angela Webber, Stephanie Stephen, Sarah Lemond, Dara Throneburg, and Lyndsay Sanders.

TRIBUTE TO SCHOOL LUNCH PROGRAM

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 10, 1996

Mr. FAZIO of California. Mr. Speaker, I rise today in honor of the 50th anniversary of the

National School Lunch Program. This highly successful program serves over 25 million meals annually to the children of California's Third Congressional District.

In 1946, President Truman signed the National School Lunch Act, which was designed to ensure the nutritional health of the Nation's students. Some 7.1 million children were served by the program by the end of its first year. Currently, the National School Lunch Program serves breakfasts, lunches, and afternoon snacks, to more than 25 million children across the country.

In spite of the School Lunch Program's obvious successes, the program was targeted for draconian cuts by the Republican Congress. Under the Republican plan, cuts in the School Lunch Program would have cost California about $1 billion over 4 years.

I am proud to have opposed these cuts, and I salute the National School Lunch Program, for its 50 years of success in feeding our Nation's children. This is an excellent example of government that works.

TRIBUTE TO MARIANNE BARRIOS

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 10, 1996

Mr. BERMAN. Mr. Speaker, I am honored to pay tribute to Marianne Barrios, the energetic photojournalist-general manager of the San Fernando Sun. This year Marianne is being given special recognition by the Mission Hills Chamber of Commerce for many years of service to the chamber and the northeast San Fernando Valley. Those of us lucky enough to know Marianne know that this honor is richly deserved.

Marianna is best known for her work with the San Fernando Sun. Readers of the paper know that she does an exceptional job keeping people informed. She makes a point of coming to grand openings, rallies, chamber events—I have enjoyed seeing Marianne at many of these over the years—and covering the various communities in San Fernando and the northeast valley. All of us who care about the area owe a huge debt of gratitude to Marianne for her work.

As busy as she is with the San Fernando Sun, Marianne somehow finds time for other activities. For example, she is a member of the Foothill Area Boosters Association, the San Fernando Valley Police Advisory Council and the northeast valley chapter of the America Heart Association. In addition, she is a present or past board member of New Directions for Youth, the San Fernando and Mission Hills Chambers of Commerce and the Holy Cross Medical Center Century Club.

The devoted mother of a 15-year-old son, Marianne spends much of her time working with organizations dedicated to improving the lives of children. It is another way in which she has made an invaluable contribution to the community.

I ask my colleagues to join me today in saluting Marianne Barrios, whose selflessness and dedication is a shining example to us all.

TRIBUTE TO GESU CATHOLIC CHURCH OF MIAMI

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 10, 1996

Ms. ROS-LEHTINEN. Mr. Speaker, it gives me tremendous pleasure to pay tribute to Gesu Catholic Church of Miami, which has for the past 100 years been the spiritual heart for the people of south Florida. As Miami celebrates its centennial anniversary, so too does the Gesu Catholic Church. Together the city and the church have been harmonious partners in a relationship that has seen Miami become a premier city of the United States and the Americas.

As the first house of worship in Miami, Gesu's contributions to the cultural, religious, educational, and charitable development of south Florida have been enormous. Indeed, Gesu has been a loving place of worship that has allowed many community leaders including Steve Clark, mayor of the city of Miami, J.L. Plummer, commissioner of the city of Miami, and Arthur Estopiñan, my chief of staff in Washington, DC, a site of reflection and inspiration.

For my chief of staff, Arthur Estopiñan, the church takes on a special significance. Arthur worked part time after school in the rectory since he was 13 years old until after graduating from college, helping to coordinate liturgies with Father John Edwards, S.J.; Father Bill Mayer, S.J.; and Father Donald Pearce, S.J. The loving influence that the Jesuits at Gesu have shown Arthur enabled him to become a man of the highest moral character.

Gesu has served as a beacon of hope for many people from many different lands who came to this great Nation in search of freedom. It is a historic landmark that has a devoted following of parishioners that come together to celebrate their faith and heritage. The American people should be extraordinarily proud of the accomplishments of Gesu during the past century and I am confident that Gesu will have an equally outstanding history in the century to come.

LIMITATION ON ASSISTANCE FOR INDIA

HON. MIKE WARD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 10, 1996

Mr. WARD. Mr. Speaker, I wish to take this opportunity to explain why I oppose the amendment to the bill making fiscal year 1997 appropriations for foreign operations, offered by the gentleman from Indiana [Mr. BURTON]. The gentleman's amendment sought to limit appropriations to India for development assistance or to nongovernmental organizations and private voluntary organizations operating within India.

Action of this nature would send the wrong message, Mr. Speaker. In my view, instead it would behoove our Government to take steps that would serve to encourage the progress being made in India on several fronts.

On one front, the voter turnout in India's most recent national elections is evidence of the continued growing support for democracy. Another front worthy of note is the improvements and reforms made in the area of human rights. Finally, I believe the Government of India is to be commended for the initiatives undertaken to liberalize the economy and to recast its markets.

I am pleased that 295 other House Members chose to join me in rejecting this amendment, Mr. Speaker. Our vote speaks of our and the United States' support for a strong relationship between our governments.

CONGRATULATIONS TO LOIS J. LECRONE ON HER RETIREMENT

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 10, 1996

Mr. POSHARD. Mr. Speaker, I rise today to mark a very special occasion. My good friend Lois J. LeCrone is retiring on June 30, 1996 from the CEFS Economic Opportunity Corp. in Sullivan, IL, where she has served as the senor volunteer program director. I congratulate her on 30 years of exceptional dedication to the cause of senior citizens and for always being a consummate professional.

Those that know Lois understand her contributions to her field as well as her deep personal commitment. She has been at the forefront of a movement that recognizes that seniors have a lot left to give to their communities. Improving the quality of life for our older citizens is more than making sure they have sufficient health care and savings, but showing them that they can still make a significant contribution to society in general. Lois has helped countless people give back to those around them while providing each of them a priceless feeling of self-worth. This work takes patience, but as I believe Lois would tell you, the rewards are worth the effort.

Mr. Speaker, our country needs more people like Lois to remind us of the importance of not just doing your job, but of doing it with compassion, grace, and attention to detail. By setting such a high standard we come to expect and demand excellence, and that should be our collective goal no matter what the field. I wish Lois all the best in this new phase of her life. I have enjoyed working with her as well as representing her in the U.S. Congress. I am sure she has a lot to give of herself, and for that I am very grateful.

PERSONAL EXPLANATION

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 10, 1996

Mr. HASTINGS of Florida. Mr. Speaker, I regret that I will be absent from the U.S. Congress on Monday, June 10 and Tuesday, June 11 for personal reasons.

DAY OF PORTUGAL

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 10, 1996

Mr. TORRICELLI. Mr. Speaker, I rise today in honor of the Dia de Portugal, or Day of Portugal, which commemorates Portugal's numerous achievements and rich cultural heritage. This is a day for the Portuguese community to rejoice in the strides they have made as a people. More important, it provides the rest of the world the opportunity to heighten its awareness of this valuable segment of our society.

Perhaps the most significant aspect of the day is its connection to the Portuguese poet Luis de Camoes. June 10 marks his birthday, and is thus an excellent occasion to recognize his contributions of Portugal's language and culture. As the Portuguese equivalent of Dante and Chaucer, Camoes gave the people a voice for their innermost hopes and dreams. His eloquent turns of phrase are a noted source of pride for the Portuguese people.

However, in this day and age, I believe it is important to realize that Portugal has even more to be proud of. Its economy has battled high unemployment rates to achieve greater economic growth, and is now projected to join Europe's single currency in the near future. In addition, foreign investors are attracted by the government's plans to privatize and decrease the budget deficit. Further progress will help Portugal move through the Europe's ranks and increase its economic standing.

The rest of the international community should pause to reflect on this remarkable progress and join the Portuguese community in celebration.

GEORGE SOROS MAKES THE CASE FOR POSTPONING THE BOSNIAN ELECTION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 10, 1996

Mr. LANTOS. Mr. Speaker, George Soros, my good friend and the chairman of one of the largest and most widely praised philanthropic organizations in the world, put forth a very strong argument for postponing the Bosnian elections until there is stronger evidence that the goals set by the Dayton Accords for free and fair elections have been met. His op-ed, which appeared in the Wall Street Journal, makes a well-reasoned case for delaying the elections until indicted war criminals are arrested, freedom of movement is established, a free press exists, and lines of communication are opened between and within ethnic groups.

The Soros foundation/Open Society Foundation is one of the primary philanthropic organization dedicated to promoting free societies throughout the world. George Soros has demonstrated his commitment to making the peace process work in Bosnia by pledging $15 million for TV broadcasting prior to the elections. These funds, in conjunction with the commitment of the United States and the world community, will be of enormous help in executing free and fair elections once preconditions are set.

I urge my colleagues to read and consider Mr. Soros' insightful comments on this difficult issue that we must debate as the time for elections and the withdrawal of the implementation force troops draws near.

[From the Wall Street Journal, May 29, 1996]

POSTPONE THE BOSNIAN ELECTIONS . . .

(By George Soros)

I am deeply committed to making the Dayton peace process work. My foundation, among its many projects, has prepared a $15 million plan for providing pluralistic TV broadcasting to most of Bosnia prior to the elections, and the U.S. and European governments have pledged substantial funds to turn the plan into reality. Yet I feel compelled to voice a protest against the impending decision of the Organization for Security and Cooperation in Europe to certify that conditions are suitable for holding "free and fair" elections in Bosnia by Sept. 14.

IMMENSE PRESSURE

The OSCE head of mission in Bosnia, career U.S. diplomat Robert Frowick, has been under immense pressure from the U.S. government to issue the certification required under the Dayton agreement; two of his top aides have resigned in protest. The International Helsinki Federation issued a report on May 23 documenting that virtually none of the conditions spelled out in the Dayton agreement has been met:

Indicted war criminals have not been arrested. Gen. Ratko Mladic is in charge of the Bosnian Serbe army, issues all orders and communicates with the NATO Implementation Force (IFOR) commander through an interpreter. Radovan Karadzic continues to dominate the political scene, sacking the prime minister of Republika Srpska, Rajko Kasagic, who was willing to cooperate with U.N. representative Carl Bildt, but as a sop to Mr. Bildt, Mr. Karadzic has now promised not to make any further public appearances.

Freedom of movement remains severely restricted. Although official boundary checkpoints have been turned over to IFOR, they have been effectively replaced by mobile checkpoints, where the authorities representing all three ethnic factions routinely refuse to accept documents issued by the others. Signatures required to register political parties cannot be gathered across ethnic lines, hindering opposition parties seeking to attract a multiethnic constituency. For instance, the Liberal Democratic Party based in Sarajevo and the Social Liberal Party based in Banja Luka, which were united before the war and which are trying to form a common platform, cannot meet or even speak by telephone because of a lack of phone lines.

Freedom of expression and independent broadcast and print media are virtually nonexistent in so-called Herzeg Bosna (a Croatian ethnic enclave within the Bosnian-Croatian Federation) and in Republika Srpska. The situation is somewhat better in Bosnian territory, with an independent press in cities such as Sarajevo, Tuzla and Zenica and with some independent local TV and radio stations. Under present conditions the three nationalist parties that rule their separate entities control the relevant media, giving them an unfair advantage. The media under their control continue to foment ethnic and religious hatred, in contradiction of the Dayton agreement.

Freedom of association is severely repressed, leaving little chance for opposition parties to solidify support. The Helsinki Federation report cities specific instances.

The failure of the international community to secure the return of refugees (only about 60,000 out of the estimated 2.4 million have returned), coupled with election rules that allow people to vote where they now live, will legitimize the results of ethnic cleansing.

It is easy to understand what drives U.S. policy, but it is less easy to condone it. The timetable for the Bosnian elections is determined by the timetable for the withdrawal of IFOR troops, which is governed by the U.S. presidential election. President Clinton has of course made a commitment that U.S. troops would begin returning home by the end of the year. U.S. voters, who are so far removed from the problems of Bosnia and not well informed about the issues at stake, are primarily interested in whether the president will keep his word.

To conduct early elections in Bosnia, it would have been necessary to arrest the indicted war criminals before the momentum of Dayton dissipated. But the military has been traumatized by its experience in Somalia, and the Pentagon refused to accept the mission. The Clinton administration put its faith in Slobodian Milosevic, but he could not or would not deliver. To order IFOR into action against the advice of the military would expose President Clinton to a pre-election risk that he is determined to avoid.

But to persevere in the present course entails even bigger risks. Bosnia will set a precedent for the post-Cold War world. By insisting on going through with the elections we would breech the conditions of the Dayton peace plan we engineered, provide a blueprint for legitimating ethnic cleansing and undermine the principles of international law we sought to establish by creating the War Crimes Tribunal.

FURTHER CONFLICT

Bosnia cannot be split into separate ethnic entities without further conflict. The Serbs have carved out a contiguous territory for themselves (although the area around Breko remains contested), and the Croat nationalists of Herzeg Bosna aim at no less. Even the military concedes that it would be easier to maintain its presence than to reintroduce troops after fighting has erupted again.

The failure of the international community in Bosnia is already affecting the behavior of neighboring Yugoslavia and Croatia, and it will be a source of never-ending recrimination between the U.S. and Europe. President Clinton may be able to avoid Bosnia becoming an election issue, but it would surely haunt his second term in office.

BOB DAYTON, MIKE GRIFFIN AND GENE SHERIDAN HONORED

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 10, 1996

Mr. ACKERMAN. Mr. Speaker, I rise today to join with my constituents in the 5th Congressional District of New York, and the citizens of the village of Port Washington, in Nassau County, in recognizing the Port Washington Youth Activities [PYA] as it celebrates its sixth hall of fame dinner dance.

This year, the PYA will honor three individuals, Bob Dayton, Mike Griffith, and Gene

Sheridan for their dedication and support of youth activities in the community. These individuals will be inducted into the Port Washington Youth Activities Hall of Fame.

Bob Dayton was a significant force in the developmental days of PYA; he served as coach, commissioner, officer, and director for more than 13 years. Mike Griffith is being cited for his athletic achievements in basketball at the collegiate level in the 1970's. Many of his skills and dedication to excellence were developed in his active days as a youth in the PYA basketball and baseball programs. Finally, Gene Sheridan is being honored for having distinguished himself as commissioner, director, and a coach of youngsters in the lacrosse, basketball and football programs for more than 12 years and still remains active today.

All three of these gentlemen are being recognized for their individual and collective contributions to youth sports. Their achievements are an excellent reflection upon themselves, their families, and their community, and represent the true American spirit of dedication and voluntarism embodied by the PYA. These three men are most deserving of this honor, and merit the special appreciation of their neighbors and friends.

Mr. Speaker, I ask all my colleagues in the House of Representatives to join me now in honoring Bob Dayton, Mike Griffin, and Gene Sheridan, and in congratulating the Port Washington Youth Activities for its generous contributions and dedicated service to the community.

THANKS TO THE STUDENTS OF DECATUR'S EISENHOWER HIGH SCHOOL

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 10, 1996

Mr. POSHARD. Mr. Speaker, I rise today to speak about our youth and the promise that tomorrow holds for them. We hear a great deal about how these are tough times to be growing up. There are pressures on children today that did not exist in the past, and with the pace of technological and social change, the world is a much less predictable place. But at the same time these new realities present daunting challenges, there are equal opportunities to meet these obstacles and accomplish great things. When seen in this light, it truly is an exciting time to be alive and young.

Recently a small group from Eisenhower High School in Decatur, IL, visited me here in Washington. Mike Frahlman, Ryan Snyder, Nick Phipps, Brian Stolz, and Corey York, accompanied by their teacher Hugh Good, embodied this spirit of infinite possibility. I was struck by their desire for knowledge, the intelligence of their questions, and their intuitive sense of the possibilities for accomplishment that await them. Our brave new world needs such enterprising young minds to take on the questions that the 21st century holds. Not only did I enjoy our conversion, but I felt even more at ease about our future as a country because of the experience.

Mr. Speaker, far too often we hear about the failures of our young people rather than the positive contributions they provide to all of us on a daily basis. I want the record to reflect that I have great confidence in the youth of the United States of America. I would like to thank the fine students of Decatur Eisenhower High School for reaffirming my faith, and for the excellent example they provide their peers. It is an honor to represent them in the U.S. Congress.

DR. DAVID MILLICAN RETIRES FROM SOUTH McCOMB BAPTIST CHURCH

HON. MIKE PARKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 10, 1996

Mr. PARKER. Mr. Speaker, today I stand in the Halls of Congress to ask you to join me in paying tribute to Dr. David Alan Millican, pastor of South McComb Baptist Church, author and hospital chaplain, Dr. Millican will be retiring in July after 33 years of service at the church.

Born in 1934 in Hamilton, AL, David Millican entered the ministry at the age of 19 and was ordained into the ministry at Shadowlawn Baptist Church in Prichard, AL, in 1954. He attended William Carey College in Hattiesburg, MS, where he graduated in 1958, and married Marion Doris Powe of Waynesboro, MS. He received his masters of divinity degree at the New Orleans Baptist Theological Seminary in 1964 and his doctor of ministry in 1983 from Luther Rice Seminary.

From 1954 to 1963, Dr. Millican served at Myers Memorial Baptist Church as missions pastor and Smithtown Baptist Church as pastor, both located in Eight Mile, AL, as well as pastoring Pecan Grove Baptist Church in Ellisville, MS, and First Baptist Church in Stonewall, MS. He became pastor at South McComb Baptist Church in 1963.

When the Bible speaks of serving others and serving Jesus Christ, it is not difficult to think of David Millican. Dr. Millican has an extensive record of denominational work, having served on numerous committees and boards including the Mississippi Baptist Convention and the Board of Ministerial Education. His service is not limited, however, to church activities. He has served terms on the advisory committees of the McComb City Board and the McComb Public Schools. He is a member of the McComb Exchange Club, of which he served a term as its president and was chosen to be its Man of the Year. His civic activities also have included serving as chairman of the board of the Pike County Chapter of the American Cancer Society and as a member of the board of directors of the State chapter of the American Cancer Society.

But his first love has always been sharing the gospel of Jesus Christ. In McComb alone, Dr. Millican has baptized 591 people. Over the 42 years he has been a pastor, he has officiated at 1,100 funerals and married 452 couples. He has published a book entitled "Bible Readings and a Thought for a Day" and has written many articles for Southern Baptist publications. He also started a hospital visitation ministry with between 30 and 40 area volunteers, which he intends to continue even in retirement. He has conducted 235 revivals across America in addition to evangelistic crusades in the Philippines, Korea, and Argentina. Wherever he goes, Dr. Millican's message is the same: "Win people to Christ. That's the only hope."

People such as David Millican inspire hope. He has given his life toward serving others here and abroad and sharing with them faith and friendship. He has invested his life in the people of McComb and has shared in their times of sorrow and their times of joy. In July, Dr. Millican will retire. Maybe he will write another book or maybe he will carry out his joke about watching Mrs. Doris work in the yard while he relaxes with a soft drink. But most likely, Dr. Millican will continue to preach the word of God, minister to the sick and pray for the men, women and children who have become nearly as much a part of his family as his own three children.

Mr. Speaker and colleagues, I ask you to join me in thanking Dr. and Mrs. David Millican for sharing their life and faith and in wishing them the best in the years to come. Dr. Millican, may God bless your life as richly as you have blessed those whom you have served. Thank you.

TRIBUTE TO THE CADETS OF THE TEXAS 945TH CADET WING

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 10, 1996

Mr. BENTSEN. Mr. Speaker, I rise to honor the cadets of the Texas 945th Cadet Wing, an Air Force Junior Reserve Officer Training Corp [JROTC] unit at North Shore High School in my congressional district. They recently were selected as an Air Force JROTC meritorious unit for the 1995–96 school year. This distinction is reserved for only a select group of Air Force JROTC schools. This is an especially impressive accomplishment because North Shore's JROTC program is only 2 years old.

The regional commander of the JROTC in Houston chose to honor North Shore's AFJTROC unit based on its outstanding performance and its commitment to the Air Force's core values of integrity, service before self, and excellence. Other criteria included the cadet corps briefing, drill ability, adherence to dress and grooming standards.

The North Shore unit's remarkable success is the result of a total community commitment. The administrators, staff, faculty, and instructors have provided vision and leadership and the cadets have provided the uncommon commitment necessary to achieve this goal. North Shore has more than 300 cadets enrolled and the district, school, community, and parents are all involved. This is truly an exceptional educational program.

I want to recognize the superior program management by Col. Thomas McCay, the senior military science instructor at North Shore High School, and his dedicated and knowledgeable assistant instructors, Major Pfeifer

and Master Sergeant Murphy. They have received excellent support from faculty and staff at North Shore. The principal of North Shore High School, Mr. Malcolm Dennis, also deserves special recognition. Mr. Dennis fought hard to get this JROTC unit started at North Shore over 3 years ago. His efforts are now paying great dividends.

Last, but unquestionably, the most important factor in this unit's selection as a meritorious unit is the outstanding performance of the cadets throughout the year and particularly on the day of the annual inspection. The unit has demonstrated that it has taken the core Air Force values to heart. Its record reflects a commitment to learning, a commitment to leadership, and especially a commitment to service, whether presenting the colors at community functions, cleaning up our neighborhoods, or delivering Christmas baskets to veterans at the VA Hospital.

Mr. Speaker, it is not surprising that this unit has received such an honorable distinction as a meritorious unit. During its first year of existence, over 2 years ago, North Shore's JROTC unit was recognized as the best first-year unit in the Houston area. For that recognition alone, the unit deserves our special congratulations.

Many people view JROTC as only a military training program. It is much more than that. It is an educational and citizenship program that brings out the best in all. The cadets participating in Air Force JROTC program have started on the road of lifetime service and excellence. I honor them for showing that they have the will and the character to work hard and accomplish great things. I know that under the leadership of Col. Thomas McCay, and his staff, the unit will continue to put their knowledge, skills, and experience to work, not just for themselves, but for their community and country as well.

My congratulations to all the cadets and the entire North Shore community.

COMMEMORATING DIA DE PORTUGAL

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 10, 1996

Mr. KENNEDY of Rhode Island. Mr. Speaker, today is celebrated throughout the world as the Dia de Portugal.

Every year on June 10, people of Portuguese descent around the world honor their heritage on Dia de Portugal ("Day of Portugal"). This is a time for all friends of Portugal to pause and consider the many achievements of that great nation over the centuries and to celebrate the cultural traditions, practices, and customs of Portugal.

June 10 is the date of birth of Portugal's greatest poet, Luis de Camoens, who lived from 1524 to 1580.

He is the author of the Portuguese national epic, "The Lusiads," published in 1572. In this grand poem, Camoens did for the Portuguese language what Chaucer did for English and what Dante did for Italian.

As well, he gave eloquent expression to the deepest and highest aspirations of the Portuguese people.

Millions of Americans are proud of their Portuguese heritage, and millions more are enriched by living in neighborhoods and communities which are defined by the dynamic presence of Portuguese-Americans.

My State of Rhode Island has one of the largest Portuguese-American populations in our country. The ties between Rhode Island and Portugal go back to the very origins of our State, and the contributions made by the Portuguese can be seen every day.

Portuguese explorers dared to cross the oceans in search of new frontiers, and thanks to that courage, our Nation is enriched by traditions brought by the sons and daughters of Portugal.

Whether it was from Dighton Rock in 1502, the Touro Synagogue in 1658, or by whaling ships in the 1830's, the Portuguese undoubtedly were among the very first immigrants to settle on our shores.

Unfortunately, anti-immigrant fervor brought Portuguese immigration down to a trickle after 1921.

But there was an exception made in 1958, when President Eisenhower signed legislation introduced by then-Senator John F. Kennedy that allowed families affected by the volcanic eruption in the Azores to come to America.

In 1965, President Johnson fulfilled President Kennedy's dream and signed legislation lifting the discriminatory Quota Act. Once again, New England could open its arms to the Portuguese. Lifting the quota allowed many families to reunite, and bring together many generations.

At a time when the family is under great strain, and too often breaking under that strain, the example of family unity set by the Portuguese is a profound lesson for all of us.

Everywhere Rhode Islanders turn, the Portuguese presence is seen. It is seen in the dozens of social clubs throughout our State. It is felt in the excitement of the Feshta and the dignity of the religious procession. It is represented here today by community leaders who are from all walks of life.

This contribution is felt in many other States and hundreds of communities across this Nation.

Portugal is a close and valued ally.

Trade between our two nations is active and will surely grow. The recently completed Agreement on Cooperation and Defense provides for continued access to the Lajes Air Base in the Azores, as well as cooperation in nonmilitary matters. This base was critical to supporting our troops in Operation Desert Storm and Operation Restore Hope in Somalia.

Portugal's economy is making tremendous progress, and soon the world will see the growth that has taken place in recent years. In 1998, Portugal will host the World Expo. The topic for Expo 1998 is: "The Oceans: A Heritage for Our Future."

Expo 1998 will provide an ideal opportunity for Portugal to showcase its thriving industry while at the same time celebrating its uniquely rich heritage in ocean exploration. I am pleased that the United States will be participating in this event, and I congratulate the House for having earlier voted in favor of this participation.

Today is a day for us to celebrate the contributions made to the United States by the Portuguese community. It is a time for us to celebrate the ties between the United States and Portugal. This is a relationship with a great history, and promising future.

BILL SICKLICK REMEMBERED AT GOUVERNEUR HOSPITAL

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 10, 1996

Mrs. MALONEY. Mr. Speaker, I rise today to honor the memory of a beloved constituent, Bill Sicklick. Today, the Gouverneur Hospital Nursing Facility Diagnostic and Treatment Center in my district is dedicating a new conference area to be named the William "Bill" Sicklick Conference Room. This room could not be dedicated to a more worthy person.

Bill Sicklick died on April 25, 1995, and his passing affected the Grand Street Cooperative Village immensely. During the years he lived among us, he was a beloved husband, father, grandfather, son-in-law, neighbor, and friend. He walked our streets looking out for his neighbors as an auxiliary policeman, and he rose to become an officer of this group, earning the respect and admiration of the New York Police Department and fellow auxiliary members. Bill also served on community planning board three for almost 25 years where he was elected as both vice chair and secretary.

Despite all of his other community service positions, Bill's fondest service was the 20 years he served as a member and chairperson of the skilled nursing facility committee of the Gouverneur Community Advisory Board. He loved the patients, and they loved him. He served them well—taking them for walks in their wheelchairs, dropping by to chat, and keeping an eye out to see that all was well in the SNF unit.

Bill Sicklick was well known for his dedication and commitment to Gouverneur Hospital, its patients, and the Lower East Side community. It is only fitting that a room in this hospital should bear his name. I respectfully urge my colleagues to take a moment today to remember Bill Sicklick—a man who represented everything that is noble about community service.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for

printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 11, 1996, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 12

9:30 a.m.
Appropriations
To hold joint hearings with the Special Committee on Aging on investing in medical research, focusing on health care and human costs.
SD–138

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on S. 1726, to promote electronic commerce by facilitating the use of strong encryption.
SR–253

Special on Aging
To hold joint hearings with the Committee on Appropriations on investing in medical research, focusing on health care and human costs.
SD–138

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on Department of Defense financial management issues.
SD–192

1:00 p.m.
Agriculture, Nutrition, and Forestry
To hold hearings on S. 1166, to improve the registration of pesticides, to provide minor use crop protection, and to improve pesticide tolerances to safeguard infants and children.
SR–328A

2:00 p.m.
Select on Intelligence
To hold closed hearings on intelligence matters.
SH–219

Special on Special Committee
To Investigate Whitewater Development Corporation and Related Matters
To resume hearings to examine certain matters relative to the Whitewater Development Corporation.
SH–216

JUNE 13

9:00 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings to examine whether working America is adequately preparing for retirement.
SD–430

9:30 a.m.
Commerce, Science, and Transportation
Business meeting, to resume mark up of proposed legislation to authorize appropriations for the Federal Aviation Administration, and to consider other pending calendar business.
SR–253

Energy and Natural Resources
To hold hearings on S. 1844, to direct a study of the opportunities for enhanced water based recreation.
SD–366

10:00 a.m.
Finance
To hold hearings on S. 1795, Personal Responsibility and Work Opportunity Act.
SD–215

Judiciary
Business meeting, to consider pending calendar business.
SD–226

2:00 p.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Department of Education.
SD–138

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Office of National Drug Control Policy.
SD–192

JUNE 14

10:00 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the General Accounting Office, and the Architect of the Capitol.
S–128, Capitol

1:00 p.m.
Foreign Relations
Western Hemisphere and Peace Corps Affairs Subcommittee
To hold hearings to examine the status of the hemisphere.
SD–419

JUNE 18

9:00 a.m.
Rules and Administration
To hold hearings on public access to government information in the 21st century, focusing on the Government Printing Office depository library program.
SR–301

9:30 a.m.
Agriculture, Nutrition, and Forestry
Research, Nutrition, and General Legislation Subcommittee
To hold hearings to review a report to the Department of Agriculture by the Advisory Committee on Agricultural Concentration, and to examine other livestock industry issues.
SR–328A

Commerce, Science, and Transportation
To hold oversight hearings on the Federal Communications Commission.
SR–253

10:00 a.m.
Judiciary
To hold hearings to examine oversight of the Department of Justice witness security program.
SD–226

JUNE 19

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to examine issues relating to salmon recovery research.
SR–253

Rules and Administration
To continue hearings on public access to government information in the 21st century, focusing on the Government Printing Office depository library program.
SR–301

JUNE 21

10:00 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Secretary of the Senate, the Sergeant At Arms, and the Government Printing Office.
S–128, Capitol

JUNE 25

9:30 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to examine the security status of national computer information systems and networks.
SD–342

10:00 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Library of Congress.
S–128, Capitol

JUNE 26

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on S. 1726, to promote electronic commerce by facilitating the use of strong encryption.
SR–253

Energy and Natural Resources
To hold hearings on S. 1804, to make technical and other changes to the laws dealing with the territories and freely associated States of the United States, on a proposed amendment relating to Bikini and Enewetak medical care, and to hold oversight hearings on the law enforcement initiative in the Commonwealth of the Northern Mariana Islands.
SD–366

Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings to examine the security status of national computer information systems and networks.
SD–342

Rules and Administration
To hold hearings on proposed legislation authorizing funds for the Federal Election Commission, and on campaign finance reform proposals.
SR–301

Indian Affairs
To hold hearings on proposals to reform the Indian Child Welfare Act.
SR–485

SEPTEMBER 17

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.
334 Cannon Building

POSTPONEMENTS

JUNE 12

10:00 a.m.
Judiciary
To hold hearings on S. 1740, to define and protect the instiution of marriage.
SD–226