SENATE—*Friday, May 16, 1997*

The Senate met at 10 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Gracious God, these days in the Senate are filled with crucial issues, sharp differences on solutions, and vital votes on legislation. So we begin this day with the question that you asked King Solomon, "Ask: What shall I give you?" We empathize with Solomon's response. He asked for an "understanding heart." We are moved by the more precise translation of Hebrew words for "understanding heart," meaning "a hearing heart."

Solomon wanted to hear a word from You for the perplexities he faced. He longed for the gift of wisdom so that he could have answers and direction for his people. We are moved by Your response, Lord. "See, I have given you a wise and listening heart."

I pray for nothing less as Your answer for the urgent prayers of the women and men of this Senate. Help them to listen to Your guidance and grant them wisdom for their debates and their decisions. All through our history of this Nation, You have made good men and women great when they humbled themselves, confessed their need for Your wisdom, and listened intently to You. Speak, Lord. We need to hear Your voice in the cacophony of other voices. We are listening. Through our Lord and Saviour. Amen

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator COCHRAN, is recognized.

SCHEDULE

Mr. COCHRAN. Mr. President, at the request of the majority leader, I announce today that the Senate will be in morning business during which Senators may speak. There will be no rollcall votes during today's session of the Senate. On Monday, the majority leader hopes that the Senate will be able to begin debate on the concurrent budget resolution. Senators will be notified as soon as any agreements are reached.

Mr. President, I ask unanimous consent that I be recognized for a period not to exceed 15 minutes.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

NATO ALLIANCE MEMBERSHIP FOR ROMANIA

Mr. COCHRAN. Madam President, last week I received a letter from the distinguished Senator from Indiana [Mr. LUGAR] on the subject of a task force which he had been asked to chair convened by the Council on Foreign Relations on the subject of Russia, its neighbors, and an enlarging NATO.

Senator LUGAR's letter discusses the highlights of the findings and agreements that were reached by this impressive task force made up of experts on foreign policy and national security. I think it is important for the Senate to consider and review carefully the task force report and the information in that as we are beginning serious consideration now in the Foreign Relations Committee and soon in this Chamber proposals for the enlargement of NATO. We have already had other agreements which have been widely publicized this week—the charter or the framework between Russia and the United States on the subject of NATO enlargement. So it is very timely, in my view, for us to begin to get all of the information and all of the viewpoints that we can from those who deserve respect on these issues so we will be fully advised as we are called upon to make decisions on proposals from the administration.

In his letter, Senator LUGAR points out that "The Task Force reached a strong bipartisan consensus that the enlargement of NATO and improved NATO-Russia relations need not be incompatible." First he pointed out that the goal of this task force "was to determine whether Russia's concerns could be managed and its internal transition bolstered without stopping or slowing NATO enlargement. The Task Force also looked," he said, "at the security concerns of the Baltic states and Ukraine."

He says the Task Force "agreed that it is in the United States interest to try to achieve both" enlargement of NATO and a strengthening of NATO-Russian relations. So we also should "negotiate from a position of strength and not allow the NATO Alliance to be held hostage in any manner by Moscow. We strongly caution," he said, the Task Force said, "that NATO's core mission of collective defense of its members—both old and new—not be diluted in any manner."

Other highlights include an urging of the administration and NATO allies "to take very specific steps, to reassure the Baltic states and Ukraine that they will not be left in a security no-man's land."

And in conclusion, he says the Task Force recommends endorsing "NATO's decision to add new, 'full' members at the Madrid summit in July 1997, and suggests the Alliance remain open to the possibility of adding more new members in the future."

The Task Force said, and he quotes from their findings:

> We believe that the goal of NATO's enlargement with Russia should not be to provide compensation for enlargement. Rather, it should be to forge a new NATO-Russia relationship that builds on opportunities offered by a new Europe, a Russia in transition and an adapting NATO.

The Task Force recommended also "To engage Russia, negotiate a formal NATO-Russia charter," which is being done, "and a consultative mechanism that offers both sides incentives to cooperate on shared problems," and to "Update Conventional Forces in Europe Treaty," which we approved this week.

In conclusion, he points out that the Task Force suggests that we,

> Reject vigorously any efforts by Moscow to dictate the terms of Baltic or Ukrainian relations with NATO. The Task Force urges the administration and the Alliance to offer special assurances to the three Baltic states and Ukraine, including confirmation that NATO's open-door policy applies to all Partnership for Peace states; increased efforts to include all four countries in Partnership for Peace planning and training exercises; affirmation that the United States shares the aspirations of the Baltic states to become full members of all European institutions; and conclusion of a NATO-Ukraine agreement to deepen practical consideration over the coming years.

Madam President, I ask unanimous consent that the full text of the letter from Senator LUGAR and the media remarks that he made on May 5 at the announcement of the task force findings and report be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, May 5, 1997.

Hon. THAD COCHRAN,
U.S. Senate, Washington, DC.

DEAR THAD: There is no more important foreign policy issue today than the future of European security. Our investments now in Europe's future will make a dramatic difference to our own security. NATO's decision to enlarge is a key element of that investment.

But so too is our investment in Russia's transition. Our security and the security of every nation in Europe will be affected by whether Russia succeeds or fails in becoming a fully democratic state, at peace with its neighbors and integrated into Europe. Yet Russia's leaders claim the enlargement of

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

NATO is a threat not only to Russian security but also to the success of Russia's transformation.

I was recently asked to chair a Council on Foreign Relation's Task Force on the subject of "Russia, Its Neighbors, and an Enlarging NATO", and to pull together some of the best minds in the country to look at this dilemma. Our goal was to determine whether Russia's concerns could be managed and its internal transition bolstered without stopping or slowing NATO enlargement. The Task Force also looked at the security concerns of the Baltic states and Ukraine, given their history with Russia, its anxiety about their relations with NATO, and their strong desire for closer ties with NATO.

With NATO enlargement imminent, the premise behind this Task Force's deliberations was not "whether and when" NATO should expand, but "how." We looked not only at how the Alliance might engage Russia, but also at how the process of enlargement, how NATO's own internal adaptation and how conventional and nuclear arms control, could improve the security climate across Europe, without dangerous concessions to Russia.

The Task Force reached a strong bipartisan consensus that the enlargement of NATO and improved NATO-Russia relations need not be incompatible, despite continued Russian opposition to enlargement. We agreed that it is in the U.S. interest to try to achieve both, so long as we negotiate from a position of strength, and do not allow the NATO Alliance to be held hostage in any manner by Moscow. The U.S. and the Alliance can offer Russia reassurances about its security and role in the new Europe that make sense on their own merits, without compromising NATO's effectiveness or independence.

In the process, however, we strongly caution that NATO's core mission of collective defense of its members—both old and new—must not be diluted in any manner. As discussions with Russia proceed, the Task Force warns the Administration and the Alliance to remain vigilant regarding Russian efforts to step or stall expansion, to turn NATO into a social club or debating society, or to have a veto over its decisions. We also caution against trying to compensate Russia for expansion with arms control or other concessions.

All NATO-Russia and U.S.-Russia political and security arrangements must be reciprocal. We also urge the Administration and our NATO allies to take very specific steps in the coming months and years to reassure the Baltic states and Ukraine that they will not be left in a security no-man's land.

The bipartisan Task Force brought together experts on Europe and the former Soviet Union from government, think tanks, universities, and the business community. Participants included Robert Blackwill, former Principal Deputy Assistance Secretary of State for European and Canadian Affairs and for Political Military Affairs; Richard C. Holbrooke, former Assistant secretary of State for European and Canadian Affairs; William Kristol, Editor of The Weekly Standard magazine; Thomas Pickering, former U.S. Ambassador to Russia, Brent Scowcroft, former National Security Advisor; and Robert Zoellick, former Counselor of the State Department and Undersecretary of State for Economic and Business Affairs. There was wide agreement among the Task Force participants with the report's major findings and recommendations; additional comments reflecting divergent positions are presented in the report to help frame the dabate.

The Task Force calls for a series of measures to address Russia's concerns as NATO enlarges, but states "we believe that the goal of NATO's engagement with Russia should not be to provide 'compensation' for enlargement. Rather, it should be to forge a new NATO-Russia relationship that builds on opportunities offered by a new Europe, a Russia in transition and an adapting NATO."

Among the Task Force's conclusions and recommendations.

Endorses NATO's decision to add new, "full" members at the Madrid summit in July 1997, and suggests the Alliance remain open to the possibility of adding more new members in the future. The report asserts that an expanded Alliance does not threaten Russia; in fact Russia will benefit from increased European stability.

To engage Russia, negotiate a formal NATO-Russia charter and a consultative mechanism that offers both sides incentives to cooperate on shared problems. However, NATO-Russia arrangements must not: stop or slow expansion; give Russia a veto over NATO decisions or dilute the effectiveness of the North Atlantic Council; allow "second class citizens" in the Alliance or exclude any Partnership for Peace (PfP) participant from future membership consideration; or preclude any Alliance member from calling for a meeting without Russia present.

Update Conventional Forces in Europe (CFE) Treaty in a way that: eliminates its current bloc-to-bloc character in favor of national limits and reciprocal overall troop reductions and does not make second-class citizens of the new NATO members; does not isolate the Ukraine; does not impinge upon NATO's future ability to extend a full security guarantee to other potential members, and does not set an arbitrary deadline for the conclusion of the treaty negotiations or link them the NATO expansion timetable.

Continue to reject vigorously any efforts by Moscow to dictate the terms of Baltic or Ukrainian relations with NATO. The Task Force urges the Administration and the Alliance to offer special assurances to the three Baltic states and Ukraine, including confirmation that NATO's open-door policy applies to all PfP states, increased efforts to include all four countries in PfP planning and training exercises; affirmation that the U.S. shares the aspirations of the Baltic states to become full members of all European institutions; and conclusions of a NATO-Ukraine agreement to deepen practical cooperation over the coming years.

I attach a copy of the Task Force Report, along with my summary of its findings and recommendations that I presented at a recent press conference to mark the Report's publication.

I recommend both to your attention.

Sincerely,

RICHARD G. LUGAR,
U.S. Senator.

COUNCIL ON FOREIGN RELATIONS NATO TASK FORCE PRESS CONFERENCE: REMARKS BY U.S. SENATOR RICHARD LUGAR, MAY 5, 1997

I am delighted to have had the opportunity to chair this very distinguished Task Force on "Russia, its Neighbors and an Enlarging NATO" and to present its findings to you today.

I agreed to chair this group because there is no more important foreign policy issue today than the future of European security. Just as our investments during the Cold War led directly to the collapse of the Soviet Union and the Warsaw Pact, our investments now in Europe's future will make a dramatic difference to our own security. NATO's decision to enlarge is a key element of that investment. But so too is our investment in Russia's transition. Our security and the security of every nation in Europe will be affected by whether Russia succeeds or fails in becoming a fully democratic state, at peace with its neighbors, and integrated into Europe. Yet Russia's leaders claim the enlargement of NATO is a threat not only to Russian security, but also to the success of Russia's transformation.

The goal of the Task Force was to pull together some of the best minds in the country to look at this dilemma and to determine whether Russia's concerns could be managed and its internal transition bolstered without stopping or slowing NATO enlargement. We also looked at the security concerns of the Baltic States and Ukraine, given their history with Russia, its anxiety about their relations with NATO and their strong desire for closer ties with NATO.

With NATO enlargement imminent, the premise behind this Task Force's deliberations was not "whether and when" NATO should expand, but "how." We looked not only at how the Alliance might engage Russia, but also at how the process of enlargement, how NATO's own internal adaptation and conventional and nuclear arms control, could improve the security climate across Europe, without dangerous concessions to Russia.

I am pleased to announce that we reached a strong bipartisan consensus that the enlargement of NATO and improved NATO-Russia relations need not be incompatible, despite continued Russian opposition to enlargement. We agreed that it is in the U.S. interest to try to achieve both, so long as we negotiate from a position of strength, and do not allow the NATO Alliance to be held hostage in any manner by Moscow. The U.S. and the Alliance can offer Russia significant reassurances about its security and role in the new Europe that make sense on their own merits, without compromising NATO's effectiveness or independence.

In the process, however, we strongly caution that NATO's core mission of collective defense of its members—both old and new—must not be diluted in any manner. As discussions with Russia proceed, the Task Force warns the Administration and the Alliance to remain vigilant regarding Russian efforts to stop or stall expansion, to turn NATO into a social club or debating society, or to have a veto over its decisions. We also caution against trying to compensate Russia for expansion with arms control or other concessions. All NATO-Russia and U.S.-Russia political and security arrangements must be reciprocal. We also urge the Administration and our NATO allies to take very specific steps in the coming months and years to reassure the Baltic states and Ukraine that they will not be left in a security no-man's land.

Let me now mention some of our specific recommendations. For a more complete list, I call your attention to the short "Statement of the Task Force" which covers the longer report.

First, the Task Force endorses NATO's decision to invite new members to join the Alliance at the Madrid summit this July, and its commitment that these will be full members, not "second-class citizens."

On future enlargement, we recommend that NATO affirm that it remains open to the possibility of other new members. We believe Alliance selection of future members

should depend on three factors: (1) The strategic interests of NATO members; (2) the Alliance's perception of threats to security and stability; and (3) future members' success in completing their democratic transitions and in harmonizing their political aims and security policies with NATO's.

At the same time, we believe NATO should offer ideas to draw Russia closer to the Alliance to deal with mutual security concerns in a reciprocal fashion, to support Russia's consolidation of a non-imperialist, stable democracy, and to reassure Moscow that we don't seek to isolate or weaken Russia.

Specifically, we endorse efforts to negotiate a NATO-Russia charter and a consultative mechanism that offers both sides incentives to cooperate on shared problems. These could include non-proliferation, aggressive nationalism, territorial disputes, security and safety of nuclear weapons, and peacekeeping.

That said, we strongly caution the Administration and the Alliance against even the appearance of trying to "compensate" Russia for NATO enlargement or allowing Moscow to weaken or hamstring the Alliance in any way. Specifically, NATO-Russia arrangements must not:

(1) stop or slow NATO enlargement;

(2) NATO-Russia arrangements must not give Russia an actual or de facto veto over NATO decision-making, or the ability to stall or divide the Alliance;

(3) NATO-Russia arrangements must not create "second class citizens" in the Alliance or exclude any participant in the Partnership for Peace program (PFP) from future consideration for NATO membership;

(4) NATO-Russia arrangements must not subordinate NATO to any other decision-making body or organization;

(5) NATO-Russia arrangements must not dilute the effectiveness of the North Atlantic Council or preclude any Alliance member from calling for a meeting without Russia present.

We also support adaptation of the Conventional Forces in Europe Treaty in a way that will facilitate both NATO enlargement and NATO-Russia cooperation, including eliminating the bloc-to-bloc nature of the treaty in favor of national limits and reducing the amount of equipment the treaty permits all signatories.

But we caution the Administration and NATO states, as negotiations proceed, to ensure that all geographic limits are reciprocal, and that future equipment limits do not make de facto "second class" citizens of the new Alliance members.

We further caution against any agreement that would isolate Ukraine or make it more vulnerable to Moscow's pressure. We urge that the revised limits in no way impinge on NATO's ability to extend a full security guarantee to other potential members in the future.

We also argue strenuously against setting an arbitrary deadline for the conclusion of the negotiations or linking such a deadline to the timetable for NATO enlargement.

On the nuclear side, the linkage between NATO enlargement and nuclear arms control is clearly more political than strategic. That said, we believe the U.S.-Russian arrangements with regard to START II and START III reached at Helsinki have improved the climate for Russian acceptance of the first tranche of enlargement as well as for Duma ratification of START II, while advancing our own security interests. This will not happen overnight, and probably not before the Madrid Summit in July. But Helsinki represented a good-faith effort on the part of the United States to address some Russian and Duma concerns.

Finally, with regard to the Baltic states and Ukraine, we believe the Alliance must continue to reject vigorously any efforts by Moscow to dictate the terms of these countries' relations with NATO, and to exercise a veto over their future membership.

We urge the Administration and the Alliance to offer reassurances to the Baltic states and Ukraine that they will not be discriminated against as a result of their history and geography. Such assurances could include:

(1) confirmation that NATO's open door policy applies to all Partnership for Peace states, including the Baltics and Ukraine;

(2) affirmation that the U.S. recognizes and shares the aspirations of the Baltic states to become full members of all the institutions of Europe including the EU and NATO, and will assist them in this goal;

(3) conclusion of a NATO-Ukraine agreement to deepen practical cooperation over the coming years, particularly until Ukraine decides whether or not it will eventually seek Alliance membership; and

(4) increased efforts to deepen the involvement of all four countries with NATO through active participation in the Atlantic Partnership Council and the Partnership for Peace.

If we proceed in this manner, as recommended by the Task Force, we believe the choice will ultimately be up to Russia to accept the hand of cooperation NATO has offered and to participate in crafting the new Europe, or to isolate itself.

Our concluding point is that NATO enlargement and deeper NATO-Russia relations both have value for the United States and the Alliance if they are pursued properly. A zero-sum debate about them therefore misses the point. The best outcome for the United States is for both tracks to succeed. This is also the best outcome for the Baltics and Ukraine that may have to live between an enlarged NATO and Russia for some time to come.

Now, before I turn to your questions, I want to say just a word about the deliberations of our group. We met four times between December and March, here in Washington. Overall, I was encouraged by the breadth of consensus we were able to achieve, considering the different perspectives and backgrounds of the individual participants. The caliber of the group was exceptional—so exceptional in fact that, during the course of our deliberations, four of our members were tapped by President Clinton to join the administration in the second term.

But, as the attached additional comments and the one dissent by General Scowcroft indicate, there were a couple of important points where views differed significantly. I point these out to you because I think they are instructive about the larger debate in this country and the challenges we will face when NATO enlargement comes up for ratification in the Senate.

The most controversial issue for our group was not what should happen this summer at Madrid, but what should happen thereafter to NATO and in Europe. Several of our members are less confident than others that the time will ever be right for a second, third or fourth tranche of NATO enlargement. General Scowcroft and Bob Blackwill call for a formal "pause" or breathing space after Madrid. A couple of other members question the Report's support for the Baltic states' aspirations to join NATO eventually.

My own personal view is that it would be a huge mistake to declare a formal pause in expansion after Madrid. This would cede precisely the kind of veto over NATO's plans to Moscow that the Report warns against. Making that pause permanent would effectively draw a new line across Europe slightly further east. It would relegate whole parts of Europe to a permanent security gray-zone, and would undermine any incentive those countries' leaders have to make the kinds of democratic changes that Alliance membership demands.

While I agree that NATO must proceed cautiously after Madrid and take time absorbing the new members, it is essential that the Alliance make clear at Madrid that the first new members will not be the last. Such a pledge would be particularly important for the Baltic states, which were, after all, also captive nations throughout the Cold War.

I endorse strongly all the cautions in the report that NATO's effectiveness as a defensive alliance not be diluted in any way. It is also essential that NATO's new members be full members and not "second class citizens." In that regard, I want to close my comments today by lending my personal endorsement to one of the notes Bob Zoellick appended to the report. He cautions that between Madrid and the formal ratification of enlargement by all sixteen NATO parliaments, the new candidate members must enjoy all the privileges Russia might receive through a NATO-Russia charter and consultative arrangements. It would indeed be ironic, if over the next 2 years, Russia enjoyed closer ties to the Alliance than Poland.

I welcome your questions now.

Mr. COCHRAN. Madam President, I took time to comment and read some excerpts because in my view this is excellent work, and Senator LUGAR ought to be strongly commended for his leadership not only in chairing this traffic force on these important issues but in his work on the Foreign Relations Committee in connection with NATO enlargement, United States-Russia relations which are the subject of this work.

Madam President, I am pleased to cosponsor Senate Concurrent Resolution 5, which was introduced by Senator ROTH, supporting the expansion of the North Atlantic Treaty Organization, because I believe the NATO alliance will be strengthened by including new members and that its capacity to contribute to stability and freedom will be enhanced by such expansion.

Senate Concurrent Resolution 5 specifically mentions four nations: Hungary, Poland, the Czech Republic, and Slovenia, which should be considered for membership in the alliance, but I do not think the consideration of the Foreign Relations Committee should be limited to those countries. Serious consideration should also be given, in my opinion, to Romania, and maybe to others as well.

The Romanian Government has a record of cooperation with the United States and Western nations. During the Persian Gulf crisis, for example, Romania supported U.N. resolutions imposing sanctions against Iraq and voted to authorize the United States and other

nations to enforce the sanctions and liberate Kuwait. In 1993, Romania supported continuation of a 30-year U.N. embargo against Cuba, and its military forces participated in the U.N. action in Angola in 1995.

Romania also supported the U.N. trade embargo against the former Yugoslavia, and following the Dayton accords, it deployed a 200-troop battalion to assist in the NATO-led IFOR mission. Romania has participated in many Partnership for Peace exercises and was the first nation to sign the Partnership for Peace framework document in 1994.

The Romanian Government has sought entry into several Western economic and security alliances. In 1993, Romania became an associate member of the European Union, and in 1995, it submitted an application to become a full member of the EU. In 1994, Romania became a member of the Council of Europe.

The people of Romania strongly support joining the NATO alliance. A recent European Commission poll of 20 Eastern and Central European nations shows a higher percentage of Romanians favoring membership in NATO than any other prospective new member's citizenry.

Since the fall of Romania's Communist government in 1989, the people of Romania have made great progress to achieve the goal of democracy, by showing respect for the rule of law, moving to a free market economy, and imposing civilian control over the military. By the end of 1996, Romania had completed a round of elections at all levels of Government, including both Parliamentary and Presidential elections. Observers from the Council of Europe classified the November Presidential elections "reasonably fair and transparent," and it should be noted that they resulted in the first peaceful transfer of power since 1937. The current political situation is particularly remarkable when compared with the regime which held power in 1989.

In addition to strengthening the elements common to democracies worldwide, the Romanians have directly confronted and worked to abate both internal and external ethnic conflicts. In March of this year, the Prime Minister outlined steps the Government will take to ease domestic ethnic tensions. In an effort to discourage ethnic conflict with the Hungarians living in Romania, the Government negotiated and signed a treaty with Hungary. The ruling party coalition includes the party most closely associated with ethnic Hungarians. I understand also that the Romanians are nearing the end of treaty negotiations with Ukraine over remaining border issues. Both of these cases demonstrate a willingness to settle disputes with its neighbors in a peaceful way. NATO Secretary General Solana has cited the programs that Romania, among other nations, has made toward resolving outstanding bilateral differences.

Including Romania in NATO would enhance European security. Romania's military forces are among the largest in Europe. Of the countries currently being considered for NATO membership, only Romania and Poland have army, navy, and air force capabilities.

On the day their Minister of Defense was sworn in, he declared that one of his administration's highest priorities would be to prepare Romania's military for interoperability with existing NATO structures. As a result, Romanians have undertaken strenuous efforts to update their military equipment and improve their ability to operate in concert with the forces of other nations.

Perhaps the most concerted efforts of the Romanian people have been devoted to improving their economy. The results of the last election demonstrated a preference for leaders who favor privatization, freer markets, and a continuation of reform. Within 3 weeks of the decisive Presidential election, senior representatives from the International Monetary Fund, the European Union, and the World Bank traveled to Bucharest to finalize the details of a comprehensive reform package aimed at reducing inflation, cutting the deficit, and speeding privatization. This plan for reform—released in February—will be challenging for the Romanian Government and its people over the next few years, and the Government has planned certain countermeasures during the transition, such as a strengthening of the welfare program in anticipation of temporary unemployment. However, it appears that Romania is committed to this economic plan.

In August 1996, the United States granted MFN status to Romania, and this year our Department of State reported that 80 percent of Romanian farming and 70 percent of retail sales are being generated by private enterprises. This spring the International Monetary Fund announced a $400 million loan to Romania. To supplement this IMF assistance and support the Government's reforms, the European Commission has pledged $140 million. Indicators such as these all offer assurance to foreign investors, whose contributions are important to the growth and stability of Romania's economy.

Madam President, I am impressed and encouraged by the progress Romania has made, and I urge serious consideration of Romania for inclusion in NATO. I hope the Foreign Relations Committee will conduct a full and careful review of Romania's political, economic, and military strengths when it considers legislation on NATO expansion.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COVERDELL. Madam 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. Madam President, are we in a period of morning business?

The PRESIDING OFFICER. The Senate is in a period for the transaction of routine morning business.

Mr. COVERDELL. Madam President, is each Senator allowed a period of 5 to 10 minutes to speak?

The PRESIDING OFFICER. The Senator from Georgia would be permitted to speak for up to 10 minutes.

FAMILY FRIENDLY WORKPLACE ACT

Mr. COVERDELL. Madam President, my good colleague from Missouri, Senator JOHN ASHCROFT, recently introduced legislation that would provide increased opportunities for working parents to spend more time with their families without losing 1 cent in compensation.

It is popularly called flextime. It is legislation that allows a worker an opportunity to trade time-and-a-half for just time. I think it is a very, very important piece of legislation and very timely, because there have been so many changes in the workplace.

This bill would allow employees to choose to work additional hours, more than 40, in one workweek and use those extra hours to fill in for a shorter workweek later. Or an employee could choose to take time off in lieu of overtime pay at a rate of 1½ hours for each hour of overtime. An employee could also choose to work 80 hours over a 2-week period in any combination.

Here is the important point, Madam President, that all of these choices are voluntary. These flexible options can only be exercised if the employee and employer agree to the concept. None of these choices would result in lower pay, and, in the case of comptime off, those hours not used, up to 240 could be cashed in at overtime rate pay.

The point here is no one is being shortchanged. The point is that everybody has new flexibility, in terms of managing their workweek.

One might have thought that President Clinton would have embraced this initiative wholeheartedly, but, no, President Clinton has threatened to veto these options, to strike down the opportunity for these workers to have these voluntary flexible options. He claims that the legislation will force employees to take time off in lieu of overtime pay. In other words, the employee would be forced to not receive the overtime pay but to take the time off.

Some in the media have repeated this claim and then wrongly insisted that overtime would start only after an employee had worked 80 hours in 2 weeks, instead of 40 hours in 1 week, which is the current law.

There is one thing wrong about these claims that have been made by the President and by some in the media: They are not true. They are not just a little off base, but utterly false. The administration and these other opponents need to read the bill. I have taken particular notice that critics never actually quote from the bill.

Madam President, here is what the bill actually says, and I am proud to be a cosponsor of it. The bill allows:

> Employers to offer compensatory time off, which employees may voluntarily elect to receive, and to establish biweekly work programs and flexible credit hour programs, in which employees may voluntarily participate.

Is that too hard for our critics to figure out? Just in case, here is what the bill has to say to employers who have other ideas. Employers,

> . . . may not directly or indirectly intimidate, threaten or coerce, or attempt to intimidate, threaten or coerce, any—

Any—

> . . . employee for the purpose of interfering with the rights of such employee under this section to elect or not to elect to [participate in one of the programs offered in the bill].

Madam President, if they do coerce, threaten or intimidate their employees, they are subject to criminal and civil penalties.

This is a bill that benefits working parents. The bill has been endorsed by Working Women and by Working Mothers magazines and, yes, the New York Times. It does not mandate anything. Some employees may like the new options, others may not. That is the whole point. Employees should be able to decide what is best for them. This legislation ought to be a slam dunk.

So why, you might ask, is the legislation even necessary? Because current Federal law prohibits such voluntary arrangements for everybody, except for Federal employees who have enjoyed these choices since 1978.

I am going to repeat that. If you are a Federal employee, the very options and flexibility that we are trying to make available for hourly wage workers are already enjoyed by Federal employees that surround this Capitol. But it isn't good enough for the hourly worker in the private sector.

Who would support the status quo? Who wants to leave it the way it is? I have already alluded to the fact that the President has threatened to veto any legislation that would provide these opportunities and this flexibility. Labor leaders, the labor bosses oppose it. When you think about it, the kinds of issues that exist between an employee and employer boil down to just two categories: hours of employment and compensation, whether in the form of health care plans, time off, salary, or overtime. If employers and employees can work out these issues by themselves, I believe that these union leaders feel they will be out of business.

President Clinton has, thus, obliged the unions by producing his own proposal, which naturally gives the Secretary of Labor the discretion to decide which workers would be extended the kinds of scheduling choices we support. This doesn't meet the laugh test. Perhaps someone should notify the administration the election is over. Ordinary hard-working Americans, not labor bosses and leaders, reelected President Clinton and returned a Republican majority to Congress. They expect us to work together providing choices that allow families more time together, and that is a very good place to start working together.

Madam President, I was reading a piece in a recent magazine, and the article is entitled, "Work and Family Integration." I will just quote a couple paragraphs:

> Economic changes have direct consequences on work and family life. It is increasingly common for all adult family members to spend a greater number of hours at work in order to make up for declining median family incomes . . .

I might point out that that decline has a lot to do with increasing tax burdens on these families.

It goes on to say:

> to fulfill personal career goals, or to cater to growing workplace demands. Married women with children have entered the labor force in record numbers; they therefore have less time for care-giving in the home. Many parents, both mothers and fathers, feel conflicted and torn between spending time with their families and meeting workplace demands. Work and family life should not be in opposition, but should enrich each other.

That is exactly what this legislation attempts to do. It attempts to make the workplace adjustable so that families who have these new and added pressures can make changes voluntarily to suit the requirements and needs of their families.

When I first arrived here, there was a great hue and cry that the Congress operated under a different set of laws than American families and businesses. The new majority changed that. The Congress now lives under the same laws as the rest of the land. It is time that the hourly wage workers in America received the same breaks as the Federal workers in their Capital City, and this is the legislation that ought not to be filibustered and ought to be passed and sent to the workplace as a new option and opportunity for American workers.

Madam President, I yield the floor.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Madam President, I wonder if the Senator from Georgia will yield for a question.

Mr. COVERDELL. Absolutely.

Mr. ASHCROFT. I want to thank, first of all, the Senator from Georgia. I appreciate his work. Incidentally, I ask unanimous consent that his time be charged against the time under my control from 10:30 to 11 o'clock, and other reservation of time be restored.

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

Mr. ASHCROFT. The opponents of this bill, who don't want to let us even have a chance to vote on it, voted to stop us from even voting, to keep us from getting cloture and moving to a vote, have indicated that they have an alternative. They want to increase the amount of family and medical leave, and they call our bill the Paycheck Reduction Act.

Will the Senator clarify for me, now, under family and medical leave, what kind of time off is that and do you get paid when you take that time off?

Mr. COVERDELL. You absolutely don't, but I would make an even greater distinction. Your legislation, which I have been proud to coauthor, and I commend the work of the Senator from Missouri, as I did before the Senator arrived, leaves the decision about what families need and don't need to the families, the workers themselves.

The alternatives proposed—and there are several. One is to turn the decision over to Secretary Shalala. I think that is a pretty big job to try to figure out what the millions of working families need and don't need. I think she might not be up to that. Or to try to construct Federal law that manages time off, which may or may not deal with the circumstances of a family, and, no, it would not be pay.

Mr. ASHCROFT. So their proposal is, if you want to take time off with your family, you have to take a pay cut to do it?

Mr. COVERDELL. Correct, and the Senator's proposal doesn't cost them one penny.

Mr. ASHCROFT. So you could make up the time under the flextime or comptime provisions, take time with your family and not take the pay cut.

Mr. COVERDELL. That is absolutely correct.

Mr. ASHCROFT. The Senator from Georgia started to make the point, though, that is also important, which is this flextime and comptime opportunity isn't just for specific things with your family. If you wanted to take this time off once you have earned it—

Mr. COVERDELL. You could go fishing.

Mr. ASHCROFT. You can do what?

Mr. COVERDELL. You could go fishing.

Mr. ASHCROFT. I can go fishing. I believe I might.

Mr. COVERDELL. You can go camping. You might have an emergency you are dealing with. You might have a

graduation. Again, the point I am making is the principal distinction, and it appears so often between our two sides, is that the legislation of the Senator from Missouri leaves the choice to the worker and his or her family, the choice about time-and-a-half or trading the time-and-a-half.

Their view is that it has to be managed by the Government or by Secretary Shalala. I just don't think they can figure out what the requirements and needs are of each one of those workers all across the land from Missouri to Georgia to Nome, AK.

Mr. ASHCROFT. The Senator pointed out that the Federal Government workers have had this full range of options now for almost 20 years. Has the Senator from Georgia had a lot of Federal Government workers streaming into his office to say, "Please, take us out from under this system, it's a problem to us"?

Mr. COVERDELL. To the contrary. Imagine the hue and cry if the way we were to equalize this was to remove that option from Federal employees so that they would be treated like these other hourly workers. Talk about a hailstorm. They have enjoyed the benefit, and no one that I know of has issued the first complaint about those flexible options that are enjoyed by Federal employees.

I mentioned a moment ago that when we came here, the Congress functioned under a different set of laws than American businesses. Now we have the Congressional Accountability Act, and we have put Congress under the same confines. It is time to let the private hourly workers enjoy the same benefits as Federal employees.

Mr. ASHCROFT. It is not just Federal employees.

Mr. COVERDELL. Salaried, and those in the boardrooms.

Mr. ASHCROFT. All the corporate presidents, all the salaried workers, and the Government workers have comp or flextime, but the hourly workers, who are a minority of the workers in this country; less than half of the workers, do not have this. The other folks all have it.

I thank the Senator for coming to the floor to talk about this.

Mr. COVERDELL. I thank the Senator from Missouri. He is a very eloquent spokesperson on this issue. I do think anything we can do that makes it easier for families to be in the workplace—we know they are under enormous duress today, with both parents working—anything we can do to make it more manageable for them we ought to do. Your bill, our bill, lowering their taxes, all of these things need to happen in working America.

Mr. ASHCROFT. I thank the Senator from Georgia for his contribution to this debate and his insight. In fact, the insight which is most valuable is that families have the capacity intellectually, and ought to have the capacity legally, to make decisions about their own family and not to have Government trying, from 1,000 miles away, to tell you whether or not you should be able to do something or not with your kids or whether or not you should be able to take time off to meet your own personal needs.

Mr. COVERDELL. Absolutely. Thank you.

Mr. ASHCROFT. I thank the Senator from Georgia.

I inquire how much time remains?

The PRESIDING OFFICER. The Senator has until 11:30.

Mr. ASHCROFT. I thank the Chair.

Madam President, I want to talk about benefits that people enjoy as workers in America, benefits which are enjoyed by Federal workers, benefits which are enjoyed by State workers, benefits which are enjoyed by executives, by supervisors, by managers, benefits which are enjoyed by all salaried workers, but benefits which do not inure to the advantage of individuals who work by the hour.

There are about 59 million people in this country who work by the hour; 28.9 million women who work by the hour. These are the individuals who do not have the flexibility to adjust their schedules. They do not have the capacity to say, "I'm going to take Friday morning off and work a little extra Monday afternoon." They do not have the ability to say, "I need to quickly take a few minutes away here. I need to go to the school and pick up my child who needs to be taken to the doctor's office." They do not have that capacity.

The majority of Americans do have that benefit. Far more, millions more, people have that benefit than those who do not. But the hourly paid workers do not.

If you work for the Federal Government, you can schedule your workweek to get an extra day off every other week while keeping a full paycheck. If you took Friday off every other week in the same way and you are not in the Federal Government, you are going to find yourself short on cash. If you are an hourly worker in the private sector, you just cannot do it; you do not have that benefit.

If you work for the Federal Government, you can choose compensatory time; in other words, take time off with pay later on instead of being paid time and a half when you have been asked to work overtime. You do not have that choice, you cannot make that choice if you are an hourly worker in the private sector. It is against the law for your employer to say to you, "Well, if you'd really rather have time and a half off later with pay instead of taking paid time and a half for your overtime now, I'll do that for you." Then the employer is in violation, the employer suffers the penalty, the heavy hand of law enforcement, and the Government comes down on him if he does that.

It simply is something that cannot be done for people in the hourly category in the private sector. The boardroom, yes. If the boardroom boys want to go play golf, they want to have Friday off, they have flexibility. The salaried workers have the flexibility. Government workers have that kind of flexibility. But private, hourly paid employees, whether they be men or women, they do not have it. It is not fair.

If you work for the Federal Government, you can bank hours 1 week, you can work a couple hours extra this week in order to take a couple hours off next week. That sounds reasonable. It is something that people could do to adjust to the needs of their families.

If there is an awards assembly at the school, if there are PTA conferences, if you need to get your driver's license renewed, you have to retake the test, or just have to have your eyes checked and you have to do it during the hours when government offices are open, the department of motor vehicles, you need to do that, if you are a Government worker, you can put a couple hours in comptime this week and take the time off next week. Or, of course, if you are a manager or boardroom executive or a salaried worker, that is something that can be done.

But your employer cannot trade 2 hours this week for 2 hours next week if you are an hourly worker. That is a benefit that people in the governmental system enjoy. It is a benefit to be able to bank some hours this week and take them off next week. It is a benefit to be able to use time off and take compensatory time off with pay instead of being paid the time-and-a-half overtime, take compensatory time and a half off without losing pay.

It is a benefit to be able to schedule your workweek so that you can take Friday off every other week the way Federal employees can. These are benefits which belong to the majority of the members of the work force in our culture which do not belong to hourly workers.

What S. 4 is all about is providing an opportunity for hourly workers to have some of the same benefits that have been available to individuals in other quadrants of the culture. Private-sector workers have fewer benefits than Government workers.

I think a lot of folks, when they have worked in the private sector—certainly I knew that—they work just as hard. Private-sector families need moms and dads just as much as public-sector families do. Private-sector kids play soccer. Private-sector kids get in trouble and need the folks to show up at the school to get them out of trouble and help straighten them out. My mom came to school occasionally when I did

not want her to, but it helped me, and I am glad she was able to. Private-sector workers need the benefit of being able to do those kinds of things.

Now, I do not understand how Senators can be for flextime and comptime for public-sector workers and not be for flextime and comptime for private-sector workers. S. 4 is just trying to give to people in the private sector the same benefit that these Senators have provided for their public-sector employees—the same choices.

I have not had a single Government worker come to me and say, "Wow, these choices are terrible. I wish we didn't have choices like flexible scheduling. I sure wish I didn't have the capacity to bank an hour this week and take it off next week. I really wish I didn't have the opportunity to schedule so that I had every other Friday off. And, man, I hate this concept of being able myself to choose whether I wanted the money from overtime work or I wanted to take time and a half off with pay at some other time."

I have been here now for—well, I am in my third year, and have not had the first Federal worker knock on my door and say, "It's terrible to have this kind of flexibility," and I don't think I ever will. As a matter of fact, when people were interviewed in the system by the General Accounting Office, at a 10-to-1 ratio they said this was the best thing since sliced bread. This is what people need. This is a way for people to accommodate the demands of their families.

Incidentally, people all need to take time off. Everybody knows there are going to be demands that will require you to take some time off. The question is, are you going to be able to be paid for it? You know, most of the time when you have to take time off to be with your family, that is when you need the money.

Folks on the other side of the aisle say we should have more family and medical leave. That is leave without pay. I ask a simple question to my colleagues, and it should be easy—this is what we call a "no brainer"—when you take your kid to the doctor, do you need more money or less money than if you are not taking your kid to the doctor?

In my experience, if I have to take my child to the doctor or to the dentist, I have a need for additional resources, not fewer resources. If all I get offered by Government is a plan that says you can take a pay cut if you want to take your kid to the doctor—wait a second, it relieves the tension I feel within me, I do need to be able to take my child to the doctor, but if I have to take a pay cut to do it, how am I going to pay the doctor?

We have a system that is in place where the benefits are available to the Federal worker, the benefits are available to the boardroom, the benefits are available to those who are salaried workers. We include this kind of flexibility, not taking pay cuts, but a capacity to meet the needs of your family without having your paycheck docked. I think it ought to be available to private workers.

You know, not one that I know of of the employees of the Federal Government have come to me or any other Senator saying "It's a terrible system. We ought to abandon it." There are 56 Senators who are still in the U.S. Senate who supported flexible scheduling benefits for Federal workers, and they are refusing to give these benefits to the millions of sales clerks, secretaries, factory workers, the kind of hourly individuals, mechanics across our country. We have a lot of folks here in this Senate who gave it to the Government workers.

Now, not all the 56 are refusing. I should not say that. If I did, I misspoke and I need to be corrected, because there are a number of Senators on this side of the aisle who voted for that and who have said, yes, it was good for Government, and it would be good for the people in the private sector to have these choices. It is totally voluntary at the option of the worker and cannot be done unless it is also voluntary by the employer; otherwise, the same system stays in place that is in place right now.

But when employers and employees can agree, we ought to have these benefits for the people in the private sector just like this benefit is available to people in the public sector. There are 56 Senators still in this body who voted to give it to people in the public sector.

How can you be for bigger benefits for Federal workers, but fewer benefits for the people who work by the hour and who pay our salaries when they pay their taxes? It seems to me to be an irony which is strange indeed that we would say to those who pay our salaries, who hire us to represent them in this town to do what they need to have done—and we make second-class citizens of those whom we represent and those who pay us to be here. It is inconceivable.

Some people say, well, we need to protect the workers. We have built protections into this. Those who are saying that we need to protect the workers in the private sector, let us find out what kind of protections they put in when they voted for the workers to have this flexibility in the public sector. It is kind of interesting.

In the public sector, workers can be required to participate as a condition of employment. Participation is strictly voluntary, it cannot be required in comptime under our bill.

They say we have to protect the private-sector workers. They did not demand that protection when they issued this whole set of opportunities for public-sector people.

They say we have to protect workers from management. Did they say that when they put the public-sector program in place? Management can decide when a worker must use comptime. What we have put in our bill, workers cannot be coerced into using their comptime. Penalties are doubled for direct or indirect coercion.

It is hard for me to understand how people could say we need tougher penalties than this when they invented this program for the public sector and they authorized management to make the decision.

Here is another benefit.

Comptime paid in cash only when the worker leaves the job in the public sector. What have we done for private-sector workers to try to protect them? Comptime must be cashed out any time it is requested by the worker; must be cashed out at the end of the year if it has not been used.

Was that something that they felt was an important protection when they voted for the system in the public sector? Comptime paid in cash only when the worker leaves the job. The worker had to quit if he wanted the money.

I think what we have here is a clear situation where we need to give private-sector workers the same benefits which people in the public sector have been enjoying. I agree that we want to have them protected. But as Shakespeare, I think, said in one of the plays, "I think he doth protest too much."

They are asking for a full range of protections saying, "I can't do that in the private sector because you don't have private-sector protections." Well, we have big enough protections in every case for the private worker in this bill than they demanded when they passed this for the public sector in the bill which now controls the public-sector effort.

It is pretty clear to me S. 4 would give private hourly workers real choices. They are real choices with protections. They are protections which are much stronger than anything that was written into the bill by those Senators who wrote in the public sector framework.

It is high time we stop having an approach which tries to discriminate against the private hourly workers. It is high time we said that the benefits that have been available in the public sector should be available to those in the private sector who work by the hour. The benefits that have been available to the vast majority of American workers, public sector, salaried workers, the boardroom folks, the managers, and the supervisors, those benefits need to be available to the individuals who, as a matter of fact, work by the hour in this country.

We should give them the opportunity to choose a set of benefits that have not been rejected when available to the private-sector workers. They have been embraced by public-sector workers.

We are for protecting workers. Senator KENNEDY has argued our bill does not protect workers. Senator KENNEDY was a cosponsor of the public-sector bill. He was a conferee on the committee, and it did not provide the protections in the public sector which we have in the private sector. It did not give workers the same kind of choices. I think it is time for us to say, "Let's be reasonable," and understand for private- and public-sector workers we have to provide the capacity for people to meet the needs of their families if we want America to be successful in the next century.

This debate can be talked about as if it is a debate about theory, about law, and about benefits. In fact, this is a debate about people. This is a debate about families. Are we going to give people the capacity to have families that are as successful as possible?

Let me just talk to you about a young woman named Kim Buchanan, from St. Louis, MO, a crisis clinician at the Meritz Behavioral Care facility in St. Louis, MO. Her husband is a Federal employee at the veterans hospital in St. Louis. Her husband enjoys the benefits of flextime. They have a son who is 3 years old. Like many American families, Kim Buchanan and her husband, Rocky, both work full time. Kim just landed a new job which requires her to work on shift hours through the week. She must also work weekends. She now needs to find a new day care provider for her children while she tries to keep up with her new work schedule. Fortunately, the Buchanans are getting some help from Rocky's new employer, the Federal Government. Yes, what the Federal Government provides is flexible working arrangements. He is allowed to work flexible schedules in order to keep up with some of the family's activities. That means Rocky can work a few more hours one week in order to take some time off, with pay, at a later date.

Now, here is a statement that Kim Buchanan made:

> Rocky will pick up our son on Monday, Tuesday, and Wednesday. Those are the days I'm going to have him in day care. Rocky has flextime at his job. I would like to see that everyone has it. I don't work for the Federal Government, and it would be nice to have that kind of flexibility especially when you have children. It would be really nice to have that kind of flexibility instead of putting one parent in the bind.

I think Kim is right. Kim has a pretty dramatic situation. Her husband works for the Federal Government and is privileged to have flexible work arrangements. She works in private industry and it is illegal for her employer to cooperate with her. I wonder what her children think? Daddy works for the Government and gets special privileges, and Mommy works for the private sector and it is illegal for the private sector to help families the way the public sector does.

Virtually everything we do has some function of being a teacher and teaching us. I do not know what we are teaching kids when we tell them that it is illegal and wrong for private businesses to help families the way the Government does by giving flexible work arrangements. When you have Kim and her husband, Rocky, and one can be flexible and have good arrangements and offer choices because he works for the Government, and Kim, who works for the private sector, would be in violation of the law to participate in such a plan, it just does not make a lot of sense.

Let me talk about another individual. Here is Leslie Langford, a secretary in Massachusetts. Her husband is a printer. They have a son who is about to have his first birthday and a daughter who is 5 years old.

Listen to what Leslie says:

> I've been an hourly employee for the past 14 years. As a full-time employee and a mother of two young children, including an 11-month-old, time is one of the most valuable commodities in my life, and I can't afford to waste any of it. Like many of you, I find it a challenge to juggle the needs of my employer and my family. Luckily I work for a boss in a company that makes this great balancing act a little easier to manage; I strongly support the Family Friendly Workplace Act. This legislation would give millions of workers the flexibility to be with their families when they are needed most. Family friendly legislation such as this is not only desperately needed but long overdue in this country to benefit working parents and their children.

I am sure if you were to ask Leslie Langford if she thought Government workers should have a range of benefits that private workers did not have, that there could be rules for Government workers that said it was OK to have choices about flextime and comptime, and to spend time with your family for Government workers, but it would be illegal to do that for the private sector, I suspect Leslie would say, how can that be? And the entirety of this country is saying how can that be? Why can we not allow hourly-paid workers in the private sector, who are a minority of the workers in this country, why can we not allow them some of the benefits enjoyed by public-sector workers and many of the salaried private workers across the country?

Here is an interesting letter that came to my office from a 25-year-old single mother of twin 2-year-old daughters. Listen to this letter from a single mother of twin 2-year-old daughters. She says,

> Recently I heard of your Family Friendly Workplace Act. My employer does not allow a flexible work schedule or overtime. My understanding of this act is that I will be able to have flexibility in my work schedule giving me the opportunity to make up work hours lost because of illness in the family and doctor appointments.

Now her employer cannot offer flexible work schedules and overtime like we have in the public sector. It is illegal. That is not a hit on her employer, it is just that we said this benefit that you might want to be able to share with your employers—you cannot do that.

She goes on to say:

> As a 25-year-old single mother of twin 2-year-old daughters—[she has her hands full]—the Family Friendly Workplace Act would be extremely beneficial to my situation. My children were born with a congenital heart disease and they need to attend checkup appointments on a 3-month basis, with a cardiologist. These appointments have to allow a full day, since our specialist is in Springfield, MO, and especially because both of my children attend the appointments. Also, since my children have a heart disease they need special attention if they are ill.
>
> As a single mother, it is very difficult to lose any days financially. [I bet it is] The opportunity to make up any lost work days would be incredibly helpful. The Family Friendly Workplace Act would give me the opportunity to take time off from work, without the loss of pay because of those days my children are ill or need to attend a doctor's appointment.
>
> Thank you for taking the time to read my letter and your consideration of the many working parents who would appreciate such an act. Please go forward with the Family Friendly Workplace Act.

"Please go forward." I think that means don't filibuster. I think it means get to a vote on this act. I think it means share the same benefits with those of us in the private sector who are needed desperately by our families as you already allow for people who work for the Federal Government, the boardroom already enjoys, as salaried employees already enjoy, as the majority of workers in America already enjoy, please address the needs of those of us who are in the minority here, the hourly-paid workers in the private sector.

Madam President, we have a great opportunity to serve the people of this country, to let them make choices. We have developed a framework for that choice, which is a solid framework that protects the worker. It protects the worker far more profoundly than the workers who are protected in the public system, and there are no complaints in the public system, virtually no complaints. I do not know if the Presiding Officer has ever had a Federal worker rush in and say, "This is a terrible system which gives us flextime—abolish." I doubt, seriously, if that has been the case.

We have built more protections into this bill for the private sector than there are for the public sector, and the 56 Senators in this body, including many on the other side of the aisle, and the lead opponent on the other side of aisle against this measure is the Senator from Massachusetts. He was a cosponsor of the measure which provided benefits to public-sector workers and a cosponsor of that measure which does not provide nearly the same protections for workers. I think it is time for

us to confess that if benefits are available to the public sector they ought to be available in the private sector.

My grandfather used to say "God is no respecter of persons." People are the same, they have the same challenges. Public-sector workers have families and they need to be able to spend time with their families and they can with the special law that we have for them. Salaried workers need to, and the law allows that. The boardroom boys need to do that for whatever they need to do when they leave early. But salaried workers and boardroom folks and Government workers are special citizens compared to hourly workers. I think just as God is no respecter of persons, we should not be a respecter of persons that says one category of American workers has the freedom to help their family, and for others it is illegal. I think that ought to cause us all to cringe, and I think the ones that ought to be cringing the most are the ones that have provided it, voted to provide it, even without protections to the public sector who are saying now we cannot provide that to the private sector until we make it so cumbersome it would not work.

Madam President, we have a great opportunity to help the families of America help each other. The success of this Nation is not going to be determined by what happens in Washington, DC. The success of this Nation will be determined around the kitchen table in American homes. That is where values are built. That is where we develop the kind of character that really determines the future of a country. We have to do what we can to make the homes as strong as possible, and we cannot have a group of American workers that are—they are a minority of the workers. It is clear the majority already have flexible work arrangements. We cannot have the 59 million American workers say, "Your home is not important enough. You could not make this decision. You are not bright enough." The truth of the matter is they deserve the opportunity to have flexible working arrangements to choose compensatory time off instead of overtime if they want it, and then to change their mind if they want and to ask for the money instead.

I think the great opportunity we have is something we can capitalize on next week. I look forward to voting on it at that time.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SMITH of New Hampshire). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT OF 1997

The PRESIDING OFFICER. Pursuant to the order of May 8, 1997 H.R. 1469, having been received from the House, the clerk will report.

The legislative clerk read as follows:

A bill, H.R. 1469, making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. Under the previous order, all after the enacting clause is stricken and the language of S. 672 is inserted in lieu thereof.

Under the previous order, the bill is deemed read a third time and passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 1469) entitled "An Act making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide supplemental appropriations and rescissions for the fiscal year ending September 30, 1997, and for other purposes, namely:

TITLE I—DEPARTMENT OF DEFENSE SUPPLEMENTALS

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $306,800,000: Provided, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $7,900,000: Provided, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $300,000: Provided, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $29,100,000: Provided, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE

OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Overseas Contingency Operations Transfer Fund", $1,312,900,000: Provided, That the Secretary of Defense may transfer these funds only to operation and maintenance accounts within this title: Provided further, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: Provided further, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPLAN 34A/35 POW PAYMENTS

For payments to individuals under section 657 of Public Law 104-201, $20,000,000, to remain available until expended.

REVOLVING AND MANAGEMENT FUNDS

RESERVE MOBILIZATION INCOME INSURANCE FUND

For an additional amount for the "Reserve Mobilization Income Insurance Fund", $72,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS

(TRANSFER OF FUNDS)

SEC. 101. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $100,000,000 of working capital funds of the Department of Defense and funds made available in Public Law 104-208 to the Department of Defense only for obligations incurred for United States participation in the Bosnia Stabilization Force (SFOR) and for the continuation of enforcing the no-fly zones in northern and southern Iraq (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by Congress: Provided further, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: Provided further, That this transfer authority is in addition to transfer authority provided in section 8005 of Public Law 104-208 (110 Stat. 3009-88).

SEC. 102. None of the funds available to the Department of Defense shall be obligated or expended to transfer management, development, and acquisition authority over the elements of the National Missile Defense Program from the Military Services until the contract for a Lead System Integrator for the National Missile Defense Program is awarded: Provided, That the Joint Requirements Oversight Council, with the advisement of the Joint Chiefs of Staff, is directed to conduct an analysis and submit recommendations as to the recommended future roles of the Services with respect to the management, technical development, cost, schedule, and

acquisition plan for the elements in the National Missile Defense Program and to certify that the Lead System Integrator contract will conform to these recommendations: Provided further, That the analysis and recommendations shall be submitted to the Congressional Defense Committees within 60 days of enactment of this Act.

SEC. 103. In addition to the amounts provided in Public Law 104-208, $50,000,000 is appropriated under the heading "Overseas Humanitarian, Disaster and Civil Aid": Provided, That, from the funds available under that heading, the Secretary of Defense shall make a grant in the amount of $50,000,000 to the American Red Cross for reimbursement for disaster relief and recovery expenditures.

(TRANSFER OF FUNDS)

SEC. 104. The Secretary of the Navy shall transfer up to $23,000,000 to "Operation and Maintenance, Marine Corps" from the following accounts in the specified amounts, to be available only for reimbursing costs incurred for repairing damage caused by hurricanes, flooding, and other natural disasters during 1996 and 1997 to real property and facilities at Marine Corps facilities (including Camp Lejeune, North Carolina; Cherry Point, North Carolina; and the Mountain Warfare Training Center, Bridgeport, California);

"Military Personnel, Marine Corps", $4,000,000;

"Operation and Maintenance, Marine Corps", $11,000,000;

"Procurement of Ammunition, Navy and Marine Corps, 1996/1998", $4,000,000; and

"Procurement, Marine Corps, 1996/1998", $4,000,000.

SEC. 105. For an additional amount for "Family Housing, Navy and Marine Corps" to cover the incremental Operation and Maintenance costs arising from hurricane damage to family housing units at Marine Corps Base Camp Lejeune, North Carolina and Marine Corps Air Station Cherry Point, North Carolina, $6,480,000, as authorized by Section 2854 of Title 10, United States Code.

SEC. 106. REPORT ON COST AND SOURCE OF FUNDS FOR MILITARY ACTIVITIES RELATING TO BOSNIA.

(a) PROHIBITION ON USE OF FUNDS PENDING REPORT.—Notwithstanding any other provision of this Act or any other provision of law, no funds appropriated or otherwise made available to the Department of Defense may be obligated or expended for operations or activities of the Armed Forces relating to Bosnia 60 days after enactment unless the President submits to Congress the report described in subsection (b): Provided, That none of the funds made available under this Act may be obligated or expended for operations or activities of the Armed Forces relating to Bosnia ground deployment after June 30, 1998.

(b) REPORT ELEMENTS.—The report referred to in subsection (a) shall include the following:

(1) A detailed description of the estimated cumulative cost of all United States activities relating to Bosnia after December 1, 1995, including—

(A) the cost of all deployments, training activities, and mobilization and other preparatory activities of the Armed Forces; and

(B) the cost of all other activities relating to United States policy toward Bosnia, including humanitarian assistance, reconstruction assistance, aid and other financial assistance, the rescheduling or forgiveness of bilateral or multilateral aid, in-kind contributions, and any other activities of the United States Government.

(2) A detailed accounting of the source of funds obligated or expended to meet the costs described in paragraph (1), including—

(A) in the case of expenditures of funds of Department of Defense, a breakdown of such expenditures by military service or defense agency, line item, and program; and

(B) in the case of expenditures of funds of other departments and agencies of the United States, a breakdown of such expenditures by department or agency and by program.

SEC. 107. Notwithstanding section 3612(a) of title 22, United States Code, the incumbent may continue to serve as the Secretary of Defense designee on the Board of the Panama Canal Commission if he retires as an officer of the Department of Defense, until and unless the Secretary of Defense designates another person to serve in this position.

SEC. 108. AUTHORITY OF SECRETARY OF DEFENSE TO ENTER INTO LEASE OF BUILDING NO. 1, LEXINGTON BLUE GRASS STATION, LEXINGTON, KENTUCKY.

(a) AUTHORITY TO ENTER INTO LEASE.—The Secretary of Defense may enter into an agreement for the lease of Building No. 1, Lexington Blue Grass Station, Lexington, Kentucky, and any real property associated with the building, for purposes of the use of the building by the Defense Finance and Accounting Service. The agreement shall meet the requirements of this section.

(b) TERM.—(1) The agreement under this section shall provide for a lease term of not to exceed 50 years, but may provide for one or more options to renew or extend the term of the lease.

(2) The agreement shall include a provision specifying that, if the Secretary ceases to require the leased building for purpose of the use of the building by the Defense Finance and Accounting Service before the expiration of the term of the lease (including any extension or renewal of the term under an option provided for in paragraph (1)), the remainder of the lease term may, upon the approval of the lessor of the building, be satisfied by the Secretary or another department or agency of the Federal Government (including a military department) for another purpose similar to such purpose.

(c) CONSIDERATION.—(1) The agreement under this section may not require rental payments by the United States under the lease under the agreement.

(2) The Secretary or other lessee, if any, under subsection (b)(2) shall be responsible under the agreement for payment of any utilities associated with the lease of the building covered by the agreement and for maintenance and repair of the building.

(d) IMPROVEMENT.—The agreement under this section may provide for the improvement of the building covered by the agreement by the Secretary or other lessee, if any, under subsection (b)(2).

(e) LIMITATION ON CERTAIN ACTIVITIES.—The Secretary may not pay the costs of any utilities, maintenance and repair, or improvements under this lease under this section in any fiscal year unless funds are appropriated or otherwise made available for the Department of Defense for such payment in such fiscal year.

TITLE II—NATURAL DISASTERS AND OTHER EMERGENCIES

CHAPTER 1

SUBCOMMITTEE ON AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for the "Agricultural Credit Insurance Fund Program Account" for the additional cost of direct and guaranteed loans authorized by 7 U.S.C. 1928-1929, including the cost of modifying such loans as defined in section 502 of the Congressional Budget Act of 1974, resulting from flooding and other natural disasters, $28,000,000, to remain available until expended, of which $18,000,000 shall be available for emergency insured loans and $10,000,000 shall be available for subsidized guaranteed operating loans: Provided, That the entire amount shall be available only to the extent that an official budget request for $28,000,000 that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act.

EMERGENCY CONSERVATION PROGRAM

For an additional amount for "Emergency Conservation Program" for expenses, including carcass removal, resulting from flooding and other natural disasters, $77,000,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent that an official budget request for $77,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act.

TREE ASSISTANCE PROGRAM

An amount of $9,500,000 is provided for assistance to small orchardists to replace or rehabilitate trees and vineyards damaged by natural disasters, of which $500,000 may be available through the Forestry Incentives Program for replanting of trees damaged by tornadoes in 1997: Provided, That the entire amount shall be available only to the extent that an official budget request of $9,500,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act.

COMMODITY CREDIT CORPORATION FUND

DISASTER RESERVE ASSISTANCE PROGRAM

Effective only for losses in the fiscal year beginning October 1, 1996, through the date of enactment of this Act, the Secretary may use up to $50,000,000 from proceeds earned from the sale of grain in the disaster reserve established in the Agricultural Act of 1970 to implement a livestock indemnity program for losses from natural disasters subject to a Presidential or Secretarial declaration in a manner similar to catastrophic loss coverage available for other commodities under 7 U.S.C. 1508(b): Provided, That in administering a program described in the preceding sentence, the Secretary shall, to the extent practicable, utilize gross income and payment limitations conditions established for the Disaster Reserve Assistance Program for the 1996 crop year: Provided further, That notwithstanding any other provision of law, beginning on October 1, 1997, grain in the disaster reserve established in the Agricultural Act of 1970 shall not exceed 20 million bushels: Provided further, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further,

That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act.

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Watershed and Flood Prevention Operations" to repair damages to the waterways and watersheds, including debris removal that would not be authorized under the Emergency Watershed Program, resulting from flooding and other natural disasters, including those in prior years, $171,000,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent an official budget request for $171,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act: Provided further, That if the Secretary determines that the cost of land and farm structures restoration exceeds the fair market value of an affected agricultural land, the Secretary may use sufficient amounts, not to exceed $20,000,000, from funds provided under this heading to accept bids from willing sellers to provide floodplain easements for such cropland inundated by floods.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for "Rural Housing Insurance Fund Program Account", $250,000, for the cost of section 515 direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, for emergency expenses resulting from flooding and other natural disasters, to remain available until September 30, 1998: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Any unobligated balances remaining in the Rural Housing Insurance Fund program account from prior years' disaster supplementals shall be available until expended for Section 502 housing loans, Section 504 loans and grants, and Section 515 loans to meet emergency needs resulting from natural disasters: Provided, That such unobligated balances shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985 is transmitted by the President to the Congress: Provided further, That such unobligated balances are designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act.

RURAL HOUSING ASSISTANCE PROGRAM

For an additional amount for "Rural Housing Assistance Program", for emergency expenses resulting from flooding and other natural disasters, $4,000,000, to remain available until September 30, 1998, for very low-income housing repair grants and domestic farm labor grants: Provided, That the entire amount shall be available only to the extent that an official budget request for $4,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That funds made available in Public Law 104–180 for Community Facility Grants for the Rural Housing Assistance Program may be provided to any community otherwise eligible for a Community Facility Loan for expenses directly or indirectly resulting from flooding and other natural disasters.

RURAL UTILITIES SERVICE

RURAL UTILITIES ASSISTANCE PROGRAM

For an additional amount for "Rural Utilities Assistance Program", for the cost of direct loans, loan guarantees, and grants, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, for emergency expenses resulting from flooding and other natural disasters, $6,500,000, to remain available until September 30, 1998: Provided, That the entire amount shall be available only to the extent that an official budget request for $6,500,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 2

SUBCOMMITTEE ON COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for "Economic Development Assistance Programs" for emergency expenses from flooding and other natural disasters, $54,700,000, to remain available until expended, of which not more than $6,800,000 shall be used for planning and technical assistance grants, and not more than $2,900,000 shall be available for administrative expenses: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

Within amounts available for "Operations, Research and Facilities" for Satellite Observing Systems, not to exceed $7,000,000 is available until expended to continue the salmon fishing permit buyback program implemented under the Northwest Economic Aid Package to provide disaster assistance pursuant to section 312 of the Magnuson-Stevens Fishery Conservation and Management Act: Provided, That the entire amount shall be available only to the extent that an official budget request for $7,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act.

CONSTRUCTION

For an additional amount for "Construction" for emergency expenses resulting from flooding and other natural disasters, $10,800,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 3

SUBCOMMITTEE ON ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For an additional amount for "Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee" for emergency expenses due to flooding and other natural disasters, $20,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget Emergency Act of 1985, as amended.

OPERATIONS AND MAINTENANCE, GENERAL

For an additional amount for "Operations and Maintenance, General" for emergency expenses due to flooding and other natural disasters, $137,000,000, to remain available until expended: Provided, That of the total appropriated, the amount for eligible navigation projects which may be derived from the Harbor Maintenance Trust Fund pursuant to Public Law 99–662, shall be derived from that fund: Provided further, That the Secretary of the Army is directed to use from available balances of the funds appropriated herein to perform such emergency dredging and snagging and clearing of the Truckee River, Nevada, and the San Joaquin River channel, California, as the Secretary determines to be necessary as the result of the January 1997 flooding in Nevada and California; and dredging of shoaling which has occurred downstream from the Federal Chena River Flood Control Facility: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget Emergency Act of 1985, as amended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies" due to flooding and other natural disasters, $390,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget Emergency Act of 1985, as amended: Provided further, That with $5,000,000 of the funds appropriated herein, the Secretary of the Army is directed to initiate and complete preconstruction engineering and design and associated Environmental Impact Statement for an emergency outlet from Devils Lake, North Dakota to the Sheyenne River, at full Federal expense: Provided further, That, of the funds appropriated under this paragraph, $10,000,000 shall be used for the project consisting of channel restoration and improvements on the James River authorized by section 401(b) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4128) if the Secretary of the Army determines that the need for such restoration and improvements constitutes an emergency.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

OPERATION AND MAINTENANCE

For an additional amount for "Operation and Maintenance", $7,355,000, to remain available until expended, to repair damage caused by floods and other natural disasters: Provided, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund shall be derived from that

fund: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 4

SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Construction" to repair damage caused by floods and other natural disasters, $4,796,000, to remain available until expended, of which $4,403,000 is to be derived by transfer from unobligated balances of funds, under the heading, "Oregon and California Grant Lands," made available as supplemental appropriations in Public Law 104-134: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OREGON AND CALIFORNIA GRANT LANDS

For an additional amount for "Oregon and California Grant Lands" to repair damage caused by floods and other natural disasters, $2,694,000, to remain available until expended and to be derived from unobligated balances of funds under the heading, "Oregon and California Grant Lands," made available as supplemental appropriations in Public Law 104-134: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for "Resource Management", $8,350,000, of which $3,350,000, to remain available until September 30, 1998, is for fish replacement and for technical assistance made necessary by floods and other natural disasters and for restoration of public lands damaged by fire, and of which $5,000,000, to remain available until September 30, 1999, is for payments to private landowners for the voluntary use of private land to store water in restored wetlands: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION

For an additional amount for "Construction", $91,000,000, to remain available until expended, to repair damage caused by floods and other natural disasters: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

LAND ACQUISITION

For an additional amount for "Land Acquisition", $5,000,000, to remain available until expended, for the cost-effective emergency acquisition of land and water rights necessitated by floods and other natural disasters: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL PARK SERVICE

CONSTRUCTION

For an additional amount for "Construction" for emergency expenses resulting from flooding and other natural disasters, $187,321,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That of this amount, $30,000,000 shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in such Act, is transmitted by the President to Congress, and upon certification by the Secretary of the Interior to the President that a specific amount of such funds is required for (1) repair or replacement of concession use facilities at Yosemite National Park if the Secretary determines, after consulting with the Director of the Office of Management and Budget, that the repair or replacement of those facilities cannot be postponed until completion of an agreement with the Yosemite Concessions Services Corporation or any responsible third party to satisfy its repair or replacement obligations for the facilities, or (2) the Federal portion, if any, of the costs of repair or replacement of such concession use facilities: Provided further, That nothing herein should be construed as impairing in any way the rights of the United States against the Yosemite Concession Services Corporation or any other party or as relieving the Corporation or any other party of its obligations to the United States: Provided further, That prior to any final agreement by the Secretary with the Corporation or any other party concerning its obligation to repair or replace concession use facilities, the Solicitor of the Department of the Interior shall certify that the agreement fully satisfies the obligations of the Corporation or third party: Provided further, That nothing herein, or any payments, repairs, or replacements made by the Corporation or a third party in fulfillment of the Corporation's obligations to the United States to repair and replace damaged facilities, shall create any possessory interest for the Corporation or such third party in such repaired or replaced facilities: Provided further, That any payments made to the United States by the Corporation or a third party for repair or replacement of concession use facilities shall be deposited in the General Fund of the Treasury or, where facilities are repaired or replaced by the Corporation or any other third party, an equal amount of appropriations for "Construction" shall be rescinded.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, Investigations, and Research", $4,650,000, to remain available until September 30, 1998, to repair or replace damaged equipment and facilities caused by floods and other natural disasters: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For an additional amount for "Operation of Indian Programs", $14,317,000, to remain available until September 30, 1998 for emergency response activities, including emergency school operations, heating costs, emergency welfare assistance, and to repair and replace facilities and resources damaged by snow, floods, and other natural disasters: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION

For an additional amount for "Construction", $6,249,000, to remain available until expended, to make repairs caused by floods and other natural disasters: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That notwithstanding any other provision of law, funds appropriated herein and in Public Law 104-208 to the Bureau of Indian Affairs for repair of the Wapato irrigation project shall be made available on a nonreimbursable basis.

RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

For an additional amount for "National Forest System" for emergency expenses resulting from flooding and other natural disasters, $39,677,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RECONSTRUCTION AND CONSTRUCTION

For an additional amount for "Reconstruction and Construction" for emergency expenses resulting from flooding and other natural disasters, $27,685,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For an additional amount for "Indian Health Services" for emergency expenses resulting from flooding and other natural disasters, $1,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

INDIAN HEALTH FACILITIES

For an additional amount for "Indian Health Facilities" for emergency expenses resulting from flooding and other natural disasters, $2,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 5

SUBCOMMITTEE ON TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

For an additional amount for the Emergency Relief Program for emergency expenses resulting from flooding and other disasters, as authorized by 23 U.S.C. 125, $650,000,000, to be derived from the Highway Trust Fund and to remain available until expended, of which $374,000,000 shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted

by the President to the Congress: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That 23 U.S.C. 125(b)(1) shall not apply to projects relating to the December 1996 and 1997 flooding.

FEDERAL RAILROAD ADMINISTRATION

EMERGENCY RAILROAD REHABILITATION AND REPAIR

For necessary expenses to repair and rebuild freight rail lines of regional and short line railroads damaged by the floods in September 1996, and in March and April 1997, $24,000,000, to be awarded subject to the discretion of the Secretary on a case-by-case basis: Provided, That funds provided under this head shall be available for rehabilitation of railroad rights-of-way, bridges, and other facilities which are part of the general railroad system of transportation, and primarily used by railroads to move freight traffic: Provided further, That railroad rights-of-way, bridges, and other facilities owned by class I railroads, passenger railroads, or by tourist, scenic, or historic railroads are not eligible for funding under this section: Provided further, That these funds shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That all funds made available under this head are to remain available until September 30, 1997.

RELATED AGENCY

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" for emergency expenses resulting from the crash of TWA Flight 800, and for assistance to families of victims of aviation accidents as authorized by Public Law 104-264, $14,100,000: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget Emergency Deficit Control Act of 1985, as amended.

CHAPTER 6

SUBCOMMITTEE ON VA, HUD, AND INDEPENDENT AGENCIES

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT BLOCK GRANTS FUND

For an additional amount for "Community development block grants fund" as authorized under title I of the Housing and Community Development Act of 1974, $500,000,000, to remain available until September 30, 2000 for emergency expenses resulting from the flooding in the upper Midwest and other disasters in fiscal year 1997 and such natural disasters designated 30 days prior to the start of fiscal year 1997, so long as the emergency expenses are for those community development activities related to recovery efforts and for immediate recovery needs not reimbursable by the Federal Emergency Management Agency: Provided, That in administering these amounts, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds, except for statutory requirements related to civil rights, fair housing and nondiscrimination, the environment, and labor standards, upon a finding that such waiver is required to facilitate the use of such funds, and would not be inconsistent with the overall purpose of the statute: Provided further, That the Secretary of Housing and Urban Development shall publish a notice in the Federal Register governing the use of community development block grant funds in conjunction with any program administered by the Director of the Federal Emergency Management Agency for buyouts for structures in disaster areas: Provided further, That for any funds under this head used for buyouts in conjunction with any program administered by the Director of the Federal Emergency Management Agency, each state or unit of general local government requesting funds from the Secretary of Housing and Urban Development for buyouts shall submit a plan to the Secretary which must be approved by the Secretary as consistent with the requirements of this program: Provided further, That the Secretary of Housing and Urban Development and the Director of the Federal Emergency Management Agency shall submit quarterly reports to the House and Senate Committees on Appropriations on all disbursement and use of funds for or associated with buyouts: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

INDEPENDENT AGENCY

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for "Disaster Relief", $3,100,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act: Provided further, That of the funds made available under this heading, $2,100,000,000 shall not become available until the Director of the Federal Emergency Management Agency submits to the Congress a legislative proposal to control disaster relief expenditures including the elimination of funding for certain revenue producing facilities: Provided further, That of the funds made available under this heading, up to $20,000,000 may be transferred to the Disaster Assistance Direct Loan Program for the cost of direct loans as authorized under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): Provided further, That such transfer may be made to subsidize gross obligations for the principal amount of direct loans not to exceed $21,000,000 under section 417 of the Stafford Act: Provided further, That any such transfer of funds shall be made only upon certification by the Director of the Federal emergency Management Agency that all requirements of section 417 of the Stafford Act will be complied with: Provided further, That the entire amount of the preceding proviso shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 7

SUBCOMMITTEE ON LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For expenses necessary to support research on environmental risk factors associated with breast cancer, $15,000,000, to remain available until expended: Provided, That the Secretary shall award such funds on a competitive basis: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

TITLE III—OTHER SUPPLEMENTALS

CHAPTER 1

SUBCOMMITTEE ON AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for the "Agricultural Credit Insurance Fund Program Account" for the additional cost of direct operating loans authorized by 7 U.S.C. 1928-1929, including the cost of modifying such loans as defined in section 502 of the Congressional Budget Act of 1974, $12,600,000, to remain available until expended.

FOOD AND CONSUMER SERVICE

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For an additional amount for the "Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)" as authorized by section 17 of the Child Nutrition Act of 1966, as amended (42 U.S.C. et seq.), $58,000,000, to remain available through September 30, 1998: Provided, That the Secretary shall allocate such funds through the existing formula or, notwithstanding sections 17 (g), (h), or (i) of such Act and the regulations promulgated thereunder, such other means as the Secretary deems necessary.

CHAPTER 2

SUBCOMMITTEE ON COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF STATE

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for "Contributions to International Organizations", $100,000,000, to remain available until expended, for payment of United States arrearages owed to the United Nations: Provided, That none of the funds appropriated or otherwise made available by this Act for payment of United States arrearages to the United Nations may be obligated or expended unless such obligation or expenditure is expressly authorized by the enactment of a subsequent Act.

CHAPTER 3

SUBCOMMITTEE ON THE DISTRICT OF COLUMBIA

DISTRICT OF COLUMBIA

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For an additional amount to the District of Columbia for the fiscal year ending September

30, 1997, $31,150,000, to remain available until September 30, 1998, and which shall be deposited into an escrow account of the District of Columbia Financial Responsibility and Management Assistance Authority, pursuant to section 205 of Public Law 104–8 (109 Stat. 131), and shall be disbursed from such escrow account pursuant to the instructions of the Authority, and in accordance with a plan approved by the Authority: Provided, That $22,350,000 shall be used to carry out a program of school facility emergency repair of public schools located in the District of Columbia, and $8,800,000 shall be used for pay raises within the Metropolitan Police Department.

DIVISION OF EXPENSES

PUBLIC SAFETY AND JUSTICE

For an additional amount for public safety, $8,800,000, which shall be deposited into an escrow account of the District of Columbia Financial Responsibility and Management Assistance Authority, pursuant to section 205 of Public Law 104–8 (109 Stat. 131), and shall be disbursed from such escrow account pursuant to the instructions of the Authority, and in accordance with a plan approved by the Authority: Provided, That $8,800,000 shall be used for pay raises within the Metropolitan Police Department.

CAPITAL OUTLAY

For an additional amount for capital outlay for the fiscal year ending September 30, 1997, $22,350,000, which shall be deposited into an escrow account of the District of Columbia Financial Responsibility and Management Assistance Authority, pursuant to section 205 of Public Law 104–8 (109 Stat. 131), and shall be disbursed from such escrow account pursuant to the instructions of the Authority, and in accordance with a plan approved by the Authority: Provided, That this amount shall be used to carry out a program of school facility emergency repair of public schools located in the District of Columbia.

GENERAL PROVISION

Funds provided under this chapter shall be deemed to be grants for the purposes of Section 141 of Public Law 104–194 (110 Stat. 2374), the District of Columbia Appropriations Act, 1997.

CHAPTER 4

SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

CONSTRUCTION

For an additional amount for "Construction", $10,000,000, to remain available until expended, to make repairs, construct facilities, and provide visitor transportation and for related purposes at Yosemite National Park.

CHAPTER 5

SUBCOMMITTEE ON THE LEGISLATIVE BRANCH

CONGRESSIONAL OPERATIONS

SENATE

CONTINGENT EXPENSES OF THE SENATE

SECRETARY OF THE SENATE

(TRANSFER OF FUNDS)

For an additional amount for expenses of the "Office of the Secretary of the Senate", to carry out the provisions of section 8 of the Legislative Branch Appropriations Act, 1997, $5,000,000, to remain available until September 30, 2000, to be derived by transfer from funds previously appropriated from fiscal year 1997 funds under the heading "SENATE", subject to the approval of the Committee on Appropriations.

CHAPTER 6

SUBCOMMITTEE ON TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating Expenses", $6,473,000, for necessary expenses directly related to support activities in the TWA Flight 800 crash investigation, to remain available until expended.

RETIRED PAY

For an additional amount for "Retired Pay", $4,200,000.

FEDERAL AVIATION ADMINISTRATION

GRANTS-IN-AID FOR AIRPORTS

For an additional amount for "Grants-in-aid for Airports", $15,520,000: Provided, That, the President may make available funds for making grants to reimburse State and local agencies for unanticipated disaster costs associated with recovery, investigation, security, forensic and medical examination of evidence, air support, and logistical support efforts directly related to the 1996 TWA Flight 800 and ValuJet Flight 592 tragedies: Provided further, That not to exceed $12,420,000 shall be available under this provision for reimbursement to State and local agencies for the TWA Flight 800 tragedy: Provided further, That not to exceed $3,100,000 shall be available under this provision for reimbursement to State and local agencies for the ValuJet Flight 592 tragedy.

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The limitation under this heading in Public Law 104–50 and in Public Law 104–205 is increased by $933,193,000: Provided, That such additional authority shall remain available during fiscal year 1997: Provided further, That notwithstanding any other provision of law, such additional authority shall be distributed to ensure that States receive amounts that they would have received had the Highway Trust Fund fiscal year 1994 income statement not been understated prior to the revision on December 24, 1996; and that notwithstanding any other provision of law, an amount of obligational authority in addition to the amount distributed above, shall be made available by this Act and shall be distributed to assure that States receive obligational authority that they would have received had the Highway Trust Fund fiscal year 1995 income statement not been revised on December 24, 1996: Provided further, That such additional authority shall be distributed to ensure that no State shall receive an amount in fiscal year 1997 that is less than the amount a State received in fiscal year 1996: Provided further, That $3,600,000 of the additional allocation for Utah shall be utilized on planning, preliminary engineering and design for projects critical to the 2002 Winter Olympics: Provided further, That $450,000 of the additional allocation for the State of New Mexico shall be provided to continue the Santa Teresa border technologies project: Provided further, That the additional amounts made available to the State of Alabama shall be utilized for right-of-way acquisition and construction of the Warrior Loop project: Provided further, That $12,600,000 of the additional allocation for the State of Kentucky shall be utilized to complete the William H. Natcher Bridge in Maceo, Kentucky: Provided further, That the additional amounts made available to the State of California may be provided for a project to repair or reconstruct any portion of a federal aid primary route in San Mateo, California, which was destroyed as a result of a combination of storms and a mountain slide in the winter of 1982–1983: Provided further, That the additional amounts made available in this paragraph for the State of South Carolina shall be provided for the Highway 17 Cooper River Bridges replacement project, Charleston, South Carolina: Provided further, That $100,000 of the additional allocation for the State of Iowa shall be provided for planning and environmental work on the 86th Street Highway Project in Polk County: Provided further, That $400,000 of the additional allocation for the State of Illinois shall be provided for costs associated with the replacement of Gaumer's Bridge in Vermilion County, Illinois.

CHAPTER 7

SUBCOMMITTEE ON TREASURY AND GENERAL GOVERNMENT

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For an additional amount under the heading "Departmental Offices, Salaries and Expenses", $1,950,000: Provided, That the Secretary of Treasury may utilize the law enforcement services, personnel, equipment, and facilities of the State of Colorado, the County of Denver, and the City of Denver, with their consent, and shall reimburse the State of Colorado, the County of Denver, and the City of Denver for the utilization of such law enforcement services, personnel (for salaries, overtime, and benefits), equipment, and facilities for security arrangements for the Denver Summit of Eight being held June 20 through June 22, 1997, in Denver, Colorado.

U.S. POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For an additional amount for the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsection (d) of section 2401 of title 39, United States Code, $5,383,000.

CHAPTER 8

SUBCOMMITTEE ON VA, HUD, AND INDEPENDENT AGENCIES

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for "Compensation and pensions", for unanticipated costs incurred for the current fiscal year, $753,000,000, to remain available until expended.

ADMINISTRATIVE PROVISION

The Secretary of Veterans Affairs may carry out the construction of a multi-story parking garage at the Department of Veterans Affairs medical center in Cleveland, Ohio, in the amount of $12,300,000, and there is authorized to be appropriated for fiscal year 1997 for the Parking Revolving Fund account, a total of $12,300,000 for this project.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

Notwithstanding any other provision of law, of the $1,000,000 appropriated for special purpose grants in Public Law 102–139, for a parking garage in Ashland, Kentucky, $500,000 shall be made available instead for use in acquiring parking in Ashland, Kentucky and $500,000 shall be made available instead for the restoration of the Paramount Theater in Ashland, Kentucky.

CAPACITY BUILDING FOR COMMUNITY DEVELOPMENT AND AFFORDABLE HOUSING

(TRANSFER OF FUNDS)

For capacity building for community development and affordable housing, as authorized by

section 4 of the HUD Demonstration Act of 1993 (Public Law 103–120), $30,200,000, to remain available until expended, and to be derived by transfer from the Homeownership and Opportunity for People Everywhere Grants account: Provided, That Habitat for Humanity and Youthbuild participate under this section: Provided further, That at least $10,000,000 of the funding under this head be used in rural areas, including tribal areas.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

Of the funds appropriated under this head in Public Law 104–204, the Secretary of Housing and Urban Development shall make a grant of $1,500,000 to the National Academy of Public Administration no later than June 15, 1997 for an evaluation of the Department of Housing and Urban Development: Provided, That the $1,500,000 shall be from salaries and expenses designated for non-career Senior Executive Service and other non-career personnel.

CHAPTER 9

SUBCOMMITTEE ON LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

Public Law 104–208, under the heading "Health Education Assistance Loans Program" is amended by inserting after "$140,000,000" the following: ": Provided further, That the Secretary may use up to $499,000 derived by transfer from insurance premiums collected from guaranteed loans made under Title VII of the Public Health Service Act for the purpose of carrying out section 709 of that Act".

ADMINISTRATION FOR CHILDREN AND FAMILIES

JOB OPPORTUNITIES AND BASIC SKILLS

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, there is rescinded an amount equal to the total of the funds within each State's limitation for fiscal year 1997 that are not necessary to pay such State's allowable claims for such fiscal year.

Section 403(k)(3)(F) of the Social Security Act (as in effect on October 1, 1996) is amended by adding after the "," the following: "reduced by an amount equal to the total of those funds that are within each State's limitation for fiscal year 1997 that are not necessary to pay such State's allowable claims for such fiscal year (except that such amount for such year shall be deemed to be $1,000,000,000 for the purpose of determining the amount of the payment under subsection (1) to which each State is entitled),".

CHILDREN AND FAMILIES SERVICES PROGRAMS

Public Law 104–208, under the heading titled "Children and Families Services Programs" is amended by inserting after the reference to "part B(1) of title IV" the following: "and Section 1110".

DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For additional amounts to carry out subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965, $198,176,000, of which $153,253,000 shall be for Basic Grants and $44,923,000 shall be for Concentration Grants, which shall be allocated, notwithstanding any other provision of law, only to those States, and counties within those States, that would otherwise receive, from funds available under the Department of Education Appropriations Act, 1997, smaller allocations for Grants to Local Educational Agencies than they would have received had those allocations been calculated entirely on the basis of child poverty counts from the 1990 census: Provided, That the Secretary of Education shall use these additional funds to provide those States with the allocations they would have received had the allocations under that Appropriations Act been calculated entirely on the basis of the 1990 census data: Provided further, That the Secretary shall ratably reduce the allocations to states under the preceding proviso for either Basic Grants or Concentration Grants, or both, as the case may be, if the funds available are insufficient to make those allocations in full: Provided further, That the Secretary shall allocate, to such counties in each such State, additional amounts for Basic Grants and Concentration Grants that are in the same proportion, respectively, to the total amounts allocated to the State, as the differences between such counties' initial allocations for Basic Grants and Concentration Grants, respectively (compared to what they would have received had the initial allocations been calculated entirely on the basis of 1990 census data), are to the differences between the State's initial allocations for Basic Grants and Concentration Grants, respectively (compared to the amounts the State would have received had the initial allocations been calculated entirely on the basis of 1990 census data): Provided further, That the funds appropriated under this paragraph shall become available on October 1, 1997 and shall remain available through September 30, 1998, for academic year 1997–98: Provided further, That the additional amounts appropriated under this paragraph shall not be taken into account in determining State allocations under any other program administered by the Secretary.

Public Law 104–208, under the heading titled "Education For the Disadvantaged" is amended by striking "$1,298,386,000" and inserting "$713,386,000" in lieu thereof.

CHAPTER 10

GENERAL PROVISIONS

SEC. 301. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 302. Of the funds currently contained within the "Counterterrorism Fund" of the Department of Justice, $3,000,000 is provided for allocation by the Attorney General to the appropriate unit or units of government in Ogden, Utah, for necessary expenses, including enhancements and upgrade of security and communications infrastructure, to counter any potential terrorism threat related to the 2002 Winter Olympic games to be held in Utah.

SEC. 303. None of the funds made available in any appropriations Act for fiscal year 1997 may be used by the Department of Commerce to make irreversible plans or preparation for the use of sampling or any other statistical method (including any statistical adjustment) in taking the 2000 decennial census of population for purposes of the apportionment of Representatives in Congress among the States.

SEC. 304. Section 5803 of Public Law 104–208 (110 Stat. 3009–522) is hereby repealed.

SEC. 305. DELAWARE RIVER BASIN COMMISSION; SUSQUEHANNA RIVER BASIN COMMISSION.—The Secretary of the Interior or his designee shall serve as the alternate member of the Susquehanna River Basin Commission appointed under the Susquehanna River Basin Compact (Public Law 91–575) and the alternate member of the Delaware River Basin Commission appointed under the Delaware River Basin Compact (Public Law 87–328).

SEC. 306. Section 2.2 of Public Law 87–328 (75 Stat. 688, 691) is amended by striking the words "during the term of office of the President" and inserting "at the pleasure of the President".

SEC. 307. Section 101(c) of Public Law 104–134 is amended as follows: Under the heading "Title III—General Provisions" amend sections 315(c)(1)(A) and 315(c)(1)(B) by striking in each of those sections "104%" and inserting in lieu thereof "100%"; by striking in each of those sections "1995" and inserting in lieu thereof "1994"; and by striking in each of those sections "and thereafter annually adjusted upward by 4%,".

SEC. 308. Section 101(d) of Public Law 104–208 is amended as follows: Under the heading "Administrative Provisions, Indian Health Service" strike the seventh proviso and insert the following in lieu thereof: ": Provided further, That with respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment, and the reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self Determination Act, may be credited to the same or subsequent appropriation account which provided the funding, said amounts to remain available until expended".

SEC. 309. No funds provided by this Act, an Act making Appropriations for the Department of Defense for Fiscal Year 1997 (Public Law 104–208), any other Act making appropriations for any agency of the Federal Government for Fiscal Year 1997, or any other Act hereafter enacted may be used by any agency of the Federal Government to promulgate or implement any rule, regulation, policy, statement, or directive issued after October 1, 1993 regarding the recognition, validity, or management of any right of way established pursuant to Revised Statutes 2477 (43 U.S.C. 932).

SEC. 310. COMPLIANCE WITH THE ENDANGERED SPECIES ACT OF 1973 IN CONNECTION WITH FLOOD CONTROL PROJECTS.

(a) CONSULTATION AND CONFERENCING.—As provided by regulations issued under the Endangered Species Act (16 U.S.C. 1531 et seq.) for emergency situations, formal consultation or conferencing under section 7(a)(2) or section 7(a)(4) of the Act for any action authorized, funded or carried out by any Federal agency to repair a Federal or non-Federal flood control project, facility or structure may be deferred by the Federal agency authorizing, funding or carrying out the action, if the agency determines that the repair is needed to respond to an emergency causing an imminent threat to human lives and property in 1996 or 1997. Formal consultation or conferencing shall be deferred until the imminent threat to human lives and property has been abated. For purposes of this section, the term repair shall include preventive and remedial measures to restore the project, facility or structure to remove an imminent threat to human lives and property.

(b) REASONABLE AND PRUDENT MEASURES.—Any reasonable and prudent measures specified under section 7 of the Endangered Species Act (16 U.S.C. 1536) to minimize the impact of an action taken under this section shall be related both in nature and extent to the effect of the action taken to repair the flood control project, facility or structure.

SEC. 311. Notwithstanding any other provision of law, fiscal year 1995 funds awarded under State-administered programs of the Department of Education and funds awarded for fiscal year 1996 for State-administered programs under the Rehabilitation Act of the Department of Education to recipients in Presidentially declared disaster areas are available to those recipients for obligation until September 30, 1998: Provided, That for the purposes of assisting those recipients, the Secretary's waiver authority under section 14401 of the Elementary and

Secondary Education Act of 1965 shall be extended to all State-administered programs of the Department of Education. This special waiver authority applies only to funds awarded for fiscal years 1995, 1996 and 1997.

SEC. 312. Notwithstanding any other provision of law, the Secretary of Education may waive or modify any statutory or regulatory provision applicable to the student financial aid programs under title IV of said Act that the Secretary deems necessary to assist individuals and other program participants who suffered financial harm from natural disasters and who, at the time the disaster struck were operating, residing, attending an institution of higher education, or employed within these areas on the date which, the President declared the existence of a major disaster (or, in the case of an individual who is a dependent student, whose parent or stepparent suffered financial harm from such disaster, and who resided, or was employed in such an area at that time): Provided further, That such authority shall be in effect only for awards for award year 1997–1998.

SEC. 313. None of the funds provided in this Act or in any other Act making appropriations for fiscal year 1997 may be used to administer or implement in Denver, Colorado, the Medicare Competitive Pricing/Open Enrollment Demonstration, as titled in the April 1, 1997, Final Request for Proposals (RFP).

SEC. 314. Section 105(f) of the Legislative Branch Appropriation Act, 1968 (2 U.S.C. 61–1(f) is amended by adding at the end the following: "The limitation on the minimum rate of gross compensation under this subsection shall not apply to any member or civilian employee of the Capitol Police whose compensation is disbursed by the Secretary of the Senate.".

SEC. 315. (a) Notwithstanding any other provision of law or regulation, with the approval of the Committee on Rules and Administration of the Senate, the Sergeant at Arms and Doorkeeper of the Senate is authorized to provide additional facilities, services, equipment, and office space for use by a Senator in that Senator's State in connection with a disaster or emergency declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act. Expenses incurred by the Sergeant at Arms and Doorkeeper of the Senate under this section shall be paid from the appropriation account, within the contingent fund of the Senate, for expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, upon vouchers signed by the Sergeant at Arms and Doorkeeper of the Senate with the approval of the Committee on Rules and Administration of the Senate.

(b) This section is effective on and after the date of enactment of this Act.

SEC. 316. Title I of the Department of Transportation and Related Agencies Appropriations Act, 1997 (Public Law 104–205) is amended under the heading "Federal Transit Administration—Discretionary Grants" by striking "$661,000,000" and inserting "$661,000".

SEC. 317. Section 325 of Title III of the Department of Transportation and Related Agencies Appropriations Act, 1997 (Public Law 104–205) is amended by deleting all text following "Provided, That such funds shall not be subject to the obligation limitation for Federal-aid highways and highway safety construction.".

SEC. 318. Section 410(j) of title 23, United States Code, is amended by striking the period after "1997" and inserting ", and an additional $500,000 for fiscal year 1997.".

SEC. 319. Section 45301(a)(1) of title 49, United States Code, is amended by striking "that neither take off from, nor land in, the United States." and inserting in lieu thereof: "or general aviation aircraft that neither take off from, nor land in, the United States except that such fees shall not be imposed on overflights operated by citizens of a country contiguous to the United States if (A) both the origin and destination of such flights are within that other contiguous country and (B) that same country exempts similar categories of flights operated by citizens of the United States.".

SEC. 320. The Administrator of General Services is authorized to obligate the funds appropriated in Public Law 104–208 for construction of the Montgomery, Alabama courthouse.

SEC. 321. RESTRICTION ON FUNDS USED TO ENFORCE ELECTRONIC FUNDS TAX TRANSFER SYSTEM.—None of the funds made available by this Act or any other Act may be used to impose or collect any penalty under the Internal Revenue Code of 1986 which is imposed solely by reason of a failure to use the electronic fund transfer system established under section 6302(h) of such Code if such failure—

(1) is by a person which is first required to use such system by reason of clause (i)(IV) or (ii)(IV) of section 6302(h)(2)(C) of such Code, and

(2) occurs during the period beginning on July 1, 1997, and ending on December 31, 1997.

SEC. 322. Section 1555 of the Federal Acquisition Streamlining Act of 1994, Public Law 103–355, is repealed effective the date of the enactment of this Act.

SEC. 323. PUBLIC NOTICE OF CONTRACTING BY HUD.—The Secretary shall publish quarterly in the Federal Register a list of all contracts and task orders issued under such contracts in excess of $250,000 which were entered into during the quarter by the Secretary, the Government National Mortgage Association, and the Office of Federal Housing Enterprise Oversight (or by any officer of the Department of Housing and Urban Development, the Government National Mortgage Association, or the Office of Federal Housing Enterprise Oversight acting in his or her capacity to represent the Secretary or these entities). Each listing shall identify the parties to the contract, the term and amount of the contract and the subject matter and responsibilities of the parties to the contract.

SEC. 324. SECTION 8 NOTICE PROVISION.—Section 8(c)(9) of the United States Housing Act of 1937 is amended by striking out "Not less than one year prior to terminating any contract" and inserting in lieu thereof the following: "Not less than 120 days prior to terminating any contract".

SEC. 325. The Secretary of Health and Human Services shall—

(1) make available under section 2604(g) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(g)), $45,000,000 in assistance described in such Act to victims of flooding and other natural disasters for the fiscal year 1997; and

(2) make the assistance available from funds appropriated to carry out such Act prior to the date of enactment of this section.

SEC. 326. The funds appropriated in Public Law 104–204 to the Environmental Protection Agency under the State and Tribal Assistance Grants Account for grants to States and federally recognized tribes for multi-media or single media pollution prevention, control and abatement and related activities, $674,207,000, may also be used for the direct implementation by the Federal Government of a program required by law in the absence of an acceptable State or tribal program.

SEC. 327. After the period for filing claims pursuant to the Uniform Relocation Act is closed, and from amounts previously appropriated for the Center for Ecology Research and Training (CERT), the Environmental Protection Agency (EPA) shall obligate the maximum amount of funds necessary to settle all outstanding CERT-related claims against it. To the extent that unobligated balances remain from such amounts previously appropriated, EPA is authorized beginning in fiscal year 1997 to make grants of such funds to the city of Bay City, Michigan, for the purpose of EPA-approved environmental remediation and rehabilitation of publicly owned real property included in the boundaries of the CERT project.

SEC. 328. None of the funds made available in the Foreign Operations, Export Financing, and Related Programs, 1997 (as contained in Public Law 104–208) may be made available for assistance to Uruguay unless the Secretary of State certifies to the Committees on Appropriations that all cases involving seizure of United States business assets have been resolved.

SEC. 329. EXPANDING SMALL BUSINESS PARTICIPATION IN DREDGING.—Section 722(a) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended by striking "September 30, 1996" and inserting "September 30, 1997".

SEC. 330. COLLECTION AND DISSEMINATION OF INFORMATION ON PRICES RECEIVED FOR BULK CHEESE.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of Agriculture shall collect and disseminate, on a weekly basis, statistically reliable information, obtained from cheese manufacturing areas in the United States on prices received and terms of trade involving bulk cheese, including information on the national average price for bulk cheese sold through spot and forward contract transactions. To the maximum extent practicable, the Secretary shall report the prices and terms of trade for spot and forward contract transactions separately.

(b) CONFIDENTIALITY.—All information provided to, or acquired by, the Secretary under subsection (a) shall be kept confidential by each officer and employee of the Department of Agriculture except that general weekly statements may be issued that are based on the information and that do not identify the information provided by any person.

(c) REPORT.—Not later than 150 days after the date of enactment of this Act, the Secretary shall report to the Committee on Agriculture, and the Committee on Appropriations, of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Appropriations, of the Senate, on the rate of reporting compliance by cheese manufacturers with respect to the information collected under subsection (a). At the time of the report, the Secretary may submit legislative recommendations to improve the rate of reporting compliance.

(d) TERMINATION OF EFFECTIVENESS.—The authority provided by subsection (a) terminates effective April 5, 1999.

SEC. 331. The first sentence of section 542(c)(4) of the Housing and Community Development Act of 1992 is amended by striking out "on not more than 12,000 units during fiscal year 1996" and inserting in lieu thereof: "on not more than 12,000 units during fiscal year 1996 and not more than an additional 7,500 units during fiscal year 1997".

SEC. 332. Section 45301(b)(1)(A) of title 49, United States Code, is amended by inserting before the semicolon "and at least $50,000,000 in fiscal year 1998 and every year thereafter".

SEC. 333. MICHAEL GILLICK CHILDHOOD CANCER RESEARCH.

(a) FINDINGS.—Congress finds that—

(1) during the period from 1980 to 1988, Ocean County, New Jersey, had a significantly higher rate of childhood cancer than the rest of the United States, including a rate of brain and central nervous system cancer that was nearly 70 percent above the rate of other States;

(2) during the period from 1979 to 1991—

(A) there were 230 cases of childhood cancer in Ocean County, of which 56 cases were in Dover Township, and of those 14 were in Toms River alone;

(B) the rate of brain and central nervous system cancer of children under 20 in Toms River was 3 times higher than expected, and among children under 5 was 7 times higher than expected; and

(C) Dover Township, which would have had a nearly normal cancer rate if Toms River was excluded, had a 49 percent higher cancer rate than the rest of the State and an 80 percent higher leukemia rate than the rest of the State; and

(3)(A) according to New Jersey State averages, a population the size of Toms River should have 1.6 children under age 19 with cancer; and

(B) Toms River currently has 5 children under the age of 19 with cancer.

(b) STUDY.—

(1) IN GENERAL.—The Administrator of the Agency for Toxic Substances and Disease Registry shall conduct dose-reconstruction modeling and an epidemiological study of childhood cancer in Dover Township, New Jersey, which may also include the high incidence of neuroblastomas in Ocean County, New Jersey.

(2) GRANT TO NEW JERSEY.—The Administrator may make 1 or more grants to the State of New Jersey to carry out paragraph (1).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this Act $6,000,000 for fiscal years 1998 through 2000.

SEC. 334. Section 101 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371) is amended by adding at the end thereof the following:

"(d) GOOD SAMARITAN EXEMPTION.—It shall not be a violation of this Act to take a marine mammal if—

"(1) such taking is imminently necessary to avoid serious injury, additional injury, or death to a marine mammal entangled in fishing gear or debris;

"(2) reasonable care is taken to ensure the safe release of the marine mammal, taking into consideration the equipment, expertise, and conditions at hand;

"(3) reasonable care is exercised to prevent any further injury to the marine mammal; and

"(4) such taking is reported to the Secretary within 48 hours.".

SEC. 335. EMERGENCY USE OF CHILD CARE FUNDS.

(a) IN GENERAL.—Notwithstanding any other provision of law, during the period beginning on April 30, 1997, an ending on July 30, 1997, the Governors of the States described in paragraph (1) of subsection (b) may, subject to subsection (c), use amounts received for the provision of child care assistance or services under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9801 et seq.) and under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) to provide emergency child care services to individuals described in paragraph (2) of subsection (b).

(b) ELIGIBILITY.—

(1) OF STATES.—A State described in this paragraph is a State in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121), has determined that a major disaster exists, or that an area within the State is determined to be eligible for disaster relief under other Federal law by reason of damage related to flooding in 1997.

(2) OF INDIVIDUALS.—An individual described in this subsection is an individual who—

(A) resides within any area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121), has determined that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to flooding in 1997; and

(B) is involved in unpaid work activities (including the cleaning, repair, restoration, and rebuilding of homes, businesses, and schools) resulting from the flood emergency described in subparagraph (A).

(c) LIMITATIONS.—

(1) REQUIREMENTS.—With respect to assistance provided to individuals under this section, the quality, certification and licensure, health and safety, nondiscrimination, and other requirements applicable under the Federal programs referred to in subsection (a) shall apply to child care provided or obtained under this section.

(2) AMOUNT OF FUNDS.—The total amount utilized by each of the States under subsection (a) during the period referred to in such subsection shall not exceed the total amount of such assistance that, notwithstanding the enactment of this section, would otherwise have been expended by each such State in the affected region during such period.

(d) PRIORITY.—In making assistance available under this section, the Governors described in subsection (a) shall give priority to eligible individuals who do not have access to income, assets, or resources as a direct result of the flooding referred to in subsection (b)(2)(A).

SEC. 336. RELIEF TO AGRICULTURAL PRODUCERS FOR FLOODING LOSS CAUSED BY DAM ON LAKE REDROCK, IOWA.

(a) ELIGIBILITY.—To be eligible for assistance under this section, an agricultural producer must—

(1)(A) be an owner or operator of land who granted an easement to the Federal Government for flooding losses to the land caused by water retention at the dam site at Lake Redrock, Iowa; or

(B) have been an owner or operator of land that was condemned by the Federal Government because of flooding of the land caused by water retention at the dam site at Lake Redrock, Iowa; and

(2) have incurred losses that exceed the estimates of the Secretary of the Army provided to the producer as part of the granting of the easement or as part of the condemnation.

(b) COMPENSATION.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary of the Army shall compensate an eligible producer described in subsection (a) for flooding losses to the land of the producer described in subsection (a)(2) in an amount determined by the Federal Crop Insurance Corporation.

(2) REDUCTION.—If the Secretary maintains a water retention rate at the dam site at Lake Redrock, Iowa, of—

(A) less than 769 feet, the amount of compensation provided to a producer under paragraph (1) shall be reduced by 10 percent;

(B) not less than 769 feet and not more than 772 feet, the amount of compensation provided to a producer under paragraph (1) shall be reduced by 7 percent; and

(C) more than 772 feet, the amount of compensation provided to a producer under paragraph (1) shall be reduced by 3 percent.

(c) CROP YEARS.—This section shall apply to flooding losses to the land of a producer described in subsection (a)(2) that are incurred during the 1997 and subsequent crop years.

TITLE IV—DEPARTMENT OF DEFENSE OFFSETS

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $46,000,000 are rescinded.

MILITARY PERSONNEL, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $11,000,000 are rescinded.

MILITARY PERSONNEL, MARINE CORPS

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $5,000,000 are rescinded.

MILITARY PERSONNEL, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $15,000,000 are rescinded.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $174,000,000 are rescinded.

OPERATION AND MAINTENANCE, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $51,000,000 are rescinded.

OPERATION AND MAINTENANCE, MARINE CORPS

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $17,000,000 are rescinded.

OPERATION AND MAINTENANCE, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $117,000,000 are rescinded.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $25,000,000 are rescinded.

ENVIRONMENTAL RESTORATION, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $250,000 are rescinded.

ENVIRONMENTAL RESTORATION, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $250,000 are rescinded.

ENVIRONMENTAL RESTORATION, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $250,000 are rescinded.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $250,000 are rescinded.

FORMER SOVIET UNION THREAT REDUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $2,000,000 are rescinded.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $1,085,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $8,000,000 are rescinded.

MISSILE PROCUREMENT, ARMY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $2,707,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $71,000,000 are rescinded.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $2,296,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $5,000,000 are rescinded.

PROCUREMENT OF AMMUNITION, ARMY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $3,236,000 are rescinded.

Of the funds made available under this heading in Public Law 104–61, $14,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $11,000,000 are rescinded.

OTHER PROCUREMENT, ARMY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $2,502,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $21,000,000 are rescinded.

AIRCRAFT PROCUREMENT, NAVY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $34,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $28,000,000 are rescinded.

WEAPONS PROCUREMENT, NAVY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $16,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $6,000,000 are rescinded.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $812,000 are rescinded.

Of the funds made available under this heading in Public Law 104–61, $4,000,000 are rescinded.

SHIPBUILDING AND CONVERSION, NAVY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 102–396, $10,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $33,000,000 are rescinded.

OTHER PROCUREMENT, NAVY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $4,237,000 are rescinded.

Of the funds made available under this heading in Public Law 104–61, $3,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $8,000,000 are rescinded.

PROCUREMENT, MARINE CORPS

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $1,207,000 are rescinded.

Of the funds made available under this heading in Public Law 104–61, $4,000,000 are rescinded.

AIRCRAFT PROCUREMENT, AIR FORCE

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $33,650,000 are rescinded.

Of the funds made available under this heading in Public Law 104–61, $40,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $41,000,000 are rescinded.

MISSILE PROCUREMENT, AIR FORCE

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $7,195,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $186,000,000 are rescinded.

OTHER PROCUREMENT, AIR FORCE

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $3,659,000 are rescinded.

Of the funds made available under this heading in Public Law 104–61, $10,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $7,000,000 are rescinded.

PROCUREMENT, DEFENSE-WIDE

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $4,860,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $5,000,000 are rescinded.

NATIONAL GUARD AND RESERVE EQUIPMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $5,029,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 104–61, $4,366,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $10,000,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

(RESCISSIONS)

Of the funds made available under this heading in Public Law 104–61, $14,978,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $21,000,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

(RESCISSIONS)

Of the funds made available under this heading in Public Law 104–61, $28,396,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $122,000,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

(RESCISSIONS)

Of the funds made available under this heading in Public Law 104–61, $81,090,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $95,000,000 are rescinded.

DEVELOPMENTAL TEST AND EVALUATION, DEFENSE

(RESCISSION)

Of the funds made available under this heading in Public Law 104–61, $890,000 are rescinded.

OPERATIONAL TEST AND EVALUATION, DEFENSE

(RESCISSION)

Of the funds made available under this heading in Public Law 104–61, $160,000 are rescinded.

REVOLVING AND MANAGEMENT FUNDS

NATIONAL DEFENSE SEALIFT FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $35,000,000 are rescinded.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $456,000 are rescinded.

Of the funds made available under this heading in Public Law 104–61, $20,652,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $27,000,000 are rescinded.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $2,000,000 are rescinded.

GENERAL PROVISIONS

(RESCISSIONS)

SEC. 401. Of the funds appropriated in the Military Construction Appropriations Act, 1996 (Public Law 104–32), amounts are hereby rescinded from the following accounts in the specified amounts:

"Military Construction, Air Force Reserve", $5,000,000;

"Military Construction, Defense-wide", $41,000,000;

"Base Realignment and Closure Account, Part II", $35,391,000;

"Base Realignment and Closure Account, Part III", $75,638,000;

"Base Realignment and Closure Account, Part IV", $22,971,000:

Provided, That of the funds appropriated in the Military Construction Appropriations Act, 1997 (Public Law 104–196), amounts are hereby rescinded from the following accounts in the specified amounts:

"Military Construction, Army", $1,000,000;

"Military Construction, Navy", $2,000,000;

"Military Construction, Air Force", $3,000,000;

"Military Construction, Defense-wide", $49,000,000.

SEC. 402. Notwithstanding 31 U.S.C. 1502(a) and 31 U.S.C. 1553(a), funds appropriated in Public Law 101–511, Public Law 102–396, and Public Law 103–139, under the heading "Weapons Procurement, Navy", that were obligated and expended to settle claims on the MK–50 torpedo program may continue to be obligated and expended to settle those claims.

SEC. 403. None of the funds available to the Department of Defense in this or any other Act shall be available to pay the cost of operating a National Missile Defense Joint Program Office which includes more than 55 military and civilian personnel located in the National Capital Region.

SEC. 404. Funds obligated by the National Aeronautics and Space Administration (NASA) in the amount of $76,900,000 during fiscal years 1994 and 1995, and in the amount of $61,300,000 during fiscal year 1996, pursuant to the "Memorandum of Agreement between the National Aeronautics and Space Administration and the United States Air Force on Titan IV/Centaur Launch Support for the Cassini Mission," signed September 8, 1994, and September 23, 1994, and Attachment A, B, and C to that Memorandum, shall be merged with Air Force appropriations available for research, development, test and evaluation and procurement for fiscal years 1994, 1995 and 1996, and shall be available for the same time period as the appropriation with which merged, and shall be available for obligation only for those Titan IV vehicles and Titan IV-related activities under contract.

(RESCISSION)

SEC. 405. Of the funds appropriated for "Military Construction, Navy" under Public Law 103–307, $6,480,000 is hereby rescinded.

TITLE V—OTHER OFFSETS

CHAPTER 1

SUBCOMMITTEE ON COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

Of the available unobligated balances under this heading, $6,400,000 are rescinded.

CHAPTER 2

SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(RESCISSION)

Of the funds made available under this heading for obligation in fiscal year 1997 or prior years, $17,000,000 are rescinded: Provided, That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected.

STRATEGIC PETROLEUM RESERVE

(RESCISSION)

Of the funds made available under this heading in previous appropriations Acts, $11,000,000 are rescinded.

CHAPTER 3

SUBCOMMITTEE ON TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the unobligated balances authorized under section 14 of Public Law 91–258 as amended, $778,000,000 are rescinded.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

HIGHWAY TRAFFIC SAFETY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the available balances of contract authority under this heading, $10,600,000 are rescinded.

FEDERAL TRANSIT ADMINISTRATION

TRUST FUND SHARE OF EXPENSES

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the available balances of contract authority under this heading, $271,000,000 are rescinded.

DISCRETIONARY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the available balances of contract authority under this heading, for fixed guideway modernization and bus activities under 49 U.S.C. 5309(m)(A) and (C), $588,000,000 are rescinded.

CHAPTER 4

SUBCOMMITTEE ON TREASURY AND GENERAL GOVERNMENT

INDEPENDENT AGENCY

GENERAL SERVICES ADMINISTRATION

EXPENSES, PRESIDENTIAL TRANSITION

(RESCISSION)

Of the amounts made available under this heading in Public Law 104–208, $5,600,000 are rescinded.

CHAPTER 5

SUBCOMMITTEE ON VA, HUD, AND INDEPENDENT AGENCIES

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(INCLUDING RESCISSION)

Of the amounts recaptured under this heading during fiscal year 1997 and prior years, $3,650,000,000 are rescinded: Provided, That the Secretary of Housing and Urban Development shall recapture at least $5,800,000,000 in amounts heretofore maintained as section 8 reserves made available to housing agencies for tenant-based assistance under the section 8 existing housing certificate and housing voucher programs: Provided further, That all additional section 8 reserve funds of an amount not less than $2,150,000,000 and any recaptures (other than funds already designated for other uses) specified in section 214 of Public Law 104–204 shall be preserved under the head "Section 8 Reserve Preservation Account" for use in extending section 8 contracts expiring in fiscal year 1998 and thereafter: Provided further, That the Comptroller General of the United States shall conduct an audit of all accounts of the Department of Housing and Urban Development to determine the amount of any and all program funds administered by the Department and report on this audit no later than May 1, 1998.

FEDERAL HOUSING ADMINISTRATION

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(RESCISSION)

Of the amounts of negative credit subsidy from the sale of mortgage notes provided for under the fourth proviso under this head in Public Law 104–134, $85,000,000 is rescinded.

INDEPENDENT AGENCIES

FEDERAL EMERGENCY MANAGEMENT AGENCY

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–368, $5,000,000 are rescinded.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

NATIONAL AERONAUTICS FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $365,000,000 are rescinded.

FUNDS APPROPRIATED TO THE PRESIDENT

UNANTICIPATED NEEDS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–211 to NASA for Space flight, control, and data communications, $4,200,000 are rescinded.

CHAPTER 6

SUBCOMMITTEE ON AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOOD AND CONSUMER SERVICE

THE EMERGENCY FOOD ASSISTANCE PROGRAM

Notwithstanding section 27(a) of the Food Stamp Act, the amount specified for allocation under such section for fiscal year 1997 shall be $80,000,000.

FOREIGN AGRICULTURAL SERVICE AND GENERAL SALES MANAGER

EXPORT CREDIT

None of the funds made available in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1997, Public Law 104–180, may be used to pay the salaries and expenses of employees of the Department of Agriculture to carry out a combined program for export credit guarantees, supplier credit guarantees, and emerging democracies facilities guarantees at a level which exceeds $3,500,000,000.

EXPORT ENHANCEMENT PROGRAM

None of the funds appropriated or otherwise made available in Public Law 104–180 shall be used to pay the salaries and expenses of personnel to carry out an export enhancement program if the aggregate amount of funds and/or commodities under such program exceeds $50,000,000.

CHAPTER 7

SUBCOMMITTEE ON ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION, GENERAL

Of the amounts provided under this heading, including amounts provided to specific projects, in Public Law 104–206, and any other available balances under this heading, $30,000,000 are permanently canceled.

TITLE VI—SUPPLEMENTAL SECURITY INCOME AMENDMENT

SEC. 601. EXTENSION OF SSI REDETERMINATION PROVISIONS.

(a) IN GENERAL.—Section 402(a)(2)(D) of the Personal Responsibility and Work Opportunity

Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)(D)) is amended—

(1) in clause (i)—

(A) in subclause (I), by striking "the date which is 1 year after such date of enactment" and inserting in lieu thereof "September 30, 1997"; and

(B) in subclause (III), by striking "the date of the redetermination with respect to such individual" and inserting in lieu thereof "September 30, 1997".

(b) EFFECTIVE DATE.—Subsection (a) takes effect as if included in the enactment of section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612).

TITLE VII—GOVERNMENT SHUTDOWN PREVENTION ACT

SEC. 701. SHORT TITLE.

This title may be cited as the "Government Shutdown Prevention Act".

SEC. 702. CONTINUING FUNDING.

(a) IN GENERAL.—If any regular appropriation bill for fiscal year 1998 does not become law prior to the beginning of fiscal year 1998 or a joint resolution making continuing appropriations is not in effect, there is appropriated, out of any moneys in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, such sums as may be necessary to continue any program, project, or activity for which funds were provided in fiscal year 1997.

(b) LEVEL OF FUNDING.—Appropriations and funds made available, and authority granted, for a program, project, or activity for fiscal year 1998 pursuant to this title shall be at 100 per cent of the rate of operations that was provided for the program, project, or activity in fiscal year 1997 in the corresponding regular appropriation Act for fiscal year 1997.

(c) PERIOD OF AVAILABILITY.—Appropriations and funds made available, and authority granted, for fiscal year 1998 pursuant to this title for a program, project, or activity shall be available for the period beginning with the first day of a lapse in appropriations and ending with the earlier of—

(1) the date on which the applicable regular appropriation bill for fiscal year 1998 becomes law (whether or not that law provides for that program, project, or activity) or a continuing resolution making appropriations becomes law, as the case may be; or

(2) the last day of fiscal year 1998.

SEC. 703. TERMS AND CONDITIONS.

(a) IN GENERAL.—An appropriation of funds made available, or authority granted, for a program, project, or activity for fiscal year 1998 pursuant to this title shall be made available to the extent and in the manner which would be provided by the pertinent appropriations Act for fiscal year 1997, including all of the terms and conditions and the apportionment schedule imposed with respect to the appropriation made or funds made available for fiscal year 1997 or authority granted for the program, project, or activity under current law.

(b) EXTENT AND MANNER.—Appropriations made by this title shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

SEC. 704. COVERAGE.

Appropriations and funds made available, and authority granted, for any program, project, or activity for fiscal year 1998 pursuant to this title shall cover all obligations or expenditures incurred for that program, project, or activity during the portion of fiscal year 1998 for which this title applies to that program, project, or activity.

SEC. 705. EXPENDITURES.

Expenditures made for a program, project, or activity for fiscal year 1998 pursuant to this title shall be charged to the applicable appropriation, fund, or authorization whenever a regular appropriation bill or a joint resolution making continuing appropriations until the end of fiscal year 1998 providing for that program, project, or activity for that period becomes law.

SEC. 706. INITIATING OR RESUMING A PROGRAM, PROJECT, OR ACTIVITY.

No appropriation or funds made available or authority granted pursuant to this title shall be used to initiate or resume any program, project, or activity for which appropriations, funds, or other authority were not available during fiscal year 1997.

SEC. 707. PROTECTION OF OTHER OBLIGATIONS.

Nothing in this title shall be construed to effect Government obligations mandated by other law, including obligations with respect to Social Security, Medicare, Medicaid, and veterans benefits.

SEC. 708. DEFINITION.

In this title, the term "regular appropriation bill" means any annual appropriation bill making appropriations, otherwise making funds available, or granting authority, for any of the following categories of programs, projects, and activities:

(1) Agriculture, rural development, and related agencies programs.

(2) The Departments of Commerce, Justice, and State, the judiciary, and related agencies.

(3) The Department of Defense.

(4) The government of the District of Columbia and other activities chargeable in whole or in part against the revenues of the District.

(5) The Departments of Labor, Health and Human Services, and Education, and related agencies.

(6) The Departments of Veterans and Housing and Urban Development, and sundry independent agencies, boards, commissions, corporations, and offices.

(7) Energy and water development.

(8) Foreign assistance and related programs.

(9) The Department of the Interior and related agencies.

(10) Military construction.

(11) The Department of Transportation and related agencies.

(12) The Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies.

(13) The legislative branch.

TITLE VIII—DEPOSITORY INSTITUTION DISASTER RELIEF

SEC. 801. SHORT TITLE.

This title may be cited as the "Depository Institution Disaster Relief Act of 1997".

SEC. 802. TRUTH IN LENDING ACT; EXPEDITED FUNDS AVAILABILITY ACT.

(a) TRUTH IN LENDING ACT.—During the 180-day period beginning on the date of enactment of this Act, the Board may make exceptions to the Truth in Lending Act (15 U.S.C. 1601 et seq.) for transactions within an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), has determined that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to the 1997 flooding of the Red River of the North and its tributaries, if the Board determines that the exception can reasonably be expected to alleviate hardships to the public resulting from such disaster that outweigh possible adverse effects.

(b) EXPEDITED FUNDS AVAILABILITY ACT.—During the 180-day period beginning on the date of enactment of this Act, the Board may make exceptions to the Expedited Funds Availability Act (12 U.S.C. 4001 et seq.) for depository institution offices located within any area referred to in subsection (a) if the Board determines that the exception can reasonably be expected to alleviate hardships to the public resulting from such disaster that outweigh possible adverse effects.

(c) TIME LIMIT ON EXCEPTIONS.—Any exception made under this section shall expire not later than the earlier of—

(1) 1 year after the date of enactment of this Act; or

(2) 1 year after the date of any determination referred to in subsection (a).

(d) PUBLICATION REQUIRED.—Not later than 60 days after the date of a determination under subsection (a), the Board shall publish in the Federal Register a statement that—

(1) describes the exception made under this section; and

(2) explains how the exception can reasonably be expected to produce benefits to the public that outweigh possible adverse effects.

SEC. 803. DEPOSIT OF INSURANCE PROCEEDS.

The appropriate Federal banking agency may, by order, permit an insured depository institution, during the 18-month period beginning on the date of enactment of this Act, to subtract from the institution's total assets, in calculating compliance with the leverage limit prescribed under section 38 of the Federal Deposit Insurance Act (12 U.S.C. 1831o), an amount not exceeding the qualifying amount attributable to insurance proceeds, if the agency determines that—

(1) the institution—

(A) had its principal place of business within an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, has determined that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to the 1997 flooding of the Red River of the North and its tributaries, on the day before the date of any such determination;

(B) derives more than 60 percent of its total deposits from persons who normally reside within, or whose principal place of business is normally within, areas of intense devastation caused by the major disaster;

(C) was adequately capitalized (as defined in section 38 of the Federal Deposit Insurance Act (12 U.S.C. 1831o)) before the major disaster; and

(D) has an acceptable plan for managing the increase in its total assets and total deposits; and

(2) the subtraction is consistent with the purpose of section 38 of the Federal Deposit Insurance Act (12 U.S.C. 1831o).

SEC. 804. BANKING AGENCY PUBLICATION REQUIREMENTS.

(a) IN GENERAL.—During the 180-day period beginning on the date of enactment of this Act, a qualifying regulatory agency may take any of the following actions with respect to depository institutions or other regulated entities whose principal place of business is within, or with respect to transactions or activities within, an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, has determined that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to the 1997 flooding of the Red River of the North and its tributaries, if the agency determines that the action would facilitate recovery from the major disaster:

(1) PROCEDURE.—Exercise the agency's authority under provisions of law other than this section without complying with—

(A) any requirement of section 553 of title 5, United States Code; or

(B) any provision of law that requires notice or opportunity for hearing or sets maximum or

minimum time limits with respect to agency action.

(2) PUBLICATION REQUIREMENTS.—Make exceptions, with respect to institutions or other entities for which the agency is the primary Federal regulator, to—

(A) any publication requirement with respect to establishing branches or other deposit-taking facilities; or

(B) any similar publication requirement.

(b) PUBLICATION REQUIRED.—Not later than 90 days after the date of an action under this section, a qualifying regulatory agency shall publish in the Federal Register a statement that—

(1) describes the action taken under this section; and

(2) explains the need for the action.

(c) QUALIFYING REGULATORY AGENCY DEFINED.—For purposes of this section, the term "qualifying regulatory agency" means—

(1) the Board;

(2) the Office of the Comptroller of the Currency;

(3) the Office of Thrift Supervision;

(4) the Federal Deposit Insurance Corporation;

(5) the Federal Financial Institutions Examination Council;

(6) the National Credit Union Administration; and

(7) with respect to chapter 53 of title 31, United States Code, the Secretary of the Treasury.

SEC. 805. SENSE OF THE CONGRESS.

It is the sense of the Congress that each Federal financial institutions regulatory agency should, by regulation or order, make exceptions to the appraisal standards prescribed by title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3331 et seq.) for transactions involving institutions for which the agency is the primary Federal regulator with respect to real property located within a disaster area pursuant to section 1123 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3352), if the agency determines that the exceptions can reasonably be expected to alleviate hardships to the public resulting from such disaster that outweigh possible adverse effects.

SEC. 806. OTHER AUTHORITY NOT AFFECTED.

Nothing in this title limits the authority of any department or agency under any other provision of law.

SEC. 807. DEFINITIONS.

For purposes of this title, the following definitions shall apply:

(1) APPROPRIATE FEDERAL BANKING AGENCY.—The term "appropriate Federal banking agency" has the same meaning as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

(2) BOARD.—The term "Board" means the Board of Governors of the Federal Reserve System.

(3) FEDERAL FINANCIAL INSTITUTIONS REGULATORY AGENCY.—The term "Federal financial institutions regulatory agency" has the same meaning as in section 1121 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3350).

(4) INSURED DEPOSITORY INSTITUTION.—The term "insured depository institution" has the same meaning as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

(5) LEVERAGE LIMIT.—The term "leverage limit" has the same meaning as in section 38 of the Federal Deposit Insurance Act (12 U.S.C. 1831o).

(6) QUALIFYING AMOUNT ATTRIBUTABLE TO INSURANCE PROCEEDS.—The term "qualifying amount attributable to insurance proceeds" means the amount (if any) by which the institution's total assets exceed the institution's average total assets during the calendar quarter ending before the date of any determination referred to in section 803(1)(A), because of the deposit of insurance payments or governmental assistance made with respect to damage caused by, or other costs resulting from, the major disaster.

TITLE IX—TECHNICAL AMENDMENTS WITH RESPECT TO EDUCATION

SEC. 901. TECHNICAL AMENDMENTS RELATING TO DISCLOSURES REQUIRED WITH RESPECT TO GRADUATION RATES.

(a) AMENDMENTS.—Section 485 of the Higher Education Act of 1965 (20 U.S.C. 1092) is amended—

(1) in subsection (a)(3)(B), by striking "June 30" and inserting "August 31"; and

(2) in subsection (e)(9), by striking "August 30" and inserting "August 31".

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsection (a) are effective upon enactment.

(2) INFORMATION DISSEMINATION.—No institution shall be required to comply with the amendment made by subsection (a)(1) before July 1, 1998.

SEC. 902. DATE EXTENSION.

Section 1501(a)(4) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6491(a)(4)) is amended by striking "January 1, 1998" and inserting "January 1, 1999".

SEC. 903. TIMELY FILING OF NOTICE.

Notwithstanding any other provision of law, the Secretary of Education shall deem Kansas and New Mexico to have timely submitted under section 8009(c)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7709(c)(1)) the States' written notices of intent to consider payments described in section 8009(b)(1) of the Act (20 U.S.C. 7709(b)(1)) in providing State aid to local educational agencies for school year 1997-1998, except that the Secretary may require the States to submit such additional information as the Secretary may require, which information shall be considered part of the notices.

SEC. 904. HOLD HARMLESS PAYMENTS.

Section 8002(h)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(h)(1)) is amended—

(1) in subparagraph (A), by striking "or" after the semicolon;

(2) in subparagraph (B), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(C) for fiscal year 1997 and each succeeding fiscal year through fiscal year 2000 shall not be less than 85 percent of the amount such agency received for fiscal year 1996 under subsection (b).".

SEC. 905. DATA.

(a) IN GENERAL.—Section 8003(f)(4) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(f)(4)) is amended—

(1) in subparagraph (A)—

(A) by inserting "expenditure," after "revenue,"; and

(B) by striking the semicolon and inserting a period;

(2) by striking "the Secretary" and all that follows through "shall use" and inserting "the Secretary shall use"; and

(3) by striking subparagraph (B).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to fiscal years after fiscal year 1997.

TITLE X—FOOD STAMP PROGRAM

STATE OPTION TO ISSUE FOOD STAMP BENEFITS TO CERTAIN INDIVIDUALS MADE INELIGIBLE BY WELFARE REFORM

SEC. 1001. Section 7 of the Food Stamp Act of 1977 (7 U.S.C. 2016) is amended by—

(1) inserting in subsection (a) after "necessary, and", "except as provided in subsection (j)", and

(2) inserting a new subsection (j) as follows:

"(j)(1) A State agency may, with the concurrence of the Secretary, issue coupons to individuals who are ineligible to participate in the food stamp program solely because of the provisions of section 6(o)(2) of this Act or sections 402 and 403 of the Personal Responsibility and Work Opportunity Act of 1996. A State agency that issues coupons under this subsection shall pay the Secretary the face value of the coupons issued under this subsection and the cost of printing, shipping, and redeeming the coupons, as well as any other Federal costs involved, as determined by the Secretary. A State agency shall pay the Secretary for coupons issued under this subsection and for the associated Federal costs issued under this subsection no later than the time the State agency issues such coupons to recipients. In making payments, the State agency shall comply with procedures developed by the Secretary. Notwithstanding section 3302(b) of title 31, United States Code, payments received by the Secretary for such coupons and for the associated Federal costs shall be credited to the food stamp program appropriation account or the account from which such associated costs were drawn, as appropriate, for the fiscal year in which the payment is received. The State agency shall comply with reporting requirements established by the Secretary.

"(2) A State agency that issues coupons under this subsection shall submit a plan, subject to the approval of the Secretary, describing the conditions under which coupons will be issued, including, but not limited to, eligibility standards, benefit levels, and the methodology the State will use to determine amounts owed the Secretary.

"(3) A State agency shall not issue benefits under this subsection—

"(A) to individuals who have been made ineligible under any provision of section 6 of this Act other than section 6(o)(2); or

"(B) in any area of the State where an electronic benefit transfer system has been implemented.

"(4) The value of coupons provided under this subsection shall not be considered income or resources for any purpose under any Federal laws, including, but not limited to, laws relating to taxation, welfare, and public assistance programs.

"(5) Any sanction, disqualification, fine or other penalty prescribed in Federal law, including, but not limited to, sections 12 and 15 of this Act, shall apply to violations in connection with any coupon or coupons issued pursuant to this subsection.

"(6) Administrative and other costs associated with the provision of coupons under this subsection shall not be eligible for reimbursement or any other form of Federal funding under section 16 or any other provision of this Act.

"(7) That portion of a household's allotment issued pursuant to this subsection shall be excluded from any sample taken for purposes of making any determination under the system of enhanced payment accuracy established in section 16(c).".

CONFORMING AMENDMENT

SEC. 1002. Section 17(b)(1)(B)(iv) of the Food Stamp Act of 1977 is amended by—

(1) striking "or" in subclause (V);

(2) striking the period at the end of subclause (VI) and inserting "; or"; and

(3) inserting a new subclause (VII) as follows—

"(VII) waives a provision of section 7(j).".

This Act may be cited as the "Supplemental Appropriations and Rescissions Act of 1997".

The PRESIDING OFFICER. Under the previous order, the Senate insists

on its amendment, requests a conference with the House and the Chair is authorized to appoint conferees.

The Presiding Officer appointed Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. GORTON, Mr. MCCONNELL, Mr. BURNS, Mr. SHELBY, Mr. GREGG, Mr. BENNETT, Mr. CAMPBELL, Mr. CRAIG, Mr. FAIRCLOTH, Mrs. HUTCHISON, Mr. BYRD, Mr. INOUYE, Mr. HOLLINGS, Mr. LEAHY, Mr. BUMPERS, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mr. REID, Mr. KOHL, Mr. MURRAY, Mr. DORGAN, and Mrs. BOXER conferees on the part of the Senate.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

PRIVILEGE OF THE FLOOR

Mr. ASHCROFT. Mr. President, I ask unanimous consent that my legislative assistant, Annie Billings, be given privilege of the floor today, and during the pendency of the debate on the Family Friendly Workplace Act.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

FAMILY FRIENDLY WORKPLACE ACT

Mr. MCCONNELL. Mr. President, the American workplace has changed drastically since the enactment of the Fair Labor Standards Act—nearly 60 years ago. In those days, for example, a small percentage of working mothers toiled in the fields, factories, and general stores. Today, nearly 70 percent of mothers with children under the age of 6 are now working.

The constant refrain of both mothers and fathers in the nineties is: "There's just not enough hours in the day."

Well, the U.S. Senate can't put more hours in a day, but we can give workers more choices on how to spend those hours each day.

The time has come to amend the Fair Labor Standards Act of 1938. I am proud to be a cosponsor of S. 4, the Family Friendly Workplace Act.

Taking a look at this bill that Senator ASHCROFT has so skillfully put together and advocated. I think that the Family Friendly Workplace Act is one of the best opportunities we've had in a long time to make a substantial contribution to America's working families. This bill is based on the comments and experiences of men and women who know the difficulty of balancing work and family.

Recently, a good friend of mine, Bill Stone, from Louisville, KY, my hometown, testified in support of S. 4 at a hearing before the Employment and Training Subcommittee of the Labor Committee upon which I serve. Bill runs the Louisville Plate Glass Co. Approximately three-fourths of this company's Louisville work force is paid on an hourly basis and would be directly impacted by S. 4.

As Bill explained to our subcommittee, he said, "S. 4 will give a new and greatly needed measure of flexibility to our employees who are trying to meet the demands of raising children in single-parent or two-worker families. It will also," Bill stated, "be a huge benefit to our employees who are pursuing training or educational activities."

Now, let us take a look, Mr. President, at the compensatory time off provided for under the bill. If an employee at the Louisville Plate Glass Co. has to work overtime, then compensatory time off allows him to choose if he wants to be compensated with time-and-a-half pay or time-and-a-half time off.

A recent poll by Money magazine found that 66 percent of the American people would rather have their overtime in the form of time off than in hourly wages. And an astonishing 82 percent of people support legislation to allow workers to have this type of choice and flexibility.

The findings of this survey point to one conclusion, as explained by Ann Reilly Dowd of Money magazine. She put it this way. She said, "People are considering time much more precious than money right now." And that is an enormous change in our society, Mr. President. Moreover, as Ms. Dowd concluded, "it seems that people are working so hard and being so torn between the mounting demands of their job and their family life that they really, really want more free time and they, particularly, want more flexible schedules."

The Senate has a responsibility to respond to this overwhelming national need for choice and flexibility in the workplace.

Passing comptime legislation is just the first step in our response. Unfortunately, comptime alone is not enough. A bill that only includes comptime provisions will only include a small percentage of workers who actually work overtime.

S. 4 also includes two important provisions for workers who typically do not get the opportunity to work overtime. In most cases these workers are women.

For example, nearly three out of four workers reporting overtime pay are men. In order to accommodate working mothers, as well as other employees who do not regularly work overtime, S. 4 includes the biweekly work program and the flexible credit hours program.

If a working mother chooses to work 45 hours in week 1 so that she can work 35 hours the next week and have 5 hours to spend on a school field trip with her children, then the biweekly work program allows her to do that without sacrificing either pay or vacation time. Or if an employee chooses to work extra time in any one workweek, then flexible credit hours allows him or her to put those additional hours in the bank, so to speak, and take paid time off at a later date.

Compensatory time off, the biweekly work program and flexible credit hours have two things in common: choice and paid time off. Simply put, this bill just makes good sense. It is about nothing more than giving options to employees.

The Family Friendly Workplace Act gives employees the opportunity to get paid time off at virtually no cost to the employer. Everybody wins.

The opponents of the Family Friendly Workplace Act argue that our country's employees will not be able to handle this flexibility. The skeptics argue that the employees will be coerced.

First, let me say, Government employees have had comp and flextime privileges for years—Government employees have had that right—and there is virtually no hard evidence to support the potential horror stories conjured up by opponents of S. 4.

Second, our bill contains strong penalties for any employer who forces an employee to accept time over money.

Diane Buster, an hourly employee from my hometown of Louisville, KY, recently spoke very passionately to the need for S. 4. She explained that

> . . . for the last 15 years I have been in the full-time work force bound by an archaic law, the Fair Labor Standards Act, passed in 1938 when only about 20 percent of women worked . . . [Under this law], the privilege of compensatory time is denied to hourly employees in private business while it is permitted to salaried employees in the private sector and to employees of the Federal Government.

Ms. Buster ultimately concluded that "this seems patently unfair and smacks of elitism, if not discrimination. A vote for fairness seems in order."

The Paducah Sun in my State issued a similar statement a few weeks ago in an editorial that concluded that "the comp time bill ought to be passed * * * The language guarantees the right of workers to take overtime pay if they desire, so labor's objection that the companies can't be trusted is only so much old-school us-against-them thinking."

Finally, I would like to point out that in Government settings union leaders routinely demand that employers allow flexible scheduling provisions as part of a collective bargaining agreement. I must confess that it strikes me as a little bit odd that union leaders are now fighting to block all hourly employees from receiving the very benefit they seek for their own union employees.

In the words of The Courier-Journal, which is our largest State newspaper, "[Comptime] looks like a win-win situation. Workers and employers would get more flexibility in working out schedules, and neither side would be forced to participate. What's Bill Clinton scared of?" said the Courier-Journal.

The answer to that newspaper's question, sadly enough, may be that the President and the union bosses are simply playing politics at the expense of the American worker.

The presidents of the UAW, the Steelworkers, and the Machinists wrote a letter to President Clinton on April 28 of this year that sums up the politics which threaten to block S. 4. I would like to quote from that letter. This is what the union bosses had to say:

> Politically, any compromise with Senate Republicans on the comp time legislation . . . would undermine the Democratic Party's political base among working men and women, and jeopardize our ability to energize workers to achieve the goal of electing a Democratic House and Senate [in 1998].

That pretty well says it all, Mr. President. That pretty well says it all. You have to give them points for candor.

Mr. President, there may be some valid arguments out there for genuine debate on S. 4, but it is surely not those arguments. We should not block legislation that is good for the American worker and the American workplace simply because it may "undermine the Democratic Party's political base" and "jeopardize [the] ability to energize [campaign] workers."

Mr. President, I ask unanimous consent that the statements of Bill Stone and Diane Buster and the editorials of the Paducah Sunday and the Courier Journal be printed in the RECORD. ±

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

STATEMENT BY WILLIAM A. STONE BEFORE THE SUBCOMMITTEE ON EMPLOYMENT AND TRAINING, FEBRUARY 13, 1997

My name is William A. Stone, I am President of Louisville Plate Glass Company in Louisville, Kentucky. We are the majority stockholder in two Atlanta glass manufacturing firms, Tempered Glass, Inc. and Insulating Glass of Georgia. I am the Chief Executive Officer of both Atlanta companies. Louisville Plate Glass is a member of the U.S. Chamber of Commerce, the world's largest business federation representing an underlying membership of more than three million businesses and organizations of every size, sector, and region. I am a member and former Chairman of the Chamber's Labor Relations Committee. I also served on the Chamber's Small Business Council and Board of Directors for five years.

Our companies manufacture architectural glass products primarily for commercial buildings and employ about 116 people in three locations. I purchased the Louisville Plate Glass Company 25 years ago. We had only 19 employees at the time. Now, approximately 110 people are employed by these companies, with about 40 working in Louisville and the others in Atlanta. Approximately three-fourths of the Louisville workforce are paid on an hourly basis and record their work hours on a time clock. They are primarily production workers, truck drivers, and shipping personnel.

The average Louisville employee usually works about 10 overtime hours per week. The truck drivers usually work more overtime hours than the employees in the plant. Our hourly employees are scheduled to work five days per week and, when extra work is necessary, they prefer to work longer days during the week than to work on Saturday. However, sometimes it is necessary to schedule some employees to work on a Saturday. If an employee is unable to report for work, he or she must use accumulated vacation time or other paid time off, if any is available.

We have had few, employees ask to take time off without pay, and instead be scheduled or allowed to work extra hours during the same pay period as their absence in order to earn the pay they would have received had they not missed work. They do not even bother to ask for this arrangement because they know that in most cases, the necessary arrangements cannot be made within the well-known restrictions of the Fair Labor Standards Act (FLSA).

Today you are considering The Family Friendly Workplace Act (S. 4). This bill provides that hourly employees can, with their employers' agreement, earn time off instead of overtime pay so they can take time off to attend to personal or family business. I am here to tell you that passage of this bill will provide many employees, like those of Louisville Plate Glass, with what they perceive as a new and very valuable benefit. If this bill becomes law, my company will immediately make every effort to allow our employees to earn compensatory or "comp" time. I have no doubt at all that almost all, if not all, of our employees will ask to be able to earn time off instead of, or in addition to, overtime pay for the extra hours that they work. They will quickly see that with even modest amounts of accrued comp time, they will be able to attend to personal and family business without suffering a loss in pay because of their absence.

Of course, it would be not only unwise but essentially unworkable to allow employees with accrued comp time to use that accrued time whenever they pleased. Our production and shipping schedules, with our limited staff, will not permit extended or frequent worker absences without reasonable notice and arrangements. I am confidant that we will be able to make the necessary arrangements for most employees to use their accrued time off most of the time.

The comp time arrangement envisioned in S. 4 will give a new and greatly needed measure of flexibility to our employees who are trying to meet the demands of raising children in single-parent or two-worker families. It will also be a huge benefit to our employees who are pursuing training or education activities. In fact, with the FLSA changes embodied in S. 4, especially comp time, there would little or no need for most of the provisions of the Family and Medical Leave Act (FMLA). Few employees would opt for partially paid leave under the FMLA when they could use accumulated compt time and receive their normal paychecks even though they were absent.

Employees in the public sector have been able to use comp time for over ten years. I understand that federal government employees have had this benefit for even longer. There is absolutely no reason that private-sector workers, like those at Louisville Plate Glass and other businesses large and small, should not have the comp time benefit that the government saw fit to provide to its own employees long ago. It's time that family-friendly employers in the private sector be permitted to have the flexibility to work with employees to meet not only their workforce needs but the needs of their employees as well.

In my years of involvement in public policy, I have always been able to see that, no matter how contentious the issue, the other side had legitimate points. However, in this case there does not seem to be any legitimate reason not to allow private-sector employees the same opportunity for flexibility that their brothers and sisters in the public sector enjoy.

Thank you for the privilege of allowing me to speak on behalf of the U.S. Chamber of Commerce on this important issue. I would be happy to answer any questions.

STATEMENT BY DIANE BUSTER

My name is Diane Buster, I reside in Louisville, Kentucky where I work as Administrative Assistant to the Executive Director of a small, local, not-for profit corporation. Why, you may wonder, would I get up at 4:00 a.m., take a day off without pay and travel here to speak on the issue of workplace flexibility? Why? Because I am passionate about the need for the passage of the Work and Family Integration Act.

As part of the labor force in this country for almost thirty years, always in position where I have been paid an hourly wage, I have lobbied in every position I have had for flexibility to manage my home, family and personal life. Always the price I paid for that flexibility was a lesser wage and less responsibility as I settled for part-time work to enable me to manage the demands of my responsibilities as homemaker and mother in addition to my work duties.

For the last 15 years I have been in the full-time work force bound by an archaic law, The Fair Labor Standard Act, passed in 1938 when only about 20% of women worked as compared to the almost 60% of women currently in the labor force. This act mandates that I may only work 40 hours per week and that, should I exceed that amount of hours in any seven contiguous days, my employer is required to pay me one and one half times my normal wage, even though I would prefer to be allowed time off in lieu of the overtime pay. This law, I'm told, applies to hourly workers whose duties are not self directed. Tell me I'm not self directed when I am the only one left in the office when the non-classified staff, privileged to direct their own schedule, has all left early to attend family functions, shop, play golf or indulge in some similar recreation!

As a working mother and grandmother, with family all residing out of state, helping

out in emergency situations and caring for the needs of my immediate family members would be infinitely more possible with a bank of compensatory time to draw on to use for such emergency care needs. The meager budget of the small non-profit corporation where I work, whose staffing needs fluctuate, would quite obviously be better off not having to pay me overtime wages, permitting me compensatory time when the workload is less. In know I am not alone, but one of thousands of workers for whom the stress of balancing the demands of work, home, personal and family needs would be greatly alleviated by having more control over my work schedule. Small businesses, the backbone of our communities, who are being choked to death, forced to adhere to laws and restrictions which make no sense for their time and place in our economy today, would also be enormously helped by being able to predicate their work schedules on the specific demands of their particular business.

As the law currently stands, the privilege of compensatory time is denied to hourly employees in private business while it is permitted to salaried employees in the private sector and to employees of the Federal government. This seems patently unfair and smacks of elitism, if not discrimination. A vote for fairness seems in order.

Passage of the Work and Family Integration Act will, I believe, immensely help to alleviate stress for the working population and greatly assist small businesses.

[From the Paducah Sun, Feb. 7, 1997]

PASS COMP BILL

Opposition by some congressional Democrats and their supporters in organized labor to a plan to allow compensatory time off for hourly workers in lieu of overtime pay has an odd ring to it.

The bill pushed by the GOP Congress, and endorsed by President Clinton, would give employees the option of taking the time, at the rate of 1½ hours for each overtime hour, if the employer agrees. Workers would be able to bank time for personal use, as many obviously would prefer. Many companies also would rather give the employees time off instead of the extra money.

Unions have criticized the idea as an attack on the traditional 40-hour work week. The don't trust employers not to pressure their employees to take the time off rather than the overtime compensation.

But the real reason for the political opposition to the plan is revealed in this statement by Rep. Lynn Woolsey, Democrat of California: "It will be flexible for the employer. We must ensure that the employee has 100 percent choice." Translation: The legislation is wrong because it doesn't force the employer to do anything. Never mind that the bill would give the worker a potential choice the existing law denies him completely.

The family leave issue, it is recalled, was enthusiastically embraced by Democrats as a great step forward for working families. The law gives workers the option of taking 12 weeks unpaid leave to deal with family needs. In other words, they voluntarily give up money in exchange for time off and flexibility, just as the comp time bill would do.

So what's the difference? It is the mandate issue. Under family leave, the company has no choice but to allow the absence. To liberals, providing an avenue where an employee and his boss can work out a mutually satisfactory arrangement is not good enough. In fact, the whole idea apparently is so obnoxious to them they would rather leave matters as they are and give the worker no legal option for a more flexible work schedule.

The comp time bill clearly ought to be passed. Salaried and government employees already have the privilege, so why not extend it to hourly workers? The language guarantees the right of workers to take the overtime pay if they desire, so labor's objection that the companies can't be trusted is only so much old-school us-against-them thinking.

The late Paul Tsongas once made a trenchant observation to the effect that too many of his fellow Democrats love jobs but hate employers. Rep. Woolsey and others have done their part in proving him right.

[From the Courier-Journal, Mar. 22, 1997]

IT'S "COMPTIME" TIME

What's so scary about "comptime"?

In the debate leading up to its passage by the U.S. House of Representatives this week, a bill offering new flexibility on wages and working hours was denounced by some opponents as a threat to freedom, fairness and the American way.

And President Clinton has warned that he'll veto it in its present form. That's a formidable threat since the bill passed by only 12 votes in the House. (All five of Kentucky's Republican members voted for it. Democrat Scotty Baesler voted against.)

We're puzzled by Mr. Clinton's opposition. The bill doesn't endanger the 40-hour work week at the heart of the Fair Labor Standards Act of 1938. All it says is that, if workers and their employers agree, comptime can be substituted for overtime pay. An employee who works, say, 45 hours in a week would have the option of getting paid time-and-a-half for the five hours or of getting 7½ hours of comp time.

At the end of the year, any accrued comptime would be converted to overtime pay. And the total amount of comptime during a year couldn't exceed 160 hours.

Employers could choose not to participate in a compensatory time agreement or, if they were in one, could withdraw after 30 days notice. Workers could withdraw at any time by submitting a written request. (In unionized work places, work schedules and rules for overtime would be set by contract.)

This looks like a win-win situation. Workers and employers would get more flexibility in working out schedules, and neither side would be forced to participate.

What's Bill Clinton scared of?

Mr. MCCONNELL. I challenge my colleagues to enact this simple, sensible legislation. The family friendly workplace is about nothing more than choice and paid time off. S. 4 is the Federal Government at its best—benefits for working families with no Federal mandates and no excessive costs for small businesses. I also particularly commend Senator ASHCROFT for his leadership in developing this important legislation.

Mr. President, I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized for up to 10 minutes by previous order.

Mr. COVERDELL. I thank the Chair.

COUNTERDRUG COOPERATION BETWEEN THE UNITED STATES AND MEXICO

Mr. COVERDELL. Mr. President, on May 14, 1997, I along with my colleague, Senator FEINSTEIN of California, received a communique from President Clinton that I would like to read at this point. It says:

DEAR SENATOR COVERDELL: Thank you for your letter regarding counterdrug cooperation between the United States and Mexico. I want to take this opportunity to tell you about my visit to Mexico and the efforts my Administration is making to advance our counternarcotics strategy in a bipartisan spirit.

President Zedillo and I had a full and frank discussion on ways we can achieve greater progress toward attacking the abuse and trafficking of illegal drugs. The Binational Drug Threat Assessment report that General McCaffrey and Attorney General Madrazo presented to us sets forth in plain terms a common view of all aspects of the drug phenomena striking at our societies. On that basis, President Zedillo and I agreed to form an Alliance Against Drugs, which commits our two governments to prepare a common counterdrug strategy this year to achieve 16 specific objectives.

These objectives, which reflect your own thoughtful contributions, include reducing demand through anti-drug information campaigns directed at our youth, bringing the leaders of criminal organizations to justice through strengthened law enforcement cooperation, attacking corruption, improving extradition (for example, by negotiating a protocol to the extradition treaty to allow trials in both countries prior to completion of sentences in either country), fully implementing laws to combat money laundering and increasing interdiction and eradication. Achieving all these objectives in the short term is unrealistic, but I believe we can make progress and that President Zedillo's effort to restructure Mexico's anti-drug forces is an essential starting point.

I want to keep the Congress informed of the progress we are making toward achieving the objectives set forth in my 1997 National Drug Control Strategy and the U.S.-Mexico Alliance Against Drugs. ONDCP Director McCaffrey will provide further details on these issues to Members of both Houses in the near future. My Administration will also provide the Congress by September 1, 1997, a report covering each of the issues contained in the Senate resolution passed in March as elaborated in your recent letter and discussions with my Administration. In addition, we will provide reports, as you have requested, commenting on prospects for multilateral hemispheric cooperation and on the feasibility of enhancing truck inspections at the border.

I appreciate your continued efforts to work with my Administration to ensure that our children face a future free of drugs and the crime they breed.

Sincerely,

BILL CLINTON.

Mr. President, this letter is in direct response to the legislation offered by myself and Senator FEINSTEIN in March of this year, passed overwhelmingly by the Senate but which had not yet become law because of differences between the House and the Senate.

Because the President was going to be in Mexico and in Central America,

that led to extensive discussions between myself and Senator FEINSTEIN and the administration, culminating with a discussion between myself and the National Security Adviser, Sandy Berger, during the trip to Mexico wherein the administration agreed to provide this letter of assurances to myself and Senator FEINSTEIN, and in spirit the Congress and the other Senators who worked so diligently to pass these legislative proposals.

From my point of view—and the Senator will speak for herself—it is a new platform. It is an acknowledgement of the issues that the Senator and I were trying to bring before the Congress, the Nation and the people of Mexico. I personally accept it in the spirit of cooperation and eagerly await the information to be provided to us in September. From my point of view, it is the acceptance of the point that was being made during the debate that the status quo was unacceptable for either country and that we had to move to a new era of more candor and more realism about the ravaging drug war and the damage it has done to both our countries and to the hemispheric democracy. So, I appreciate the National Security Adviser's conversation. I believe he and the administration fulfilled the discussion, at least to the level that I had it.

I appreciate, again, and want to acknowledge the work of the Senator from California on this issue. It has been very dedicated, very focused, and very meaningful. I have enjoyed working with her on this matter. I believe the drug war in our hemisphere could potentially destabilize the hemisphere. It is doing enormous damage to the youth of our country and is an issue that must receive far more attention than it has to date. I hope this communique is not the end, but the beginning of much more work to be done by the Members of the Senate and the Congress.

With that, Mr. President, I yield the floor. I see my colleague from California is prepared to talk on the subject, and I welcome her remarks.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California, by previous order, is recognized for up to 10 minutes.

Mrs. FEINSTEIN. Mr. President, I want to begin by thanking the senior Senator from Georgia for his leadership in this matter. This has been a difficult area, I think, for both of us, because I believe we both respect Mexico. We know that Mexico is an ally, a friend, a neighbor, and we want to see relations become much better and much more fully developed. We do not want to see a rift continuing to develop, so, we have worked with that spirit in mind. Yet, one can want this equal partnership but also continue to point out the facts of what is happening in our States and our region, and particularly along the southwest border. So I thank the Senator from Georgia for his leadership. It has been, as he knows, a great pleasure for me to be able to work with him. It has been a wonderful experience. We will keep it going.

I also want to extend my thanks to the President and to the National Security Adviser, Sandy Berger. Both Senator COVERDELL, as he indicated, and I—we have met separately with the administration. We have both made the same request that this report, described by our Senate resolution, be rendered by the administration to this body.

Let me begin by saying the administration could easily have said no. There is no legislative vehicle that accompanies this request. But they did agree, in our negotiations, to honor this request, and they have kept that commitment and, in effect, will produce the report on September 1. I am heartened by that. As my colleague just spoke, we are heartened because we hope it will be a new day of cooperation between the executive and the legislative branches in what is rapidly becoming the soft underbelly of this Nation as well as the Mexican nation, and that of course is drugs.

As many know, I have a bill which is now in the Judiciary Committee's bill called the Gang Violence Act. What we have discovered is that drugs are fueling a new extension of gangs working across the States. One of the steps I am hopeful this body will be taking is passage of that bill and, in essence, applying to street gangs, who are organized and moving across State lines, the same racketeering statutes that we would apply to Mafia-type organized crime—expanding the Travel Act, putting in asset seizures and forfeitures, effectively doubling Federal penalties for Americans who participate in major drug trafficking, gun running, and other criminal activity, across State lines.

So, we will take major steps in this Nation to combat our problem, which is one of demand for drugs. The report that we have asked the administration to produce will deal with Mexico's progress in the following areas:

Efforts to combat drug cartels—four big Mexican drug cartels are operating with impunity beyond our border; bilateral law enforcement cooperation—we are very interested in a partnership between our Drug Enforcement Administration and Mexican drug authorities, but to have our agents in Mexico unable to arm themselves makes no sense, particularly with the record of assassination that the cartels have established; improved border enforcement—obvious; extradition of Mexican nationals wanted in the United States on drug charges; implementation of money-laundering laws; increased crop eradication; rooting out corruption; and improved air and maritime cooperation. All of these points are elucidated in our Senate resolution requesting this report, and the administration has agreed, unilaterally, to provide it. For that I am very thankful.

Let me talk about one area, and that area is extradition. This is an area which for me is a litmus test as to whether there is cooperation. I want to give one case that was just written up in the May 13, 1997 Los Angeles Times by Anne-Marie O'Connor. It is not a traditional case, in terms of names like Amado Carillo-Fuentes—well-known cartel names. This case deals with a family by the name of Reynoso: Antonio Reynoso and two brothers, Jose and Jesus Reynoso. They were indicted among 22 alleged members of a vast ring that transported cocaine from Mexico to Los Angeles to Chicago and to New Jersey, using Lear jets, boilers, and canned vegetables. They are named in an extradition request presented by this country to the Mexican Government. Last September, Jose Reynoso pled guilty on a drug-smuggling charge. Both Antonio and Jesus are under indictment for conspiracy to import and possess cocaine with intent to distribute, as well as for money laundering. In the last 2 years, they have built a magnificent home within a stone's throw of the border between San Diego and Tijuana. There is a small picture in the Los Angeles Times, which shows the border fence and then this drug lord's home right across the border fence. I want to describe it to you for a moment. I am quoting from the Los Angeles Times.

> To their profound annoyance, Justice Department officials say, Reynoso, 53, is putting the finishing touches on an ostentatious walled residence that backs right up to the U.S. border. If he wanted to, he could hit a tennis ball into San Diego County.

The article goes on to describe the mansion:

> Encircled by a forbidding wall that ascends 35 feet, chateau Reynoso rises like a ship over San Diego County, not far from a binational gulch called "Smuggler's Canyon." [Where I have been.] With its turret, a glass pool atrium and a dazzling green roof worthy of Oz, it is so conspicuous that Border Patrol agents sometimes point it out to visitors.
>
> U.S. law enforcement officers note its fortress architecture and its protected position at the end of a narrow cul-de-sac. So close to the United States, they complain, yet so far from a San Diego courtroom.
>
> "I wish we could just tunnel back and grab him," a Justice Department attorney said.

Then it goes on to say:

> . . . Reynoso's name has appeared on lists of traffickers given to Mexican authorities by United States Attorney General Janet Reno. But no discernible action has been taken. U.S. officials have no indications that Reynoso is even a wanted man in Mexico.

This same family was the mastermind behind a huge tunnel, 60 feet below the ground, between Otay Mesa and San Diego. This tunnel had electricity, it had air conditioning, and it

was used by this family to smuggle drugs under the border into the United States. It was one of the most sophisticated tunnels, really, ever known. This family spent $1.1 million buying the lot in Otay Mesa where the passage's exit was to be located.

This is a clear indication, I believe, of what Senator COVERDELL and I will be looking for in terms of actions taken by the Mexican Government. We will have another round on certification. It is important to both of us, as well as, I believe, to a majority of this body, that there be actions taken in this equal partnership between the United States and Mexico. Let me just summarize.

The response from a good friend, a neighbor, and an ally that drugs are exclusively a U.S. problem is simply not adequate. We admit that we have a demand problem. We have taken steps to strengthen our laws, to allocate funds for prevention programs. Still, we know we must do more and we are willing to say we will and do it.

But when Mexican nationals run meth labs throughout California—and over 700 meth labs have been seized by the State Bureau of Narcotic Enforcement in California alone in the last year, 700 of them—and Mexico refuses to enforce its border, the drug problem is not our problem alone.

The PRESIDING OFFICER. The Chair advises the Senator her 10 minutes have expired.

Mrs. FEINSTEIN. May I ask for 1 minute to wrap up, please?

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

Mrs. FEINSTEIN. When drug cartels are brazen enough to kill Government officials and church leaders in cold blood, the drug problem is not our problem alone. When the cartels are operating with such impunity that they do not hesitate to bribe officials on both sides of the border and, as "Nightline" has just pointed out, to buy up businesses along the border, the drug problem is not our problem alone. So the drug problem is a problem for both sides. What we need is a cooperative effort of both nations acting as full partners. Neither the United States nor Mexico can win this battle alone.

The report that the President has now committed to provide to the Congress on September 1 will be an important indicator of whether or not Mexico has taken the decision to approach this terrible problem in a cooperative partnership and in a fully committed way. Unless the report can cite significant and demonstrable progress in cooperation, the answer, very sadly, will be that Mexico has not yet taken such a decision. I hope that is not the case on September 1.

To me, this report is very meaningful. The point I want to make is that I believe the expectation of a majority of this body is that there be tangible and substantial steps taken that are visible, discernible, and real to combat the cartels and to stop the corruption, the bribing, and the sort of total disregard for law which is now characteristic of the situation.

I, for one, will watch the extradition picture especially carefully.

Mr. President, I ask unanimous consent that the May 14 letter from the President be printed in the RECORD, I thank the Presiding Officer for his forbearance, and I yield the floor.

THE WHITE HOUSE,
Washington, DC, May 14, 1997.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR DIANNE: Thank you for your letter regarding counterdrug cooperation between the United States and Mexico. I want to take this opportunity to tell you about my visit to Mexico and the efforts my Administration is making to advance our counternarcotics strategy in a bipartisan spirit.

President Zedillo and I had a full and frank discussion on ways we can achieve greater progress toward attacking the abuse and trafficking of illegal drugs. The Binational Drug Threat Assessment Report that General McCaffrey and Attorney General Madrazo presented to us sets forth in plain terms a common view of all aspects of the drug phenomena striking at our societies. On that basis, President Zedillo and I agreed to form an Alliance Against Drugs, which commits our two governments to prepare a common counterdrug strategy this year to achieve 16 specific objectives.

These objectives, which reflect your own thoughtful contributions, include reducing demand through anti-drug information campaigns directed at our youth, bringing the leaders of criminal organizations to justice through strengthened law enforcement cooperation, attacking corruption, fully implementing laws to combat money laundering and increasing interdiction and eradication. Achieving all these objectives in the short term is unrealistic, but I believe we can make progress and that President Zedillo's effort to restructure Mexico's anti-drug forces is an essential starting point.

I want to keep the Congress informed of the progress we are making toward achieving the objectives set forth in my 1997 National Drug Control Strategy and the U.S.-Mexico Alliance Against Drugs. ONDCP Director McCaffrey will provide further details on these issues to Members of both Houses in the near future. My Administration will also provide the Congress by September 1, 1997, a report covering each of the issues contained in the Senate resolution passed in March as elaborated in your recent letter and discussions with my Administration. In addition, we will provide reports, as you have requested, commenting on prospects for multilateral hemispheric cooperation and on the feasibility of enhancing truck inspections at the border.

I appreciate your continued efforts to work with my Administration to ensure that our children face a future free of drugs and the crime they breed.

Sincerely,

BILL CLINTON.

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

The PRESIDING OFFICER. Does the Senator suggest the absence of a quorum?

Mr. COVERDELL. 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.

The PRESIDING OFFICER (Mr. ROBERTS). Is there objection to the order for the quorum call being rescinded? Without objection, it is so ordered.

APPOINTMENT BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to section 711(b)(2) of Public Law 104–293, appoints the Senator from Pennsylvania [Mr. SPECTER] as a member of the Commission to Assess the Organization of the Federal Government to Combat the Proliferation of Weapons of Mass Destruction.

The Chair, in his capacity as a Senator from the State of Kansas, suggests the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

FAMILY FRIENDLY WORKPLACE ACT

Mr. WELLSTONE. Mr. President, I was working in my office on some other matters, and it came to my attention that several of my colleagues, I think Senator ASHCROFT and perhaps Senator MCCONNELL of Kentucky, came down to speak about the comptime-flextime bill that Senator ASHCROFT introduced, S. 4. I want to respond to some of what they had to say because I think it is important that people in the country understand this debate and how it affects their lives.

Mr. President, one of the arguments that was made was that Democrats—it was a curious argument—by coming out on the floor, and I was one that did so, and Senator KENNEDY was out here and there were others, that by speaking in opposition to S. 4, we did not want to debate. The legislation was stopped. There were not enough votes to proceed. So somehow we did not want to debate the bill.

Mr. President, we should be clear about the difference between trying to get some legislation passed that will lead to an improvement in the quality of lives of people, as opposed to bringing out legislation which you know will never become law.

At the top of the issues I care most about is campaign finance reform. I

keep being told we do not have time to do it on the floor of the Senate. We have core issues to debate. Mr. President, I disagree sharply with my colleagues. I make the point that when you bring a bill to the floor of the Senate which the President has already said he would veto, when you bring a bill to the floor of the Senate, S. 4 in the form it was brought to the floor, knowing full well that you will have a significant number of Senators, certainly well over 40, in opposition, this is hardly the way to pass legislation. You can score political points. You can come to the floor today and try and score political points, but that is not a substitute for a substantive argument and debate.

Now, Mr. President, we should be clear about what we oppose because I do not think it is a question of what I oppose, as the Senator from Minnesota. I think it is a question of how people in the country may view this.

S. 4 is an overreach. It did not go anywhere on the floor of the Senate. It was to be vetoed by the President. It will never become the law of the land because it is an overreach. It takes the Fair Labor Standards Act—we are talking about 50 years of people's history, if you will, with the idea being that when you work overtime you get compensated at time and a half—and it turns it on its head. It goes to an 80-hour work period so that an employee could end up working 60 hours one week, 20 hours the next week with no overtime pay.

Now, if you think in theory all employees will have the power to say to employers, "No, we do not want to work under these conditions," if you are naive enough to believe that, believe it. If you do not know much about the world of the workplace, believe it. But that is why we have some protections for working people. We are not about to stand and watch the 40-hour workweek overturned. We are not about to see fair labor standards that have been so important to working families, so important to their wage levels, so important to people being treated with dignity and respect, overturned.

It is, as they say, a nonstarter. That is why that legislation, when it came to the floor was a nonstarter. We had debate. I heard colleagues say we did not want to debate. We had debate.

The second point, both the 80-hour 2-week framework and flextime at hour for hour, where you get an hour off for an hour of overtime, but no time and a half, these are, essentially, cuts in pay. So, get real.

We should talk about the purported goal of the bill that was introduced and what should be our goal, which is to give employees more flexibility. If, in fact, a woman or a man wants to bank time—now I am talking about comptime—by working overtime 1 week and then saying, "Look, I would like to take that as time off rather than getting paid cash time and a half. Rather than getting an hour and a half in pay for the hour I worked overtime, I would like to have an hour and a half in paid time off. I could do some things with my family that would be important to my family." Great. But make sure that is what the legislation is. That is not the legislation that was on the floor of the Senate. Two out of the three options, the flextime proposal and the 80-hour 2-week proposal, represent cuts in pay for people.

It represented an all-out assault on the Fair Labor Standards Act, an all-out assault on the idea of decent jobs, overtime pay for overtime work. So, now let's talk about where there could be common ground.

Before I do that, Mr. President, let me deal with a couple of other arguments that were made that I think are really quite important. Mr. President, one of the arguments that was made was that people do not have, and I cannot believe my colleagues made this argument, that, right now, because of the Fair Labor Standards Act and the laws we live under, there is no way to have flexibility.

I am the ranking minority member of the subcommittee which has considered this topic, with Senator DEWINE, who has been an excellent chair, by the way. We had people come in and testify about the existing flexibility. There are people in the country who work four 10-hour days and then they do not work on a Friday. There are people who work four 9-hour days and then they work half a day on Friday or Monday. There are people that come in at 7 o'clock and work to until 3 o'clock or come in and 10 o'clock and work until 6 o'clock, whatever the case might be. There are all sorts of ways in which there can be flexibility right now. The sad thing is a lot of companies do not provide that to their employees, but we should not confuse the issue. That has nothing to do with the Fair Labor Standards Act. That cannot be used as a pretext for overturning the Fair Labor Standards Act. We are not going to let that happen. To argue there is no flexibility or no way that current law allows it is just simply not the case.

Now, Mr. President, the Senator from Missouri also claims that his bill simply makes available to private-sector workers the same benefits that Federal employees have. He is wrong. The Federal employee program gives employees the right to choose whether to have flexible schedules. S. 4 does not do that. The Senator also overlooks the many and substantial job protections that Federal employees enjoy that do not apply to the private sector workers.

By the way, when it comes to health care benefits and pension benefits and much larger percentage of Federal employees being unionized and having bargaining powers, I would be pleased to join with my colleagues to achieve parity for people in the private sector. Mr. President, first and foremost, Federal workers are covered by civil service rules requiring good cause for discharge or discipline. That is, Federal employees cannot be suspended, discharged, or disciplined without notice of the charges and an opportunity to respond in a hearing. Private employees, by contrast, are typically "at will" employees. An employer can discharge or discipline those employees for any reason. It is completely different. People in the private sector do not have the protection Federal employees have. Private employees can be fired because the employer does not like the color of their hair. They can be suspended because the employer does not like their political beliefs. These workers have no redress. They cannot complain to anyone. They have no right to a hearing, and they certainly do not have the right to get their jobs back. Only if private employees are covered by a collective bargaining agreement do they have the right to a hearing before they can be fired, and only about 15 percent of the private work force in this country is covered by such a contract.

Mr. President, these are critical differences between public and private employees. They underscore how careful we must be before we blindly apply Federal programs to the private sector. The possibility for exploitation of private-sector employees is far greater than in the public sector.

Let me give an example of something that happened in the Labor Committee. We will see what happens when the bill returns to the floor. I had an amendment that says we should give the employees real flexibility. Now, if Mary Jones has banked 20 hours that she earned by working overtime and she now wants to take that time off and she asks for the hour and a half paid time off for each of those overtime hours worked, if she wants to do it for reasons that are laid out in the Family and Medical Leave Act, because a family member is ill, or a new child has been born, she should be able to do it. She should not have to have that approved. Those are her hours she banked, her earned compensation. Give her the flexibility. Do not just leave it in the hand of the employer to ultimately decide to sign off on everything. That amendment was defeated. Mr. President, if we want to make sure that private employees have flexibility, then we must have such a provision.

Mr. President, there are no sweatshops, my colleague mentioned, in the Federal sector. The Department of Labor found that 50 percent of garment shops failed to comply with minimum wage, overtime, or child labor laws—50 percent. Yet the Republican bill would

give employers in the garment industry one more tool to abuse their employees. I had an amendment that said we should exclude people that work in some of these sectors of the work force that are already exploited because otherwise you are giving employers another way of not paying people overtime. That amendment was defeated. I repeat on the floor of the Senate, that amendment was defeated. Very revealing. We offered an amendment in the Labor Committee to exclude garment workers and other especially vulnerable employees of the bill. It was defeated on a party-line vote.

The Senator from Missouri quoted a song very familiar to me on the floor this week. I said, "I know that song, Florence Reese wrote that." I know that because my wife's family is from Appalachia and this was about the coal mining struggles. Florence Reese was from Harlan County, KY.

Mr. President, I think the vote to deny an exemption to garment workers and other vulnerable employees shows pretty clearly which side the Republicans are on in this debate. I think the vote not to provide an exemption for those employees, who we already know are exploited—the evidence is irrefutable and irreducible—shows clearly which side too many of my Republican colleagues are on. And by the way, not the side that Florence Reese was singing about, which is the side of working people.

Mr. President, another important difference between the public and private sector is that the Federal agencies do not go bankrupt. Contrast this with private businesses. In 1995, 52,000 American businesses filed for bankruptcy. The rate of business failures in the garment industry is twice the national average. In construction, the rate of bankruptcy is much higher than the national average. If an employer goes bankrupt when an employee has comptime banked, the worker loses all his or her time and money. Mr. President, under S. 4 comptime hours do not count as wages in a bankruptcy proceeding, so the worker who accepted comptime instead of paid overtime would be out of luck. We had an amendment ready in the Labor Committee markup to fix this problem but, it is not in the bill.

Mr. President, I see my colleague on the floor and I do not want to take up so much time that he does not have an opportunity to speak but let me make one of many other points I could make by way of correcting the RECORD.

Mr. President, my colleague from Missouri said Democrats have not read the bill. I read the bill. I can say, and I do no damage to the truth, that this bill violates the 40-hour week and sets up an 80-hour 2-week framework, and people can work 50 hours or 60 hours one week and they get no overtime pay if the employer decides the arrangement should be such that the employee can choose to get some time off the next week, but they do not get time and a half compensation as either cash or time. I can safely say that there is no effort here to really providing employees the flexibility to choose when to use comp time.

Mr. President, under the Ashcroft bill, flexible credit hours are defined as hours that the employer and the employee jointly designate for the employee to work so as to "reduce the hours worked" at a later time. This is on page 19, lines 14 through 18 of the bill.

My colleague from Missouri claimed that the opponents of S. 4 would support the legislation, if only we would read the bill. Mr. President, I respectfully suggest that my colleague needs to take another look at this legislation. It doesn't do what the proponents claim. The language shows that.

Federal law defines "credit hours" as hours which the employee elects to work. Let me repeat that. Federal law defines "credit hours" as hours which the employee elects to work so as to vary the length of the workweek or workday. Under the Ashcroft bill, you have to have the employer and the employee together designating this. If the employer doesn't want to go along with this—and the employers quite often have the power—the employee doesn't get to make that decision.

So let's not say that this bill is going to give employees in the private sector what employees in the Federal sector have. It is right there in the bill on page 19, lines 14 to 18.

Mr. President, I think I have made my case. We have had some time to debate this bill. The bill went nowhere because the bill, as opposed to providing employees flexibility, ends up being a way in which too many employers all across the country can basically cut the pay for workers. It amounts to a paycheck cut for workers.

We are not going to let that happen. The President wouldn't let that happen.

So I suggest that my colleagues, next time we have the debate, do not come out on the floor and say that we have not read the bill. We read the bill. That is why I oppose it. Don't come out on the floor and say that we are going to give the private-sector employees the same opportunities as the Federal-sector employees have. That is not the case. Don't come out on the floor and say that this will provide flexibility for employees. It doesn't.

Don't come out on the floor and pretend that you have not done damage to the very cherished idea of a 40-hour workweek, and, that, by golly, people should get the functional equivalent of overtime pay, paid time off at time and a half, because this bill doesn't really provide real guarantees that it will happen.

And don't come out here on the floor of the Senate and say that all these great things are going to happen in the work force when we have clear examples of people who work, such as in the garment industry, who are already being exploited, and you don't want to provide them any kind of exemption or any kind of special protection. The arguments just simply don't carry the day.

Mr. President, I would suggest to my colleagues that I came out on the floor to correct the Record, that there is a good reason why the bill went nowhere, there is a good reason why the President is going to veto it. I hope we will see some serious work that we will do together to make some major corrections and have a really strong piece of legislation that will provide working women and men with the flexibility they need, and which will be family friendly.

And, by the way, I think Senator MURRAY has an excellent idea to expand the Family Medical Leave Act for some additional hours off for a family. There are a lot of things that we can do to really make this a piece of legislation that is family friendly, that is worker friendly. And that is what I think we will do.

Mr. DORGAN. Mr. President, will the Senator from Minnesota yield for a question?

Mr. WELLSTONE. I actually have to leave the floor in a moment. I would be pleased to yield.

Mr. DORGAN. Mr. President, I have listened with interest to the description of the bill by my colleague from Minnesota. I think it is safe to say there is no one in the Chamber who really doesn't subscribe to the notion that there ought to be greater flexibility in the workplace, and that there is merit to giving an employee the opportunity to decide whether they want comptime as opposed to overtime. I don't think there is much disagreement about that issue.

But I ask the Senator from Minnesota, is it the case that, when we talk about overtime pay for American workers, 80 percent of the workers in this country that are getting overtime pay are workers earning less than $28,000 a year? Then therefore, by definition, these are workers somewhere toward the lower end of the economic scale who get less than $28,000 a year, and many of them rely on overtime pay. They need it. It is very important to them.

To the extent that anybody opposes a bill that says let's provide flexibility in the workplace in a manner that might threaten the opportunity for those who want and need the overtime pay, especially those at the bottom of the pay scale, boy, that is not moving in the right direction in terms of providing flexibility.

Is it the case that the preponderance of people getting overtime in the workplace are people below $28,000 a year?

Mr. WELLSTONE. Mr. President, my colleague from North Dakota is absolutely correct. That is why I said earlier that I would want to point to the critical distinction between coming out here on the floor with a piece of legislation that you know threatens the labor standards of working people, that you know doesn't provide the flexibility, that you know is not going to get the votes to pass, that you know the President is going to veto, and doing what should be done, if, in fact, we care about working people and children, which is to come out with a piece of legislation that really does provide the comptime, the flexibility, without threatening people who really rely on that overtime pay.

Mr. DORGAN. Isn't it the case that the bill that was brought to the floor says to you, if you are an employer and you have somebody working for you making $14,000 a year, working hard, working two 40-hour weeks, "By the way, we will give you some flexibility; you can tell that worker next week that they are going to work 60 hours, and that you can let them work fewer hours the week after, so as long as it adds up to 80 hours, whatever the requirement of work for the first time?"

Mr. WELLSTONE. Absolutely. It takes the Fair Labor Standards Act, which, as I said the other day, is based on a lot of sweat and tears of a lot of working families, and turns the whole idea of fairness on its head. That is absolutely right.

That is why that piece of legislation went nowhere on the floor of the Senate, nor should it.

That is absolutely correct.

Mr. DORGAN. One additional question: There is a way to do what people have said needs doing, and what, I think, needs doing; that is, honestly provide greater flexibility. If people want to take comptime instead of overtime, there certainly is a way to do that without potentially hurting people at the lower end of the economic ladder. Isn't that the case?

Mr. WELLSTONE. I would say to my colleague that he is correct. I think the key issues are, when you have proposals in here, first, what you do, if you are serious about passing a piece of legislation that is going to help working families, is you take the extreme and harsh parts out, like overturning the 40-hour week.

Second of all, you make sure you don't have a lot of coercion at the workplace, and that employees really do have a choice, whether it be a woman or a man. And, if so, they get either that at time-and-a-half pay or they get that time-and-a-half off when they want and need to take it.

If you can make sure that happens, if you make sure that you have the important provisions to make sure that happens, and if you make sure there isn't exploitation, then it is absolutely the right direction to go.

That would be, I hope, the common ground.

Mr. President, I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask to be recognized to use the time reserved for the leader.

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

Mr. DORGAN. Mr. President, I came to the floor, and was interested in the comments offered by my colleague from Minnesota. I agree with his comments. That has been the issue on the floor of the Senate for the last couple of weeks. I expect we will have more debate on it. But I came to talk about several other issues, and I would like to take the time to make some points to my colleagues that are important to me, to my home State of North Dakota, and to others.

So let me begin talking about the first of the three issues.

SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT

Mr. DORGAN. Mr. President, first is the disaster appropriations bill.

Last week the Senate passed an appropriations bill to provide supplemental appropriations for the disasters that have occurred in our country, and it is especially important to me and to our region.

This bill would provide substantial amounts of resources and money for people who have been victims of the disaster in North Dakota, South Dakota, and Minnesota.

I am enormously impressed that the House of Representatives last evening passed a disaster bill that contains almost identical amounts of money for the disaster relief that we put in here in the Senate. We added $500 million to the bill—$100 million that the President requested be added, and $400 million above that for what is called community development block grants. That represents the most flexible of Federal spending that goes to State and local governments. It provides great flexibility for them. It is packaged in a way that helps them resolve their problems and help their people who are victims of the disaster.

While I am very pleased of the actions of the House last evening, we now go to conference. I will be a conferee because I am on the Senate Appropriations Committee. But we go to conference with a bill that has awfully good news in it for victims of the disaster in our region of the country. But the bill also contains a very controversial amendment that has nothing to do with this bill. This is an amendment that has to do with ending Government shutdowns at the end of the fiscal year if the appropriations bills are not passed on time. They are called continuing resolutions. CR's, they are called.

This disaster appropriations bill contains an amendment, dealing with the continuing resolution which is very controversial. The President said long ago would this amendment require him to veto the bill, if it is in the bill. And, nonetheless, the Senate has passed the bill and the House has passed a bill that constrains this very controversial amendment.

I hope very much that this weekend, and in the early days of next week, as we work through this conference, that we can convince all of the people who are interested in this bill that the best interest of the people of the region who are victims of the disaster will be served by removing from this bill these amendments that have nothing to do with the disaster appropriations bill.

We should not in any way attempt to delay or derail a disaster bill with extraneous amendments. It just shouldn't be done. I have not done it in the past. I have voted for disaster funds to help people who have been victims of floods, fires, tornadoes, blizzards, earthquakes, and I have been pleased to vote for those because I think it is important for people all over this country to extend a helping hand to those who are victims of a disaster. But I don't think it is appropriate for Members of Congress to decide this is a bill which is critical and important, that provides needed help to victims, and, therefore, because it is a bill that the President somehow must sign, they should put a controversial amendment on it that has nothing to do with the bill. That is exactly what has happened.

I ask, with great respect to all of those involved in that effort to decide to do something different, to withdraw that amendment from this bill. Let's pass this bill out of conference, send it back to the House and to the Senate, and then to the President in a manner so that he can sign it.

Why on Earth would the Congress include something in a bill that they know the President is going to veto, and thereby just create a delay in the aid to victims?

There are thousands of North Dakotans and Minnesotans who woke up this morning not in their own beds and not in their own homes. They are homeless. It has been weeks since this flood of a 500-year level hit the Red River and evacuated 95 percent of the people in the city of 50,000, Grand Forks, ND. On the other side of the river, 100 percent of the city of East Grand Forks, MN, some 9,000 people were evacuated from their homes.

In Grand Forks, ND, alone, somewhere between 600 and 800 homes are destroyed. No one will move back into

those homes. They are destroyed. Another perhaps 1,000 homes are severely damaged. Where are those families today? They are not home today. They are victims living with relatives, some in shelters, many in other towns struggling to try to figure out what they do and how they put together the pieces. Many people live paycheck to paycheck, struggling to try to figure out how they pay the bills.

Many businesses are not open in Grand Forks and East Grand Forks because much of the town is still uninhabited. People do not have jobs. People do not know how they are going to pay their bills. Yes, FEMA is helping. FEMA is writing checks and helping people with their immediate needs. But these are victims of a disaster. They need help, and they don't need people to play a game with a disaster appropriations bill by adding an extraneous amendment that has nothing to do with the bill in a way that will delay and jeopardize the bill.

I ask all of those who are involved in that, don't do that. Bring your proposal up next week or the week after. It doesn't matter to me. Let's debate it. You have every right to bring any idea to the floor of the Senate and have a debate on it. But don't delay or jeopardize the disaster bill. It is fundamentally unfair to people this morning who still woke up without a home and without a job wondering what their future holds and looking to us for some hope.

I have shown the pictures before. But I think it is important to do it again. Let me explain how we got where we are so that you understand the dimensions of it.

We had 3 years' worth of snow in 3 months in my State. This is a snowbank. This happens to be flat ground. There is a farmer in front of a snowbank. It gives you a little idea of how high those snowbanks became in the middle of our blizzards in North Dakota. That is about an 18-foot snowbank.

There were anywhere from six to nine serious blizzards, most of which closed down most of the roads in North Dakota. Some of them closed down every road in North Dakota. We had whiteout conditions. You could not see your hand in front of your face. The last blizzard, incidentally, was anywhere from 18 to 24 inches of snow dumped in about 48 hours on top of the record snowfall we had previously. So we had about 9 to 10 feet of snow in North Dakota during this winter. Then what we had was a rapid spring melt in which all of this snowpack melted down. The Red River on the eastern side of our State is one of the few rivers that runs north. This river ran right into an ice pack up in Canada. We had this massive melt that created not a river but created a lake out of the Red River. And, this lake was 150 miles long by about 20 to 30 miles wide.

The result was that a massive quantity of water became a giant, coursing stream through Wahpeton, Breckenridge, Fargo, Moorhead, Grand Forks, and East Grand Forks. They were fighting floods in 80 locations in our region. The head of the Corps of Engineers said that he has never seen that kind of effort by local people to fight a flood. It was the most extraordinary effort he had ever seen.

Down in Wahpeton and Breckenridge, they won some and lost some battles. Up in Fargo, they largely won the battle after very tense nights and days. In Grand Forks, the flood prediction was set at 49 feet, the highest flood in the history of the Red River in Grand Forks. But the flood that came was 54 feet. It broke the dike and inundated the town.

I traveled throughout Grand Forks. I viewed Main Street, downtown Grand Forks, and all of the neighborhoods in a Coast Guard boat.

Take a look at the farms in the Red River Valley. This is a picture of a farm. It does not look like it. It looks like a building surrounded by a lake but it is farmland. We had 1.7 million acres under water.

Then there were dead cattle. We lost somewhere around 150,000 head of cattle. A fellow who had just come from North Dakota told me yesterday. He was in town the day before and visiting with a fellow rancher, and the rancher said he had to go home and shoot some more calves. These young calves were born during calving season. Now their hooves were falling off. Their feet were falling off because they had been frozen. Farmers and ranchers lost some 150,000 head of cattle that were killed as a result of these storms.

We had farmers calling radio stations saying they had lost their entire herd of cattle. They asked if anybody had seen their herd of cattle. There were dairy cows with udders frozen. In the last storm, which was the worst storm in 50 years, came in the middle of calving season. The Senator from Kansas knows very well about weather problems during calving season.

So that is what people were confronted with. When the flood came, it inundated Grand Forks and East Grand Forks, and the towns were evacuated. In the midst of the flood, the downtown section of Grand Forks caught on fire. We had fire fighters in Grand Forks, as you can see from this picture, waist deep in ice cold water, some suffering hypothermia, fighting a fire. In the early stages they were fighting with fire extinguishers because they could not get pumper trucks in because of the flood. These are heroes. These folks who fought that fire are true heroes. We lost parts of three blocks of downtown Grand Forks, including 11 of the wonderful old historic buildings. That part of the historic city of Grand Forks burned to the ground.

That is what was faced in this set of disasters. These are the victims up and down the Red River Valley who today wait for a message of hope from the Congress. They wait for the disaster bill that both the House and the Senate have now enacted that will go to conference. They wait for the President's signature on a bill that provides much-needed help to these victims.

It is critically important that those who have now added an amendment, which has nothing to do with this bill and that is very controversial, decide to withdraw it.

Mr. President, all of us are proud of our States, all of us are proud of where we come from. I am enormously proud to be a North Dakotan, and I feel privileged every day I get up and come to work to represent North Dakota in the Senate. The most important thing I have done in my life, I guess, is representing North Dakotans in the Senate. It will undoubtedly be one of the most wonderful privileges I will have had in my lifetime when my service here is through.

I do not, and have not in my years in both the House and Senate come to the Chambers of Congress asking for special help for our region. But, if ever a region needed help, our region does now. It is almost unprecedented that major communities in our country had to be evacuated. Now weeks after the evacuation, the communities are still not very functional. People are still homeless. People are still jobless.

None of us quite knows the menu of exactly how you put all this back together. How do you restart an economy that was stopped dead still? How do you give hope to men and women who had a small business somewhere and have now lost all their inventory, and lost their building? Their business is gone and they have no money. How do you restore their hopes and dreams?

How about a rancher or a farmer whose land is totally under water and who lost their entire herd of cows and calves? They wonder what will they do next? This is a case where our region needs help.

We are a generous people in North Dakota, and we have always been the first to help. Just as America is a generous nation, and been the first almost anywhere in the world to offer help to people who need help. We have done the same in North Dakota to offer help to victims of hurricanes and earthquakes and floods elsewhere.

This is a time that I am proud of Members of Congress for standing up in the Senate and in the House saying that we want to offer a package of help that in the bill passed by the Senate totaled somewhere close to $1.2–$1.3 billion of help for that region. It included $500 million of community development block grants which are the most flexible kind of resources available. I am enormously proud that Members of

the House and Senate have done that. Now if we can do one more thing that will make me proud, it will be for those who have offered the controversial amendment that will attract a veto to this bill to decide it is not the right thing to do. This is not the right bill to do it on. It is not fair for the people of this region to do it now. It is time for them to decide to withdraw this amendment. Then we can have the conference, and get a bill we can send to the President and have the President sign it. Then this critically needed assistance can flow to people of our region. It will be, I think, a very proud moment for all of Congress. I hope that will be the case in the coming days.

FAST-TRACK TRADE AUTHORITY

Mr. DORGAN. Mr. President, I want to mention quickly two other subjects. The first is a letter that I have sent to the President with my colleague from Maine, Senator OLYMPIA SNOWE, about the issue of fast-track trade authority, and then, second, I would like to offer a comment about the budget agreement.

First, on the issue of fast-track trade authority, Mr. President, Senator OLYMPIA SNOWE and I have sent a letter to President Clinton indicating to him that we do not believe it is appropriate to extend fast-track trade authority and that we would oppose the extension of fast-track trade authority.

This may not mean much to a lot of folks. Fast-track trade authority is a kind of inside baseball term, I suppose, for Members of Congress. What is fast-track authority? Fast track is a trade procedure by which the Congress says to an administration, any administration, you go out and negotiate a trade agreement with some other country or group of countries, and then the trade agreement is brought back to the Senate or the House and must be considered on something called fast track. This means the Senate and House must vote on it up or down with no opportunity to amend it. Fast track means no opportunity to amend it. You bring it to the Senate. The Senate votes yes or no, and that is the end of it.

We do not use fast-track authority on the arms control agreements. We did not have fast-track authority on the chemical weapons treaty that this Senate passed a couple of weeks ago. Only on trade agreements do we have what is called fast track. It is fundamentally undemocratic, in my judgment.

The reason I do not support fast track and the extension of fast-track authority is fast track has been the wrong track for this country. I urge my colleagues to take a look at our trade deficit. We talk about eliminating the budget deficit, and there is great merit in that, and I am going to be supportive of that.

What about the other deficit? What about the trade deficit, which is the largest merchandise trade deficit in the history of this country right now? This is the largest merchandise trade deficit in the history of this country, and you do not hear a word about it, not a word. We have had trade agreement after trade agreement, and guess what. After every trade agreement, we have greater hemorrhaging of red ink and greater trade deficits.

This is a chart that shows those trade deficits. We had the Tokyo round in 1981. That year we had a $28 billion merchandise trade deficit. Then we went out and we added the United States-Canada Free-Trade Agreement, and that year we had a $115 billion trade deficit. Then there was NAFTA. Then it was the Uruguay round. Every time we have a new trade agreement, our trade deficit increases.

I would like to get the names and pictures of those folks who are negotiating these things and ask them, by what standard do you view success? Is it successful to have successive trade agreements that mean this country goes deeper into merchandise trade debt? I do not think so. That is not how I would define success.

This is a chart which shows what has happened with our two neighbors. First we had the United States-Canada Free-Trade Agreement. Then we had the North American Free-Trade Agreement, called NAFTA, with Canada and Mexico, and the Mexico Free-Trade Agreement.

Guess what has happened. Before we had the trade agreement with our neighbors, we had a trade surplus with Mexico. Then we go off and negotiate a trade agreement with the Mexicans and the Canadians. Now we have a combined deficit that totals nearly $40 billion.

Look what has happened to the trade deficit with Mexico and Canada. We had a $2 billion surplus with Mexico in 1993. Now we have a $16 billion deficit. We had all these economists who said, if we would just do this, we would get 250,000 new jobs. Well, guess what. In fact, the major economist who pledged the 250,000 new jobs said, "Whoops, I was wrong. I guess there are no 250,000 new jobs; there is more trade debt."

Harry Truman once said: I want to get a one-armed economist. I am getting tired of economists saying "on this hand" and "on the other hand." We do not need economists who give us this kind of advice.

What about the trade deficit? Where is this trade deficit? Well, 92 percent of the trade deficit is with six countries. First there is Japan. Then there is China, and this one is growing to beat the band, by the way. Then we have Canada and Mexico where the deficits have been growing substantially. Finally, there are Germany and Taiwan.

I want to remind those who want to extend fast track about the Constitution. The Constitution of the United States, article I, section 8, says "The Congress shall have the power to regulate commerce with foreign nations." It does not say anything about fast track. It does not say anything about handcuffs or straitjackets. It does not say anything about having some nameless negotiator run off to foreign shores someplace and negotiate a bad agreement and then come back to the Congress and say, by the way, vote on this, and you have no opportunity to amend it.

I wonder how many in this Chamber know what kind of tariff exists on a T-bone steak you send to Tokyo. I bet not many. Not too many years ago we negotiated with Japan, with whom we have a very large, abiding continual trade deficit. We negotiated a beef agreement. We wanted to get more United States beef into Japan. So our negotiators went out on behalf of our beef producers and others and negotiated with Japan.

All of a sudden one day in the newspapers we see in a big headline that we have reached agreement with Japan on a beef agreement. They were having a day of feasting and rejoicing. You would have thought all these negotiators just won the gold medal in the Olympics. Then we find out that, yes, we have a new agreement with Japan and, yes, we are getting more American beef into Japan. But, guess what? Try sending a T-bone steak to Tokyo. What is the tariff to get T-bone into Tokyo? It's up to a 50-percent tariff on beef to Japan.

Would that be considered successful in any area of the world in international trade? No. That would be defined as a colossal failure in every set of circumstances except when our negotiators are negotiating an agreement with Japan. They define that as success. They line up to get their blue ribbons.

It's like they had a steer at the county fair and had just won blue ribbons and want to get congratulated for it. Yes, we got more beef in Japan. Just think what we take into our marketplace from Japan in exchange for that. And we hit a 50-percent tariff.

I could talk about potatoes from Mexico, I could talk about Durum wheat flooding our markets from Canada. I could talk forever about these trade problems. I don't want to do that today. I only want to say this to the President, to the administration, and to the Members of Congress: Don't talk about fast track until we have straightened out the trade agreements that we have had in recent years that have put our producers and our workers at a disadvantage. Don't talk about fast track until you have negotiated the problems dealing with Canada and grain.

I was in a little orange truck going up to the Canadian border one day with

200 bushels of Durum wheat. That little orange truck couldn't get over the border into Canada. Do you know why? They stopped us at the border and said you couldn't take Durum wheat into Canada. All the way up to the border we found truck after truck, semi-loads, dozens of them, hauling Canadian grain south, but we couldn't get a harmless little orange truck north.

In fact, one North Dakotan couldn't get a grocery sack of wheat into Canada. She married a Canadian and was back home visiting, and wanted to take a grocery sack of wheat into Canada to grind it and make whole wheat bread, and guess what, they wouldn't let her take a grocery sack of wheat north. All the while, hundreds of semi-trucks full of Canadian wheat come south.

That is just one example. I say, Mr. President, and others, if you want fast-track authority? Then straighten out the trade problems that now exist. Yes, straighten out the problems with Canada and Mexico and Japan and others and I will be the first to line up and say let's talk about new trade authority. But until we solve the vexing and difficult problems of trade agreements that have now resulted in the largest trade deficit in the history of this country, we ought not be moving towards fast-track trade authority.

Before I finish that subject, let me put in a word about Charlene Barshefsky, our new Trade Ambassador. I like Charlene Barshefsky. She has some spunk and she has some life. She is out there, trying to say to our trading partners that we expect reciprocal trading policies. If we open our market to your goods you have a responsibility to open your market to ours. She has been in Canada, telling the Canadians what you are doing with Canadian grain is wrong and it abrogates the treaty.

In fact—just one more point about the Canadian grain—when the United States-Canada Free-Trade Agreement passed the House Ways and Means Committee, and I was on the committee, the vote was 34 to 1. That "1" was me. I said at the time I felt that treaty was going to result in a serious problem for us. And it has.

Clayton Yeutter, the Trade Ambassador at that point, said, "No, no, no. Your concerns about an avalanche of Canadian grain flooding the United States market and undercutting American farmers, that is nonsense. That will not happen."

I'll tell you what he said. Mr. Yeutter said, "I'll tell you what, I will give it to you in writing. I will make the promise in writing." And he wrote it down. He said that his agreement with the Canadians was with the understanding that good faith would be subscribed to by both sides by not dramatically changing the quantity of grain coming across the border. That was his agreement. So he wrote it down. That was good faith. That was his understanding. That is what he negotiated. However, it was not worth the paper it was written on.

The second the ink was dry and the minute the treaty was done, what we saw was an avalanche of grain come south. At the same time you couldn't take a grocery sack full north. It undercut our markets in Durum wheat especially, and cost our farmers massive amounts of lost income.

So, why am I a little sore about some of those things? I am angry because we have negotiated trade agreements that have undercut our producers and we ought not do that. I am for free trade. I am for expanded trade. But I am for fair trade. If it is not fair, than the agreement is not right.

Charlene Barshefsky is a breath of fresh air and she is trying. She can only do what any administration allows her to do. I urge the President and others to understand that in order to have trade negotiating authority of anything resembling fast track, they first must address the serious problems in the previous agreements that have been negotiated. Until that happens, at least a number of us, including Senator SNOWE and I, based on the letter we have sent to the President, do not support the extension of fast track for all the reasons I have mentioned previously.

THE BALANCED BUDGET AGREEMENT

Mr. DORGAN. Mr. President, I would like to talk about one other topic today. It is a subject that is in the paper this morning—the balanced budget agreement.

Mr. President, I do not know all of the details of the agreement. I know the outline and the skeleton of the balanced budget agreement that has been reached through a substantial amount of negotiation. I expect, were I to negotiate a balanced budget agreement, it might be different than that which was negotiated and that which I read about this morning. I have been party to many briefings, including the most substantial briefing yet on what has been negotiated, but I confess, like most Members of the Senate who have not been in the room during all the negotiations, I may not know all the provisions of this agreement.

However, I have said repeatedly during the debates that we have had on a constitutional amendment to balance the budget, and in many other circumstances, that I support balancing the budget. I think there is merit in fiscal discipline. I think we should balance the budget. And I think we should work together to do that.

In 1993 I voted for a deficit reduction act that was a very controversial piece of legislation. And we passed that by one vote. It happened to be the Vice President's vote. My party voted for it, the other party didn't. I am not going to make judgments about that today. I suppose that's the time for a political discussion.

We paid, in my party, a significant price for that vote in 1993, because it was not popular. I said at the time, and I have said repeatedly since, I am glad I voted the way I did. It wasn't easy. It cut some spending. It raised some taxes. It wasn't a very easy vote, but I am glad I voted the way I did because I believe that it was the first significant step in deciding we are going to do the tough thing to reduce the budget deficit.

What happened since that time? We have had year after year of declining budget deficits. The unified deficit has come down, way down—not just down a bit, but way down, by 75 percent. But the job is not yet done. And that is why there have been negotiations between the President and Members of Congress about how to finish the job.

I think we will find that the agreement that has been negotiated will receive fairly substantial support in the Senate and the House. I want to vote to finish the job. I voted to start the job and I want to vote to finish it. I think we ought to tell the American people there is fiscal discipline in this place. There is merit in a balanced budget. And there is no difference in desire on either side of the aisle about wanting to live within our means. That is not a political question between the two parties. I think that is demonstrated by what we did in 1993. I hope it will be demonstrated by what we all do this year.

Now, is part of this agreement smoke? I think so. I mean, I can describe certain areas of it where I think it is a fair amount of smoke, or fog.

But is some of it real? Is it moving us in a bipartisan way in the right direction? I think so. Importantly, it does it the right way. What we have said for a long time is there is a right way to do things and a wrong way to do things. I have said on the floor there is a big difference between deciding to invest in star wars or star schools. I am not saying one is all right and one is all wrong, but I am saying they are very different. Because it suggests one believes education is critically important and the other says no, the priority is over here in defense.

My point is what we have done, I think, in these negotiations is to decide, yes, let us balance the budget, but let us preserve the priorities that are important. Let us as a nation decide that education is still at top of the national agenda and there is not anything much more important in our country than making sure all our kids in this country, every young boy, every young girl, have the opportunity to be everything they can be. And that we will invest in their lives, starting, yes,

at Head Start, and going all the way through college. We will invest in their lives, to decide that all of our children should become whatever their talents will allow them to become; whatever hard work and opportunity will allow them to be, as Americans. A major part of that is our decision to make a significant investment and attachment to education as a priority. And this budget agreement does that.

This President said I will not be a part of the budget agreement and I won't sign a budget bill unless it retains the priority of education. And this budget agreement contains room for new investments in education, which is critically important.

The agreement also has room for new investments in health care. It says that 5 million kids, about half of the population of kids without health care, 5 million can be insured. There is room here so we can insure you, provide insurance for health care for 5 million kids.

There is room here to continue to make progress on issues in the environment. The President said, "I won't sign a bill unless it meets these priorities." And he negotiated and negotiated, and we negotiated, and we have a piece of legislation that is going to balance the budget but does preserve those priorities.

On the environment, just as an aside, I'll bet there is not a person serving in the Congress today who, 20 years ago, would have said this: We can double the use of energy in America in the next 20 years and we will end up with cleaner air and cleaner water. I'll bet there is not one person who would have predicted that, because all the experts predicted we would increase dramatically our use of energy and have dirtier air and dirtier water as a result.

But it did not happen. We doubled our use of energy as a nation, and our air is cleaner and our water is cleaner. Why? Because the Government said those who continue to pollute our air and water are going to be penalized. Congress said it will no longer be business as usual. The environment is important. We are going to insist that those who are polluters in our country are going to stop polluting.

We don't have a perfect situation, but I am saying we are moving in the right direction, we have cleaner air and cleaner water, even as we have doubled the use of energy.

So, what the President was saying is, on education, on health care, on the environment, there are certain things that must be in this legislation. Even as we balance the budget we must make room to invest and continue to make progress in those areas. This piece of legislation does that.

I know there are some who have heartburn because it does it. But I think it is the right impulse, for us to decide what is important for all of us, Republicans and Democrats, to do in this country to advance the interests of America.

One of them is to help to invest in our future by investing in our kids' education.

One of those is to say to those in this country who do not have the opportunity and do not have the resources to have health care coverage, especially for kids, that we want to help get health care coverage. This agreement will provide it for 5 million kids.

And one of those is to say the environment is important. We should not back up or retreat on the environment. What we should do is continue to move forward and make progress to clean up our Earth and clean our water and say to polluters it is not appropriate to pollute this country. Part of the cost of production is to clean up as you produce. Fortunately, that is not so controversial anymore, because we have made so much progress and the American people so value living in a clean environment that now, most all politicians, I think, understand the value of that.

But I wanted to simply come today to say that we have made a lot of progress. In 1993 we took the first flight of stairs, and I am pleased I made that vote. It was a long flight of stairs. It was a tough vote to make. Now we are climbing the second flight of stairs. I think this is going to be a bipartisan effort and I am pleased that is the case.

No, this bill is probably not perfect. But I would say this. We are moving in the right direction in this country. The fact is, our economy is better than it was. Unemployment is down. Inflation is down. More people are working. We are moving in the right direction, largely because, I think, going from a period when we had Federal deficits of $300 billion a year, everyone in this country now sees that the President is serious and the Congress is serious about getting our fiscal house in order. That gives people more confidence about the future.

If people, yes, even the market—especially the market, I suppose—if they have confidence about the future and about the fiscal discipline that can come from a President and a Congress working together, we will see them making the investments in the future because they have more confidence in the future. That is what this is all about.

So, I wanted to say, when I got up this morning and read the newspaper, I was pleased to see that we are taking another step toward agreement.

I don't happen to view bipartisanship as something that is bad for this country. I think it is something that is good for this country. There are some, incidentally, who think being bipartisan is inherently bad, because both sides ought to fight like the devil for whatever it is they believe and whatever is the outcome is the outcome.

I do not believe that. That is not the way we did most things in this country. We have an interstate highway that goes from Fargo, ND, to Beach, ND. It was not one group of people out there who said, "Let's have a big fight about an interstate highway." It was a bipartisan approach in the 1950's, to say, "Let's create an interstate highway in this country."

The interesting part about it is I don't suppose, when Dwight Eisenhower, then President, and Sam Rayburn, Speaker of the House, sat down at the White House and reminisced about what they were going to do here, I don't suppose they actually stopped to think how do we justify to the American people the cost of building a 4-lane interstate highway from Beach, ND, to Fargo, ND, where 600,000 people live?

I suppose Citizens Against Government Waste and the National Taxpayers Union, or some other group these days—if someone were to try to do that—would say, "What on Earth are you doing?" How on Earth can you justify that expenditure, going across sparsely populated states?

Of course we now know it was one of the great achievements in the middle of this century, building an interstate highway system that opened up vistas of commerce and opportunity.

My point is, I think bipartisanship is a wonderful thing. I think there ought to be more opportunities for us to work together. And I hope, if this budget agreement is as we are to understand it to be and is a bipartisan effort, that in the coming weeks, we can demonstrate to the American people we do care about fiscal responsibility, we do want to abolish the Federal budget deficit, and we do want to provide greater hope and opportunity to the American people by doing so.

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

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

FAMILY FRIENDLY WORKPLACE ACT

Mr. KENNEDY. Mr. President, I would like to respond to a few points made on the floor this morning concerning the so-called Family Friendly Workplace Act. My colleagues from Georgia and Missouri said this morning that Democrats were filibustering this bill. They complained that working

Americans are crying out for flexibility, and that Democrats are arbitrarily standing in the way of progress.

I would like to set the record straight. We began debate on this bill Tuesday morning, May 13, and spent just over 2 hours discussing the legislation. Then the Republican leadership filed a petition to cut off debate. There was no filibuster. There were no Senators on the floor reading from irrelevant materials in an effort to thwart the will of the majority.

We had no more discussion on the bill on Tuesday afternoon, or on Wednesday the 14th. Yesterday morning, May 15, we had 45 minutes of debate, followed immediately by a vote on the cloture petition. By a vote of 53 to 47, the Senate refused to cut off debate on the bill.

I do not think that 3 hours of debate is enough. This bill would fundamentally alter the Fair Labor Standards Act, a law that has been on the books for almost 60 years. Three hours of debate simply is not enough time for adequate discussion on changes in so basic a protection for the Nation's workers. This is not a filibuster, Mr. President. We simply want full and fair consideration of this fundamental change in labor standards.

My colleagues from Missouri and Kentucky also said this morning that the Fair Labor Standards Act forbids flexible work schedules for hourly employees. This, too, is false. If employers genuinely want to provide family-friendly arrangements, they are free to do so under current law. The key is the 40-hour week. Employers can schedule workers for four 10-hour days a week with the fifth day off, and pay them the regular hourly rate for each hour. No overtime pay is required.

Employers can also arrange a work schedule of four 9-hour days plus a 4-hour day on the fifth day—again, without paying a dime of overtime. Under current law, some employees can even vary their hours enough to have a 3-day weekend every other week.

Employers also can offer genuine flex time. This allows employers to schedule an 8-hour day around core hours of 10 a.m. to 3 p.m., and let employees decide whether they want to work 7 a.m. to 3 p.m. or 10 a.m. to 6 p.m. This, too, costs employers not a penny more.

But only a tiny fraction of employers use these or the many other flexible arrangements available under current law. The Bureau of Labor Statistics found in 1991 that only 10 percent of hourly employees are offered flexible schedules.

Current law permits a host of family friendly, flexible schedules, but virtually no employers provide them. S. 4 has a different purpose. It would cut workers' wages. That is why employer groups support it unanimously. Obviously it is not just small businesses that wish to cut pay and substitute some less expensive benefit instead.

My colleagues made another point that cries out for response. They contend that S. 4 gives employees the choice when to use accumulated compensatory hours. Once again, this is incorrect. Under S. 4, the employer could deny a worker's request to take comptime and the employee would have no redress. Even if the employer failed to comply with the bill's stated standards governing the use of compensatory time, the employee would have no right to protest, and no remedy for any protest that was lodged nonetheless.

Contrary to my colleagues' contentions, the Democratic alternative that was offered on May 14 by Senators BAUCUS, KERREY, and LANDRIEU actually gives the employee the choice of when to use accrued compensatory time. My colleagues' statements to the contrary notwithstanding, it is not the Government that would make that decision under our alternative, nor is it the Secretary of Labor.

Instead, the Baucus-Kerrey-Landrieu amendment gives the worker the choice. If an employee wants to use compensatory time for any reason that would qualify for leave under the Family and Medical Leave Act, the employee has an absolute right to do so. This simply gives employees the ability to be paid for leave that they already have a right to take on an unpaid basis. Thus, an employee could in fact use comptime to care for a seriously ill child, or deal with a newborn or newly adopted child. Supporters of S. 4 claim this is what they want their bill to accomplish. The Democratic alternative actually achieves that goal.

Under the Baucus-Kerrey-Landrieu amendment, if an employee gives more than 2 weeks' notice, the employee can use comptime for any reason as long as it does not cause substantial and grievous injury to the employer's operations. Thus, if a worker wants to use comptime 3 weeks from today to attend the school play, he or she can do so unless the business would suffer this acute level of disruption. Again, the proponents of S.4 allege that they want to give employees the ability to do this. But only the Democratic alternative actually gives employees the choice.

If an employee gives less than 2 weeks notice of a request to use comptime, under the Democratic alternative the employer must grant the request unless it would substantially disrupt the business. Once again, this supplies real choice to employees while protecting employers' ability to run their businesses. Flexibility in the workplace must run in both directions. The Republican bill gives all the flexibility to the employer, and gives the employee nothing but a pay cut.

One final point requires a response. My colleague from Missouri contends that S. 4 simply gives hourly employees the same benefits that State and local government workers have enjoyed since 1985. He argues that Democratic support for that earlier legislation is inconsistent with our opposition to S. 4.

But the facts belie this contention. As the Senator from Missouri well knows, the Fair Labor Standards Act was amended in 1985 to allow public sector comptime principally to allow State and local governments to avoid the costs of overtime pay. The Senator from Missouri was Governor of that State in 1985, and he testified in support of the changes before the Senate Labor Subcommittee.

Historically, State and local governments had not been subject to the overtime provisions of the Fair Labor Standards Act. When that was reversed by a Supreme Court decision, those governments were faced with substantial new costs. They immediately sought relief from Congress so that they could avoid the costs of overtime pay.

For example, the National League of Cities claimed that, without relief, "the cost of complying with the overtime provisions of the FLSA * * * will be in excess of $1 billion for local governments." The National Association of Counties reported that "It will cost States and localities in the billions of dollars to maintain current service levels under this ruling. * * * We need flexibility to use compensatory time and volunteers as alternatives to meeting the public's demand for increased services when we are faced with budget shortfalls."

Such estimates, along with similar dire warnings from other States, led to the enactment of comptime legislation for State and local government employees in 1985. As Senator HATCH put it, that legislation was meant "to prevent the taxpayers in every single city in America from suffering reduced services and higher taxes."

Deny it as they will, supporters of S. 4 have precisely the same motive. Saving money is precisely what the supporters of S. 4 want to accomplish. A representative of the National Federation of Independent Businesses testified before the Labor Committee in February that small businesses support S. 4 because they "cannot afford to pay their employees overtime." Cutting workers' wages is unacceptable to those on this side of the aisle. That is why we oppose S. 4.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, May 15, 1997, the Federal debt stood at $5,344,063,176,240.27. (Five trillion, three hundred forty-four billion, sixty-three million, one hundred seventy-six thousand, two hundred forty dollars and twenty-seven cents)

One year ago, May 15, 1996, the Federal debt stood at $5,115,694,000,000. (Five trillion, one hundred fifteen billion, six hundred ninety-four million)

Five years ago, May 15, 1992, the Federal debt stood at $3,918,654,000,000. (Three trillion, nine hundred eighteen billion, six hundred fifty-four million)

Ten years ago, May 15, 1987, the Federal debt stood at $2,290,946,000,000. (Two trillion, two hundred ninety billion, nine hundred forty-six million)

Twenty-five years ago, May 15, 1972, the Federal debt stood at $427,283,000,000 (Four hundred twenty-seven billion, two hundred eighty-three million) which reflects a debt increase of nearly $5 trillion—$4,916,780,176,240.27 (Four trillion, nine hundred sixteen billion, seven hundred eighty million, one hundred seventy-six thousand, two hundred forty dollars and twenty-seven cents) during the past 25 years.

MESSAGES FROM THE HOUSE

At 10:02 a.m., a message from the House of Representatives, delivered by Mr.. Hays, one of its reading clerks, announced that the House has passed the following bill, in which requests the concurrence of the Senate:

H.R. 1469. An act making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes.

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on May 16, 1997, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House disagrees to the amendment of the Senate to the bill (H.R. 1469) making emergency supplemental appropriations for recovery from natural disasters; and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. LIVINGSTON, Mr. MCDADE, Mr. YOUNG of Florida, Mr. REGULA, Mr. LEWIS of California, Mr. PORTER, Mr. ROGERS, Mr. SKEEN, Mr. WOLF, Mr. KOLBE, Mr. PACKARD, Mr. CALLAHAN, Mr. WALSH, Mr. TAYLOR of North Carolina, Mr. OBEY, Mr. YATES, Mr. STOKES, Mr. MURTHA, Mr. SABO, Mr. FAZIO, Mr. HOYER, Mr. MOLLOHAN, Ms. KAPTUR, and Ms. PELOSI, as the managers of the conference on the part of the House.

The message also announced that pursuant to the provisions of 22 U.S.C. 276h, the Speaker appoints the following Members of the House to the Mexico-United States Interparliamentary Group: Mr. GILMAN, Vice Chairman, Mr. DREIER, Mr. BARTON of Texas, Mr. CAMPBELL, Mr. MANZULLO, Mr. GEJDENSON, Mr. LANTOS, Mr. FILNER, Mr. UNDERWOOD, and Mr. REYES.

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. GRASSLEY (for himself and Mr. BREAUX):

S. 757. A bill to amend the Employee Retirement Savings Act of 1974 to promote retirement income savings through the establishment of an outreach program in the Department of Labor and periodic National Summits on Retirement Savings; to the Committee on Labor and Human Resources.

By Mr. LEVIN:

S. 758. A bill to make certain technical corrections to the Lobbying Disclosure Act of 1995; to the Committee on Governmental Affairs.

By Mr. COVERDELL:

S. 759. A bill to provide for an annual report to Congress concerning diplomatic immunity; to the Committee on Foreign Relations.

By Ms. SNOWE:

S. 760. A bill to ensure the continuation of gender-integrated training in the Armed Forces; to the Committee on Armed Services.

By Mr. DODD (for himself and Mr. HARKIN):

S. 761. A bill to amend the Rehabilitation Act of 1973 to establish certain additional requirements relating to electronic and information technology accessibility guidelines for individuals with disabilities, and for other purposes; to the Committee on Labor and Human Resources.

By Ms. SNOWE:

S. 762. A bill to amend title 10, United States Code, to provide for the investigation of complaints of sexual harassment and other sexual offenses in the Armed Forces; to the Committee on Armed Services.

STATEMENTS OF INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY (for himself and Mr. BREAUX):

S. 757. A bill to amend the Employee Retirement Savings Act of 1974 to promote retirement income savings through the establishment of an outreach program in the Department of Labor and periodic national summits on retirement savings; to the Committee on Labor and Human Resources.

THE SAVINGS ARE VITAL TO EVERYONE'S RETIREMENT ACT OF 1997

Mr. GRASSLEY. Mr. President, today I am pleased to introduce legislation to address a problem of critical importance to this country: The dismal level of individual retirement savings. This measure would encourage retirement savings by initiating an education project and creating a national summit on retirement savings.

Before I go any further let me read you some statistics:

Our national net savings fell from 7.1 to 1.8 percent from the 1970's to the 1990's. On an individual level, this means that individuals may not be able to retire when they desire with the lifestyle that they desire.

In a 1994 survey by the Employee Benefits Research Institute [EBRI]: 14 percent of workers who were saving for their retirement did not know much they had saved, and 13 percent saved less than $1,000.

In another survey by Merrill Lynch of workers in their forties and early fifties, savings levels had dropped by 6 percent from 1988 to 1994.

According to the 1996 Retirement Confidence Survey released earlier this year by the EBRI: Only one-third of American workers have calculated how much money they will need to have saved by retirement in order to live comfortably; of the workers that have tried to determine how much money they should be saving, only one-third felt very confident that they had determined an accurate figure; when asked how much they calculated that they would need to save, 42 percent could not give an amount; and less than 20 percent had a specific number with which to work.

So, the problem is twofold: There is a lack of adequate retirement savings, and Americans workers do not understand the importance of determining how much money they should be saving in order to retire comfortably. The Special Committee on Aging, which I chair, held its first hearing on meeting the challenges of the retiring baby boom generation. At that hearing, witness after witness stressed the need to start a national public education campaign. This downward trend in savings couldn't be happending at a worse time, given the retirement of the first wave of baby boomers is in just over 10 years. When baby boomers retire we will be unable to sustain, as presently structured, the programs on which the elderly rely for their health and income security. Educating the public about the necessity to save for their retirement is vital. That is why I am introducing the Savings Are Vital to Everyone's Retirement, or SAVER, Act of 1997.

The SAVER Act would direct the Department of Labor to maintain an ongoing retirement savings education program. This program would include public service announcements, public meetings, the creation and dissemination of educational materials, and establish a site on the Internet. This project will give the American people the information they need, in terms they can understand, to develop retirement savings goals and a plan to achieve those goals. The information will include the tools necessary for individuals to cacluate how much an individual will need to save. Just a important, this educational effort will

also focus on how employers can establish different retirement savings arrangements for their employees.

My legislation will also convene a national summit on retirement savings. The summit will bring together in one forum experts in the field of employee benefits and retirement savings, leaders of Government, and interested parties from the private sector and the general public. By bringing these delegates together we hope to advance the public's knowledge and understanding of the need to put money away for retirement, urge American workers to set aside adequate funds, and identify the impediments for small employers in setting up retirement savings arrangements for their employees.

I want to commend Congressmen HARRIS FAWELL and DONALD PAYNE, chairman and ranking member of the Subcommittee on Employee-Employer Relations of the Education and Workforce Committee, for their leadership. The House legislation, H.R. 1377, has bipartisan support with over 30 cosponsors across the political spectrum. In addition the bill is endorsed by the several organizations including the U.S. Chamber of Commerce, and the American Association of Retired Persons.

Today's workers need to have confidence and feel good about their retirement and quality of life. One of the most important things Government can do is encourage individuals to acquire the knowledge that will help them achieve a secure retirement. The SAVER Act is by no means a solution to the problem of inadequate retirement savings, but it is a critical first step to facing the future demographic tidalwave.

By Mr. LEVIN:

S. 758. A bill to make certain technical corrections to the Lobbying Disclosure Act of 1995; to the Committee on Governmental Affairs.

THE LOBBYING DISCLOSURE TECHNICAL AMENDMENTS ACT OF 1997

Mr. LEVIN. Mr. President, I introduce the Lobbying Disclosure Technical Amendments Act of 1997. Last year, Congressmen CHARLES CANADY and BARNEY FRANK sponsored a similar piece of legislation and moved it through the House of Representatives. Unfortunately, a last minute dispute over one of the provisions precluded the Senate from passing the bill and sending it to the President for signature. The bill I am introducing today contains all but one of the key elements of the bill passed by the House last year; the provision that was problematic to some Members of the Senate has been omitted. I hope that the Senate will act expeditiously to pass this revised bill, so that we can clear up the technical issues identified by our colleagues on the House side in the last Congress.

Mr. President, just 2 years ago, Congress enacted the Lobbying Disclosure Act [LDA], the first substantive reform in the laws governing lobbying disclosure in 50 years. The LDA was designed to overhaul our lobbying disclosure statutes and plug the glaring loopholes in those laws. Lobbying of congressional staff is no longer exempt; lobbying of executive branch officials is no longer exempt; lobbying on nonlegislative issues is no longer exempt; and the much-abused primary purpose test has been eliminated. For the first time ever, all paid, professional lobbyists are required to disclose who is paying them how much to lobby Congress and the executive branch on what issues.

At the same time, the 1995 Lobbying Disclosure Act made the lobbying disclosure laws more understandable and easier to comply with by providing clear, sensible disclosure rules; establishing sensible de minimis requirements; eliminating duplicative and overlapping disclosure requirements; replacing quarterly reports with semiannual reports; authorizing the development of computer-filing systems; requiring a single registration by each organization whose employees lobby instead of separate registrations by each employee-lobbyist; requiring good-faith estimates of total, bottom-line lobbying expenditures; and allowing entities that are already required to account for lobbying expenditures under the Internal Revenue Code to use data collected for the IRS for disclosure purposes as well. Detailed guidance provided by the Secretary of the Senate and the Clerk of the House of Representatives have also helped provide clear lines as to who is required to register and what must be disclosed. I would like to commend the Secretary of the Senate and the Clerk of the House of Representatives for the tremendous job that they have done in developing guidance, communicating with the public, and handling huge quantities of new information, with almost no lead time to prepare.

There is already substantial evidence that this reform is working. Preliminary reports indicate that the number of organizations and individuals registered under the new law in the first year was almost triple the number of organizations and individuals registered a year earlier, under the old law. Reporting of lobbying expenditures appears to have increased to an even greater degree and may now be as much as a billion dollars a year. The new lobbying disclosure forms not only contain more accurate information than the old forms, they also convey it in a manner that is far more readable and easier to understand. As a result, the public is getting a far more accurate picture than ever before of what issues are being lobbied, who is lobbying them, and how much is being spent.

I remain disappointed that the Lobbying Disclosure Act does not cover paid efforts by professional lobbyists to stimulate grassroots lobbying—so-called astroturf lobbying—and I would like to see faster progress in the development of computer filing systems and automated data bases to make filing easier and lobbying information more accessible. But already, in just 1 year, we have made huge progress in shining the light of public disclosure on the lobbying industry.

The legislation now before us would make minor adjustments to the LDA, to ensure that the law continues to operate as intended. In particular, the bill would:

Clarify the definition of a "covered executive branch official" under the LDA;

Clarify that any communication compelled by a federal contract, grant, loan, permit or license is not considered to be a lobbying contact;

Clarify that the official representatives of international groups such as NATO and the United Nations are public officials who are not required to register as lobbyists;

Clarify how estimates of lobbying income and expenditures may be made on the basis of the tax reporting system;

Clarify that organizations lobbying on behalf of foreign commercial entities should register under the Lobbying Disclosure Act, even if they engage in only de minimis lobbying; and

Make a conforming change to the terminology of the Foreign Agents Registration Act which was inadvertently omitted in the LDA.

Mr. President, the most significant provision of this bill addresses the coordination of IRS and LDA reporting requirements for companies and organizations that are required to report to the IRS in accordance with the Internal Revenue Code [IRC]. The IRC's definition of "lobbying" is different that the one contained in the LDA.

The IRC's definition of lobbying encompasses the local, State and Federal levels. The LDA's definition is limited to the Federal level.

The IRC's definition covers lobbying only on legislative issues. The LDA's definition includes non-legislative lobbying as well.

Because Congress did not want to require entities that lobby to keep two sets of books on their lobbying activities, the Lobbying Disclosure Act permits entities that are subject to IRS lobbying requirements to use the IRS definitions in lieu of the LDA definitions in regard to several LDA reporting requirements: the dollar amounts spent on lobbying activities, whether there has been a contact that triggers reporting, and the 20-percent test for determining who is a lobbyist. As for the requirement to report who was lobbied and the issues that were the subject of the lobbying, the Secretary of the Senate and the Clerk of the House have interpreted the Lobbying Disclosure Act to require that reporting be

done in accordance with the LDA definition of lobbying.

The LDA provisions authorizing entities to use, for LDA purposes, the same information they submit to the IRS make sense, as far as they apply to the reporting of dollar amounts. However, the application of these provisions to other aspects of lobbying leads to confusing results—most notably in connection with the triggering contacts and calculating whether an individual has crossed the 20-percent line and therefore is required to register as a lobbyist. When registrants are allowed to use IRS definitions in these situations, they may be required to list their State and local government lobbyists—since the IRS definition includes State and local lobbying—but not all of their Federal Government lobbyists, since the IRS definition excludes lobbying Congress on nonlegislative matters. In other words, we get both too much information and too little. The intent of the Lobbying Disclosure Act is to provide a full picture of lobbying on the Federal level without being overly burdensome. That means we don't need to know about State and local lobbyists, but we do need to know about lobbying of Congress on legislative and nonlegislative matters.

This bill would continue to allow registrants subject to the IRS lobbying requirements to apply the IRS definition of lobbying activities to the requirement under the LDA for reporting the amount of money spent on lobbying activities. At the same time, it would address the problem caused by applying IRS definitions for other purposes. In particular, the bill would:

First, require the application of the LDA definition with respect to legislative branch lobbying for the determination of contacts, the application of the 20-percent test, and the reporting of who was lobbied and on what issues.

Second, allow such registrants to use the IRS definition with respect to executive branch lobbying for these same reporting requirements. This approach would produce more useful information, while reducing the problem of tracking lobbying to two different definitions by allowing lobbyists to follow IRS definitions in regard to executive branch lobbying.

Mr. President, when we passed the Lobbying Disclosure Act 2 years ago, we had a clear goal in mind: We wanted to get a full overview of Federal level lobbying. The bill I am introducing today is designed to ensure that the act achieves that goal in the most effective manner without imposing an undue burden on the registrants. The Lobbying Disclosure Act has already proved its worth. This technical amendments bill will, through a few commonsense corrections, make the LDA even more useful.

Mr. President, I ask unanimous consent that the text of the bill appear in the RECORD.

S. 758

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

SECTION 1. SHORT TITLE AND REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the "Lobbying Disclosure Technical Amendments Act of 1997".

(b) REFERENCE.Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Lobbying Disclosure Act of 1995.

SEC. 2. DEFINITION OF COVERED EXECUTIVE BRANCH OFFICIAL.

Section 3(3)(F) (2 U.S.C. 1602(3)(F)) is amended by striking "7511(b)(2)" and inserting "7511(b)(2)(B)".

SEC. 3. CLARIFICATION OF EXCEPTION TO LOBBYING CONTACT.

(a) CERTAIN COMMUNICATIONS.—Section 3(8)(B)(ix) (2 U.S.C. 1602(8)(B)(ix)) is amended by inserting before the semicolon the following:", including any communication compelled by a Federal contract grant, loan, permit, or license".

(b) DEFINITION OF "PUBLIC OFFICIAL".—Section 3(15)(F) (2 U.S.C. 1602(15)(F)) is amended by inserting ", or a group of governments acting together as an international organization" before the period.

SEC. 4. ESTIMATES BASED ON TAX REPORTING SYSTEM.

(a) SECTION 15(a).—Section 15(a) (2 U.S.C. 1610(a)) is amended—

(1) by striking "A registrant" and inserting "A person, other than a lobbying firm,"; and

(2) by amending paragraph (2) to read as follows:

"(2) for all other purposes consider as lobbying contacts and lobbying activities only—

"(A) lobbying contacts with covered legislative branch officials (as defined in section 3(4)) and lobbying activities in support of such contacts; and

"(B) lobbying of Federal executive branch officials to the extent that such activities are influencing legislation as defined in section 4911(d) of the Internal Revenue Code of 1986.".

(b) SECTION 15(b).—Section 15(b) (2 U.S.C. 1610(b)) is amended—

(1) by striking "A registrant that is subject to" and inserting "A person, other than a lobbying firm, who is required to account and does account for lobbying expenditures pursuant to"; and

(2) by amending paragraph (2) to read as follows:

"(2) for all other purposes consider as lobbying contacts and lobbying activities only—

"(A) lobbying contacts with covered legislative branch officials (as defined in section 3(4)) and lobbying activities in support of such contacts; and

"(B) lobbying of Federal executive branch officials to the extent that amounts paid or costs incurred in connection with such activities are not deductible pursuant to section 162(e) of the Internal Revenue Code of 1986.".

(c) SECTION 5(c).—Section 5(c) (2 U.S.C. 1604(c)) is amended by striking paragraph (3).

SEC. 5. EXEMPTION BASED ON REGISTRATION UNDER LOBBYING ACT.

Section 3(h) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 613(h)) is amended by striking "is required to register and does register" and inserting "has engaged in lobbying activities and has registered".

By Mr. DODD (for himself and Mr. HARKIN):

S. 761. A bill to amend the Rehabilitation Act of 1973 to establish certain additional requirements relating to electronic and information technology accessibility guidelines for individuals with disabilities, and for other purposes; to the Committee on Labor and Human Resources.

THE FEDERAL ELECTRONIC AND INFORMATION TECHNOLOGY DISABILITY COMPLIANCE ACT OF 1997

Mr. DODD. Mr. President, I introduce the Federal Electronic and Information Technology Disability Compliance Act of 1997. In an effort to make it easier for persons with disabilities to work, this legislation will allow the Federal Government to take the lead in providing Federal employees who have disabilities with critical access to technological tools in the workplace.

The Federal Electronic and Information Technology Accessibility Compliance Act of 1997 strengthens Federal requirements that electronic tools and information technology purchased by Federal agencies be made accessible to their employees. Additionally, it would require States that receive Federal resources toward disability programs to meet accessibility guidelines when they purchase technology. Section 508 of the Rehabilitation Act of 1973 requires such compliance, but currently there is no enforcement mechanism to assure that this is done. The House of Representatives today passed similar legislation introduced by Representative ANNA ESHOO.

Barriers to information and technology must be broken down. By giving Federal employees with disabilities the opportunity to utilize technological advancements, we provide them hope and encourage self-sufficiency.

Additionally, I believe these new efforts will encourage the private sector to adopt similar procedures. Let the Federal Government provide a good example to the private sector in its efforts.

Concrete examples of technological advancements that have aided persons with disabilities include: Telephones and fax machines with voice features for the visually impaired; voice mail that is converted for the deaf or hearing impaired; and CD-ROM or network-based information systems that can be equipped with audio descriptions of visual elements.

Nationally, there are 49 million Americans who have disabilities. It is critical, Mr. President, that given the rapid introduction of new technologies, persons with disabilities not be allowed to fall behind. The more we can do to promote their equality, independence, and dignity, the better.

I want to commend Mr. William Paul of United Technologies Corp., in my state of Connecticut, for first bringing this matter to my attention. Mr. Paul

has identified a critical need among members of our society. His civic-minded actions deserve to be commended not only by people with disabilities, but by all Americans.

Mr. President, I believe this a modest measure, that will improve the lives of the millions of Americans who have disabilities across this country and benefit our society as a whole. I hope to have my colleagues support.

ADDITIONAL COSPONSORS

S. 61

At the request of Mr. LOTT, the name of the Senator from Illinois [Mr. DURBIN] was added as a cosponsor of S. 61, a bill to amend title 46, United States Code, to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 75

At the request of Mr. KYL, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 75, a bill to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers.

S. 202

At the request of Mr. LOTT, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 202, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 263

At the request of Mr. MCCONNELL, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 263, a bill to prohibit the import, export, sale, purchase, possession, transportation, acquisition, and receipt of bear viscera or products that contain or claim to contain bear viscera, and for other purposes.

S. 537

At the request of Ms. MIKULSKI, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 537, a bill to amend title III of the Public Health Service Act to revise and extend the mammography quality standards program.

SENATE JOINT RESOLUTION 24

At the request of Mr. KENNEDY, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of Senate Joint Resolution 24, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for women and men.

SENATE RESOLUTION 85

At the request of Mr. GREGG, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of Senate Resolution 85, a resolution expressing the sense of the Senate that individuals affected by breast cancer should not be alone in their fight against the disease.

ADDITIONAL STATEMENTS

EMPLOYEE EDUCATIONAL ASSISTANCE ACT

• Mr. BURNS. Mr. President, I recently added my name to the list of 37 cosponsors of S. 127 on behalf of those hard-working folks who are trying to get ahead in their jobs by going back to school while they work. The Employee Educational Assistance Act will make permanent the tax exclusion for employer-provided educational assistance under section 127 of the Internal Revenue Code. By doing so, it will remove the penalty part-time students face in the form of higher taxes when their employers provide educational assistance.

Mr. President, this bill's sponsor, Senator MOYNIHAN, said it well: This is a very effective program which requires no bureaucracy and which administers itself. Employers and employees arrange for the educational assistance, and the Government's role is to stay out of the way. For example, MSE Technologies Inc. in Butte, MT, provides assistance to its employees who are working on undergraduate or graduate degrees. For MSE this is a wise investment in its employees and helps to keep the company competitive. With section 127 in place, employees can receive up to $5,250 annually in tuition reimbursements from their employer without paying additional taxes. Without section 127, employees are taxed on the educational assistance they receive. This tax is exactly the wrong message to send to businesses and their employees trying to stay ahead.

Section 127, which first went into effect in 1979, will expire in 3 months. The provision has been extended numerous times, and it has widespread support. But the uncertainty of the provision's future has been disruptive to workers and made planning ahead difficult. The full potential of its benefits to workers and employers is not being met, and it won't be until we make it permanent. Let's make helping American workers stay competitive a top priority.•

ABORTION

• Mr. GLENN. Mr. President, I agree with a May 10, 1997, New York Times editorial regarding legislation to ban so-called partial-birth abortions and the alternatives to it which we are considering today in the Senate. The editorial states,

> These proposed bills, while well intentioned, still interfere in judgments best left to doctors and their patients. Some of the 40 states that have passed or are considering bans on 'partial-birth' abortions have fallen into the same trap. Whether at the state or the Federal level, these political intrusions into medical practice and attempts to limit women's access to abortions deserve to be defeated.

I am opposed to the Government making medical decisions that should be handled by qualified physicians on a case-by-case basis. During my 22 years in the Senate, I have voted to uphold the Supreme Court's 1973 Roe versus Wade decision that a woman's right to choose whether to have an abortion is protected, within specified limits, under the constitutional right to privacy. This means that a woman can make her own choice, based on her moral and religious beliefs and in consultation with her family, her physician, her priest, rabbi, minister, or whomever she chooses. I respect the heartfelt views of those who are opposed to abortion, but I do not believe they should be imposed on those who hold a different but equally firm conviction.

Having said that, I did support Senator FEINSTEIN's amendment as a substitute to the partial-birth abortion ban. Senator FEINSTEIN's amendment would have banned postviability abortions, but like Roe versus Wade, it includes exceptions for cases where the attending physician makes a medical decision that the abortion is necessary to preserve the life of the woman or to avert serious adverse health consequences. As you know, under the provisions of Roe, States can pass such laws now. If this amendment had passed, I believe late-term abortions would remain available to women who need them for serious medical reasons.

I opposed Senator DASCHLE's amendment because I believe its health exception could provide roadblocks to a woman seeking a late-term abortion for serious medical reasons. I have concerns about the constitutionality of the health exceptions in this amendment because they are more restrictive than those in Roe versus Wade.

Mr. President, the American people overwhelmingly support the right of a woman to choose regarding abortion. This does not mean they are pro-abortion, it means they are pro-choice as I am. I urge my colleagues to oppose the partial-birth abortion ban, which is clearly unconstitutional, and to allow women and their physicians to make the best decisions based on each individual case.•

RAINN DAY

• Mr. D'AMATO. Mr. President, in 1995, there were over 350,000 victims of rape or sexual assault. The Uniform Crime Reports indicate that means that there is one forcible rape every 5 minutes. The most startling aspect of sex crimes is that they go unreported. There are estimates that only 37 percent of all rapes are reported to the police.

Victims of rape and sexual assault need a place to turn to and RAINN's national toll-free hotline for survivors of sexual assault reaches them. The hotline provides callers access to counseling 24 hours a day, from anywhere in the country.

RAINN is an acronym for rape, abuse, and incest national network. When a survivor calls the 800 number, a computer identifies the caller's location by reading the area code and the first three digits of the phone number. The call is routed to the rape crisis center nearest the caller. If the line is busy, the call will be routed to the next closest center.

RAINN networks with 628 crisis centers across the Nation, responding to victim's immediate needs. Since its inception in 1994, this organization has helped more than 140,000 victims of sexual assault.

I am bringing attention to the tremendous work of RAINN because at noon today, on May 16, radio stations across the United States will interrupt their regular programming to play a song from a rape survivor, Tori Amos. This is a nationwide call to action—a way to raise public awareness to what is happening to those victimized by rapists.

I am proud to be an honorary cochair of RAINN and commend all those involved in working on this national hotline, one of the most valuable resources for the survivor of rape or sexual abuse.

RAINN was founded in July 1994 with grants from the Atlantic Group and Warner Music Group. Support is also provided by Westwood One, MCI, the Jacobs Family Foundation, the Ryka Rose Foundation, and the National Academy of Recording Arts and Sciences.●

ORDERS FOR MONDAY, MAY 19, 1997

Mr. COVERDELL. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 12 p.m. on Monday, May 19. I further ask unanimous consent that on Monday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate then be in a period of morning business with Senators recognized to speak up to 5 minutes, with the following exceptions: Senator HELMS, 20 minutes; Senator DASCHLE or his designee, 45 minutes; and Senator ASHCROFT or his designee from the hour of 1:30 to 2:15.

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

ORDER FOR RECORD TO REMAIN OPEN

Mr. COVERDELL. Mr. President, I ask unanimous consent that the RECORD stay open until the hour of 3 p.m. today to allow Senators to submit statements for the RECORD.

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

PROGRAM

Mr. COVERDELL. Mr. President, for the information of all Senators, on Monday the Senate will be in a period of morning business to accommodate a number of Senators who have requested time to speak. The Senate may also begin floor discussions on the first concurrent budget resolution. As previously announced, any votes ordered on the budget resolution will be set aside to occur not before 5 p.m. on Monday. It is the intention of the majority leader that the Senate complete work on that very important matter prior to the Memorial Day recess.

On Tuesday, the Senate may resume consideration of H.R. 1122, the partial-birth abortion ban bill, with the intention of a vote on final passage occurring early next week.

In addition, if the committee completes work on the budget resolution on Monday, the Senate will resume consideration of the budget resolution on Tuesday. As always, the majority leader will notify Members as soon as any time agreements are reached on these matters.

In addition, the majority leader wants to stress that next week is the last week prior to the Memorial Day recess. Therefore, Senators can expect a very busy week, with votes into the evening to complete action on the budget resolution, the supplemental appropriations bill, and any other legislative or executive business cleared for floor action.

ADJOURNMENT UNTIL MONDAY, MAY 19, 1997

Mr. COVERDELL. 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 2:04 p.m., adjourned until Monday, May 19, 1997, at 12 noon.

HOUSE OF REPRESENTATIVES—*Friday, May 16, 1997*

The House met at 9 a.m.

The Reverend Dr. Ronald F. Christian, Evangelical Lutheran Church of America, Washington, DC, offered the following prayer:

Let us pray: Almighty God, Creator of all that provides and sustains life, Ruler of all that governs and controls our being, Guardian of our souls and Protector of our Spirits; out of all the knowledge we acquire, grant us wisdom so that we will do that which we learn in order that life may be enhanced for all. In all our appetites for pleasure and personal satisfaction, grant us temperance, so that we may always be ready and able to serve our neighbor and help those who have needs. O God, may we seek to discern what is right when our personal desires and Your good will clash, and may we likewise never fail to request Your guidance when our selfish search for gain is pitted against someone else's need. So we pray, may our work at the end of this day be blessed with Your benediction. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Ohio [Mr. TRAFICANT] come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOLEY). The Chair will entertain five 1-minutes on each side.

INTERNET ACCESS TO THE BALANCED BUDGET AGREEMENT

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, I want to let the House know that the House is not only working on a balanced budget for America's future, but that we are also making this information available through the Internet, so that every citizen, including Members of the House and their staffs, including the news media, including students, will be able to access this.

I am going to mention this, and I hope that we will be able to work through the House Information System and with C–SPAN to actually get this put up on the screen a little bit. But I wanted to start the day today by indicating how different we are going to be.

If you access through the Internet on a home page which will be labeled "A Balanced Budget for America's Future," it is at Hillsource.house.gov/budget.html. I realize people cannot pick all that up. I will repeat it one time. But the point I am making is that all the talk about getting access to materials, all the talk about Washington lobbyists, we are making available today information on the budget.

It is our hope that we are going to be able to make available by the end of today all of the balanced budget documents. The Thomas system, named for Thomas Jefferson, which the Library of Congress runs, will carry what is in the CONGRESSIONAL RECORD.

We are working to get all of that available so that every Member by Monday and every citizen and every student and every class will be able to pull up this budget in virtually real-time, look at it at the same time as the Washington insiders, have all the knowledge we have, and truly move toward a balanced budget in the right way, with the American people participating. So every talk radio show host, every single potential critic, every columnist will have access to the same data, but so will citizens, without editing by anyone.

Again, if I might say, if Members look for Hillsource.house.gov/budget.html, and again, I hope we will work out some arrangement during the day to have the system put this up in writing so folks can get access to it. I am going to ask C–SPAN if there is a way when they do their call-in shows this weekend that they can actually print this.

In addition, all the dates in the CONGRESSIONAL RECORD will be on the Thomas system and available through the Library of Congress, which now gets several million contacts a month through this sort of thing. The initial stage will include the two letters sent to President Clinton and Erskine Bowles from Senate Majority Leader TRENT LOTT and myself, the balanced budget agreement summary documents as compiled by the House Committee on the Budget staff, and other support details as rapidly as they become available.

We are working with the committee, so as rapidly as we can get the entire markup and the Committee on the Budget on the electronic system, everybody in the country simultaneously will be able to have access, without having to wait for printing or having to wait for some document to come from a subscription or from a lobbyist.

DEMOCRATS WILL DEMAND FULL FUNDING FOR THE WIC PROGRAM

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, after weeks of resistance the Republican leadership yesterday finally allowed the House to vote to provide the full $76 million in funding needed to keep thousands of children and pregnant women enrolled in the Women, Infants, and Children, or WIC, nutrition program.

I must say, we are far from home free on this issue. The Senate, unfortunately, has provided only $58 million for WIC, and Democrats today will offer a resolution on the House floor stating that the House should stand firm in its negotiations and demand that the Senate agree to restore funding for the remaining 85,000 at-risk women and children.

Republicans also voted yesterday for automatic cuts that could undermine the commitment for WIC by freezing funding for it at current levels, this year's level. The President has made it clear he will veto this funding bill if that is what it includes, but I have to say that we still have a lot of work to do to make sure that the full funding is provided for WIC. The Democrats are determined that we will see that through and there will be full funding for the WIC Program.

THE CHILDREN'S ENVIRONMENTAL PROTECTION AND RIGHT TO KNOW ACT OF 1997

(Mr. SAXTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAXTON. Mr. Speaker, I rise today to explain a bill that was introduced late yesterday afternoon, which

already has almost 100 cosponsors. It is called the Children's Environmental Protection and Right to Know Act of 1997.

One of the reasons this bill has been so successful already in attracting support is that we did not try to reinvent the wheel. We borrowed one idea from a law in California and another idea from a law in New Jersey.

First, the California law provides further information about toxins present in children's consumer products and eventually in consumer products for adults, based on this very successful 10-year-old program and law in California.

Second, we borrowed from New Jersey a bill which builds upon a very successful 10-year-old New Jersey law that expands the toxic release inventory to include a once a year accounting of toxic materials used and stored in industrial facilities.

I would like this morning to invite and urge my fellow Members of Congress to support this legislation, and join the nearly 100 cosponsors that have already signed on.

WE NEED SOME COMMON SENSE AT THE LABOR DEPARTMENT

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the Labor Department says there are more jobs than ever. I would like to discuss a few.

Ear muff assembler, dog food mixer, vibrator tester, worm picker, belly builder, dog washer, diaper machine tender-supervisor, hooker inspector, and a pantyhose crotch closer machine operator supervisor.

Beam me up, Mr. Speaker. The truth is I think we need some common sense at the Labor Department. Sun Apparel just laid off 600 workers, moving to Mexico; Johnson & Johnson laid off 100 workers, moving to Mexico.

The truth of the matter is that I think we should move the Labor Department to Mexico, and create some good jobs in America. I yield back all these jobs.

URGING MEMBERS TO VOTE "NO" ON INTERIM STORAGE NUCLEAR WASTE SITE

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, the environment and safety of America is in danger. Two bills have been introduced to Congress, S. 104 and H.R. 1270, that would establish an interim storage facility at Yucca Mountain, NV. Several problems become very evident when the legislation is examined.

First, moving 80,000 tons of waste from 109 reactor sites will traverse 43 States.

Second, in the last 20 years there have been more than 621 earthquakes within a 50-mile radius of Yucca Mountain.

Third, the Congressional Budget Office estimates a central interim storage facility will cost taxpayers $2.3 billion from 1997 to the year 2002, seven times more than on-site storage.

Finally, the Nuclear Waste Technical Review Board, a bipartisan organization created by Congress, concluded that "There is no compelling technical or safety reason to move spent fuel to a central facility."

This issue is not just a Nevada safety issue. Mr. Speaker, I urge my colleagues to vote no on interim storage.

DEMOCRATS INSIST THAT THE BUDGET BENEFIT THE MIDDLE-CLASS AS MUCH AS THE WEALTHY

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, today House Democrats sent a letter to the Republican chairman of the Committee on Ways and Means in support of middle class families.

The gentleman from Texas [Mr. ARCHER] has announced that the proposed capital gains tax cuts contained in the budget agreement will be effective no later than May 7, 1997, even though there is no tax cut plan yet. This would allow investors to be able to think ahead as to how they might deal with their further investments.

Over 100 Democrats are going to ask the gentleman from Texas today to show the same consideration to the President's education tax cuts. The majority of the benefits from the Republicans' proposed capital gains tax cut will go to the richest 1 percent of the population. Democrats are standing up for the folks who are not making the 6-figure incomes, the families who could use some tax relief. Let us help working families make the decisions about whether or not their kids can go to college.

House Democrats are going to stand up to make sure that the deal includes a budget that is balanced in a way that is consistent with our priorities and our values as a Nation, and that includes showing, at the very least, the same consideration to working families as we show the richest of Americans.

ANNOUNCING AN OPEN HOUSE IN NEW JERSEY'S TWELFTH CONGRESSIONAL DISTRICT FLEMINGTON OFFICE

(Mr. PAPPAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAPPAS. Mr. Speaker, I rise today to announce that for New Jersey's 12th Congressional District there will be an open house in one of my two district offices in Flemington, NJ, this afternoon from 3 to 5:30 p.m., in hopes that many residents of the district will come to meet with members of my staff.

Mr. Speaker, my district, for at least New Jersey, is very large geographically. It runs from the Delaware River on the west to almost the Atlantic Ocean on the east. The efforts that my staff and I have been taking to reach out to and be of service to the people of the 12th District we believe will be highlighted by this open house.

I spent a majority of my time back in New Jersey to meet with the people that I represent from central New Jersey, and today is what we believe to be an important step in advertising the location of at least one of the district offices.

The schedule here in Washington may preclude me from being at the open house this afternoon, but I look forward to meeting with those people who may be attending.

NEED FOR A BALANCED BUDGET

(Mr. JONES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONES. Mr. Speaker, Americans are working harder than ever before to provide for their families and to save for the future.

It is not fair that Washington continues to take such a large share of the family's earnings, and at the same time continues to increase the deficit at the same time. The people of the Third District of North Carolina sent me to Washington to look out for their interests. That is why I feel so strongly about the need to balance the budget.

The balanced budget plan assumes a gross tax relief of $135 billion over 5 years, which can provide families with a child tax credit and relief from burdensome taxes such as the death tax and capital gains tax.

The plan also helps parents who want to send their children to college. It has been 16 years, it has been 16 years since the American people have had tax relief.

Mr. Speaker, it is time for the Congress to pass a balanced budget for the people of America.

□ 0915

EMPLOYMENT, TRAINING, AND LITERACY ENHANCEMENT ACT OF 1997

Mr. MCINNIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 150 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 150

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1385) to consolidate, coordinate, and improve employment, training, literacy, and vocational rehabilitation programs in the United States, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill. The committee amendment in the nature of a substitute shall be considered by division rather than by section. Each division shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with clause 5(a) of rule XXI are waived. Before consideration of any other amendment it shall be in order to consider the amendment numbered 1 pursuant to clause 6 of rule XXIII, if offered by Representative McKeon or his designee. That amendment shall be considered as read, may amend portions of the bill not yet read for amendment, shall be debatable for ten minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. If that amendment is adopted, the bill, as amended, shall be considered as the original bill for the purpose of further amendment. During consideration of the bill for further amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. FOLEY). The gentleman from Colorado [Mr. MCINNIS] is recognized for 1 hour.

Mr. MCINNIS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. HALL] pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this is a very simple resolution. The proposed rule is an open rule providing for 1 hour of general debate equally divided, controlled by the chairman and the ranking member of the Committee on Education and the Workforce. After general debate, the bill shall be considered for amendment under the 5-minute rule. Furthermore it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill.

Additionally, Mr. Speaker, House Resolution 150 provides that the committee amendment in the nature of a substitute shall be considered by division rather than section. Moreover, points of order against the committee amendment in the nature of a substitute for failure to comply with clause 5(a) of rule XXI are waived.

Mr. Speaker, the rule also provides for consideration of a manager's amendment, if offered by the gentleman from California [Mr. MCKEON] or his designee, which shall be debatable for a period of 10 minutes. If this amendment is adopted, the amendment will be considered as part of the base text for further amendment purposes. Furthermore, this rule provides that the Chair may accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

Mr. Speaker, at the conclusion of consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Finally, Mr. Speaker, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, under the proposed rule each Member has an opportunity to have their concerns addressed, debated and ultimately voted up or down by this body. House Resolution 150 was passed out of the Committee on Rules by voice vote. I urge my colleagues to support the open rule.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank my colleague, the gentleman from Colorado [Mr. MCINNIS] for yielding me the time. House Resolution 150 is an open rule. It will allow for full and fair debate on H.R. 1385, which is the Employment Training and Literacy Enhancement Act of 1997.

This bill consolidates more than 60 existing employment training and literacy programs and establishes three block grants to States and localities. It is needed to improve Federal education and job training programs to meet more effectively the needs of States and local communities. These programs have provided valuable assistance to dislocated workers and disadvantaged adults and young people. The goal is to improve a system which has already demonstrated its importance to our Nation's work force.

As my colleague from Colorado described, this rule provides for 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. Under this rule, amendments will be allowed under the 5-minute rule, the normal amending process in the House. All Members will have the opportunity to offer amendments.

It is my understanding that, before the Committee on Rules met last night, an agreement between the majority and minority had been reached on the manager's amendment to drop certain provisions dealing with special demonstrations. Subsequently the rule was approved unanimously by the Committee on Rules on a voice vote.

Mr. Speaker, I urge the adoption of this open rule and the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. McINNIS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 150 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1385.

The Chair designates the gentleman from Ohio [Mr. NEY] to preside over the Committee of the Whole, and requests the gentleman from Colorado [Mr. MCINNIS] to assume the chair temporarily.

□ 0923

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1385) to consolidate, coordinate, and improve employment, training, literacy, and vocational rehabilitation programs in the United States, and for other purposes, with Mr. MCINNIS (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from Missouri [Mr. CLAY], each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Chairman, I yield myself such time as I may consume.

Today, we are going to deal with legislation that is the culmination of 6, 7, 8 years of work, I would suppose, of a very dedicated staff and members of this committee as well as the Governors, State legislators, educators, local elected officials, State elected officials. It is a bipartisan effort to take what the General Accounting Office said are 160 job training programs from the Federal level, consolidate them into three block grants and get them back to State and local government so they can be much more effective.

As most Members know, only 25 percent of our population ever graduate with a 4-year degree. Hundreds of thousands of those, of that 25 percent, are either unemployed or underemployed. At the same time, we have spent very little time dealing with the 75 percent who do not receive a 4-year college degree and yet we had hundreds of thousands of high-technology jobs waiting for those who can be trained in order to take those jobs.

Unfortunately, there are those who mistakenly believe that this legislation increases the Federal role in the area of employment, training and literacy programs. There are those who say that this legislation is an intrusion into the American family. This could not be further from the truth. H.R. 1385 vastly reduces Federal involvement in these programs, transfers the vast majority of resources and authority to the States and local communities, and most importantly, sends authority and responsibility into the hands of actual individuals, giving people choices in the selection of occupation services and service providers so that they are empowered to succeed in today's society. So what happens if we do nothing today or if this bill gets bogged down in political debate?

I will tell my colleagues what happens. Most of these programs are permanently authorized and will continue to receive funding without any reform at all. Government control and bureaucracy will not be curtailed but will continue, and these programs will continue to be funded.

In fact, I just heard that the budget negotiators are now talking about adding $3 billion for employment and training assistance for welfare recipients. I sure hope that they are talking about that money going to this consolidated program, not something new from the Federal level.

So we cannot afford to lose this opportunity to reform the system so that States and local communities, and, most importantly, American citizens have the flexibility to develop employment, training and literacy programs that work.

Mr. Chairman, I reserve the balance of my time.

Mr. CLAY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the ability of our Nation to provide education and training opportunities to our people is more important now than ever before. Our success in the increasingly competitive global economy will largely depend upon the skills and productivity of our workers. Education and job training programs provide workers with the opportunity to learn and to improve their skills.

It is our duty to make certain that those programs are effective and efficient. Many have criticized our current training system for being too duplicative and too sparse. The legislation we consider today will improve the coordination of services, provide quality assistance and foster efficiency.

I am especially grateful that this agreement addresses the unique needs of dislocated workers as well as providing for meaningful local decision-making. As Members may remember, these issues were among the highest priorities advocated by Democrats during last year's deliberations on the careers bill. With respect to the adult education provisions of this bill, I believe that we have made solid progress. We have made sure that the program remains a part of the Elementary and Secondary Education Act, that it will be administered by the State agency now in charge of adult education, that the program has a reasonable maintenance of effort standard, and that it will continue to serve a critically important role in the education of those who need its services.

I want to particularly compliment the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from California [Mr. MCKEON] for their leadership and for their sincere efforts to make this a bipartisan effort on this bill. I appreciate their willingness to seek resolution of our differences on this issue. I also want to commend my Democratic colleague, the gentleman from Michigan [Mr. KILDEE], the ranking member of the Subcommittee on Postsecondary Education, Training and Life-Long Learning, for picking up where his predecessor, Pat Williams, left off by ensuring that any compromise adequately protects Democratic concerns.

□ 0930

Mr. Chairman, I ask unanimous consent that the gentleman from Michigan [Mr. KILDEE], the ranking Democrat on the subcommittee, be given the authority to control the minority's time during general debate.

The CHAIRMAN pro tempore (Mr. MCINNIS). Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. Mr. Chairman, I reserve the balance of my time.

Mr. GOODLING. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. MCKEON], the subcommittee chairman, who worked long and hard on this issue.

Mr. MCKEON. Mr. Chairman, I thank the gentleman for yielding me this time. I rise in strong support of H.R. 1385, the Employment, Training, and Literacy Enhancement Act of 1997.

This bill is an important step in addressing the Nation's long-term work force preparation needs by helping States and local communities to make sense out of our current confusing array of employment, training and literacy programs.

The bill accomplishes long overdue reform, consolidating over 60 Federal programs through the establishment of three block grants to States and local communities for the provision of such services and through amendments to the Rehabilitation Act.

It accomplishes key reforms in this country's job training system by building on the three principles of individual choice, quality training for the 21st century, and the transfer of resources and authority for employment, training and literacy programs to States and local communities.

For youth, we amend the JTPA's current disadvantaged youth programs, increasing the focus of such programs on longer term academic and occupational training rather than short-term employment fixes, requiring that all employment experiences under these programs be tied to academic and occupational learning opportunities and prioritizing services for hard-to-serve disadvantaged youth, including school dropouts.

For adults we establish a single delivery system for adult employment and training that maximizes individual choice in the selection of occupations and training providers. The bill encourages an employment-first approach to job training that will greatly compliment our efforts in welfare reform, where individuals purchase training services through their use of vouchers when in need of skilled training.

Not only will this legislation result in improved services to dislocated workers, but it will also result in enhanced services provided to welfare recipients who must make the transition from welfare to work.

Title V of the bill amends the current Adult Education Act, consolidating existing adult education and family literacy programs into flexible block grants to States. This portion of the bill includes important linkages to employment and training programs to ensure that individuals seeking employment and training services have the literacy skills they need in order to succeed.

With regard to vocational rehabilitation, the bill extends the authorization through the year 2000, allowing the 106th Congress to comprehensively review the Rehabilitation Act. It also streamlines the paperwork requirements of the title 1 vocational rehabilitation program, saving resources and increasing client choice.

This legislation will not only provide the flexibility that States and local communities need to vastly improve their employment and training efforts, but it will provide individuals that are in need of these services with the information, choice and resources that they need to become skilled and gainfully employed.

Unfortunately, there is a great deal of misunderstanding about this bill. This legislation is written to empower individuals, not the Federal Government, to make decisions about their own lives and their individual employment and training needs. The bill significantly reduces the involvement of the Federal Government in the design and operation of these programs.

Because Federal job training programs are permanently authorized, if we do nothing today, we will keep the status quo and programs will continue to be funded with no reform or reduction in Federal bureaucracy. In fact, it is likely that the budget will contain increased funding for employment and training for welfare recipients, another new program on top of many others.

We cannot afford to continue to operate in this fashion. We need the Employment, Training, and Literacy Enhancement Act that will allow local communities to make sense out of these programs. And if the budget does contain increased funding for services to welfare recipients, we must ensure that this system is fully utilized so that we do not add yet another program to our growing list of employment, training and literacy programs.

The skills of this Nation's work force are more important today than ever before. This legislation will go far to help States and local communities to reform employment, training and literacy programs that address the individual skill needs of their citizens, and it will go far to empower individuals to break the cycle of dependency that has plagued our country for far too long.

I want to take this opportunity to thank the Members of our committee for their contributions in the development of this legislation; in particular, the gentleman from Pennsylvania, Chairman GOODLING, for his insight and leadership over the years on this issue. He has been working on this for many years, and I am proud to see that it is coming to fruition.

I also want to thank the gentleman from Missouri [Mr. CLAY], and the gentleman from Michigan [Mr. KILDEE], who has worked so hard and worked closely with us to develop this legislation in a truly bipartisan fashion.

I would also like to thank the administration for working with us to make this effort one that is likely to be enacted this year.

Finally, I am pleased to announce that the National Governors' Association, the National Conference of State Legislatures, and the National Association of Counties have reached an important agreement with regard to this legislation that will be reflected in an en bloc package of amendments that I plan to offer later this morning.

And I would like to thank these organizations for all their efforts to help us in the development of this bill. In fact, all three of these organizations, in addition to the American Association of Community Colleges, the U.S. Chamber of Commerce, the Society for Human Resource Management, the Computing Technology Industry Association, and others have written in support of H.R. 1385.

This is a good bill that will help the country's workers gain the skills they need to succeed in today's work force. I urge my colleagues' support of this important legislation.

Mr. KILDEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to rise to support H.R. 1385, the Employment, Training, and Literacy Enhancement Act of 1997. We have been talking for several years now about the need to create an integrated employment and training system that meets the challenge of preparing American workers for the jobs of the future.

Last year our efforts collapsed in conference, I believe largely due to problems in the Senate. This year, however, the gentleman from California [Mr. MCKEON], the subcommittee chairman, and the gentleman from Pennsylvania [Mr. GOODLING], the committee chairman, have approached this issue in a bipartisan manner, and I believe the bill before us today reflects the consensus approach they have taken to job training reform.

In particular, I certainly appreciate the fact that they have ensured that the Federal investment in dislocated workers is maintained. While it is important to streamline and integrate job training programs, it would have been short-sighted to have done so in a way that reduced our ability to provide services to workers in transition. The guarantee of a separate funding stream within the adult block grant in H.R. 1385 is a major improvement over last year's legislation.

I am also pleased to see the extent to which this bill builds upon what is already working in local communities.

The bill also strengthens accountability in the job training system. First, all job training providers will be accountable to customers through a requirement that they provide annual information that will serve as a consumer's report card that will help guide customers' choices about which institutions have the best record of helping to acquire the skills necessary to get jobs.

In addition, States and local areas will have to reach negotiated performance benchmarks that will serve to ensure that they are accountable for results. The accountability provisions are considerably stronger than last year's conference report, and I am particularly supportive of new safeguards which will ensure adults are not defrauded by unscrupulous or fly-by-night training providers.

The bill consolidates programs for at-risk economically disadvantaged youth, integrating classroom and work-based learning, providing learning opportunities at work sites, linking secondary learning and postsecondary learning, and fully involving the private sector.

The reintroduction of a substate formula for a portion of the funds in both adult and youth block grants will also be an important safeguard to ensure that local areas continue to get the resources to meet the needs of their population. I applaud the State and Local Coalition for reaching agreement to reinsert substate formulas as reflected in the Chairman's en bloc amendment.

I think there are some areas in this bill which could still use improvement, and I hope that as we move in the Senate and then in the conference the spirit of bipartisan cooperation will continue to prevail.

With respect to the Adult Education and Family Literacy Act provisions in this legislation, I am very pleased with what we have been able to accomplish and am especially gratified that we did our work in a spirit of true bipartisanship. In that regard, I want to pay special thanks again to both the chairman of the Committee on Education and the Workforce, my good friend, the gentleman from Pennsylvania [Mr. GOODLING], who has long been a champion of adult education and family literacy, and to the chairman of the subcommittee, the gentleman from California [Mr. MCKEON], who has been very willing to work out differences in a very amicable fashion.

This legislation keeps adult education as a part of the Elementary and Secondary Education Act. I believe this is critical in making it very clear that adult education is first and foremost an education program.

There are other adult education provisions of this legislation that are also important; provisions such as the separate such sums authorization, continued funding for professional development, a more reasonable maintenance of effort standard, and the possibility of ongoing support for State literacy resource centers.

There are several areas, however, where it might be helpful to have greater clarity regarding legislative intent. First, I view the provisions regarding the eligible agency in charge of adult education programs to be the State agency currently in charge of those programs, and that the reference to State law means State statutory law that cannot be overridden by a Governor's executive order.

Second, the accountability provisions in this legislation certainly do not preclude the Secretary of Education from judging State plans on both quality and technical specifications. Quite to the contrary, I believe the Secretary has the clear authority to make such a judgment.

Third, English literacy programs most definitely include English as a second language instruction.

Fourth, when we go to conference, I believe we should fashion an agreement that will end the confusion of having to consult two different acts to obtain a full knowledge and understanding of the Federal adult education legislation. It is important that those at the State and local level be able to look at one act and get a full and complete understanding of Federal law in this area.

While not every provision I wanted has found its way into this legislation, I am on the whole very pleased with the adult education provisions we have been able to work out. I believe they will move adult education forward and they will contribute immensely to both strengthening and expanding the very crucial work done by adult education programs in community after community across this land.

I am also pleased to support the amendments to the Vocational Rehabilitation Act contained in H.R. 1385. Those amendments go a long way in streamlining and clarifying certain provisions of that act. Specifically, the revised individualized plan for employment will provide a greater opportunity for disabled persons to develop their own employment plans. The role and participation of program consumers in the individualized plan for employment will be strengthened as a result.

Under current law, the individual's plan is jointly developed and approved by the eligible individual and the vocational rehabilitation counselor. Under this bill, an eligible individual would be allowed the option to assume primary responsibility in the development and direction of that employment plan.

The bill also simplifies and clarifies existing requirements and eliminates burdensome process requirements without compromising consumer protections in order to streamline the process.

Mr. Chairman, the bill under consideration also provides for a greater consumer involvement based upon informed choice options. State agencies would be required to develop written policies and procedures related to informed choice, including procedures for informing individuals about the availability and scope of informed choice, and for assisting individuals to acquire information necessary to exercise that choice.

□ 0945

Finally, Mr. Chairman, H.R. 1385 requires that Federal agencies provide certification of compliance with electronic and information technology accessibility guidelines under section 508 of the Rehabilitation Act. In other words, Mr. Chairman, this bill ensures that the Federal Government monitors its own requirements to assist disabled persons with respect to the accessibility of electronic and information technology.

Mr. Chairman, I am pleased to support H.R. 1385 and am very grateful to the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from California [Mr. MCKEON] for their very, very hard work, their very, very close cooperation and their willingness to compromise. We both compromised on this. Neither side is totally pleased, but this is, I think, a piece of work that we can support.

Mr. Chairman, there has been some concern expressed that this bill will set up a parallel apprenticeship and training certification procedure in competition with the process administered by the Department of Labor's Bureau of Apprenticeship and Training and State apprenticeship agencies approved by the BAT. I am satisfied, however, that designation by Local Workforce Boards, in consultation with the State's Governor and legislature, of training programs eligible to receive funds under this bill is not intended to certify such programs for Federal purposes in the same manner as certification by the BAT and State apprenticeship agencies, and should not be regarded as such. Moreover, I am aware of concern that funds authorized by this bill will be used to provide financial assistance to apprenticeship training programs in industries, such as construction, that have been traditionally financed exclusively by private funds. I am confident that the outstanding training currently provided in these areas will continue to be financed by the private sector so that the limited financial resources authorized by this bill can be earmarked for training in these areas that have been neglected or, for some other reason, must rely on Federal financial assistance. I intended to work with Members of the Senate to clarify further this policy in the final bill.

Mr. MCKEON. Mr. Chairman, I yield 2½ minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA], a member of the committee.

Mrs. ROUKEMA. Mr. Chairman, I want to express my deep appreciation to the chairman of the full committee, the chairman of the subcommittee and certainly the ranking members who have worked so hard on this bipartisan effort so that both sides of the aisle have reached consensus, and I think we should be proud of that. This is a good bill, and I support it.

Certainly following on the heels of last year's efforts, we should look forward to great advancement. This is a great advancement and improvement over current law. It not only consolidates the programs of adult training, disadvantaged youth training and adult education, and literacy, but it also fortunately adopted the right course of action by removing the vocational education part from this legislation to ensure that voc ed would not be lost in the overall job training block grant. I think that was a success.

I would like to commend the committee for recognizing the importance of the supportive services, transportation and child care assistance. We incorporated that into this bill and that provision had its beginning in legislation that I, along with the gentleman from Texas [Mr. SMITH], the gentleman from Indiana [Mr. ROEMER], and the gentleman from North Carolina [Mr. WATT], had sponsored. We deeply appreciate the fact that that kind of training assistance has been incorporated in this bill. It will help hundreds of thousands of people take advantage of training possibilities.

Mr. Chairman, I think my colleagues know my strong support over time of the block grant approach and I must say that I continue to support block grants. But in this legislation I think we have struck the proper balance and given the appropriate safeguards to get the best advantage out of how States and the Federal Government work together in these training programs. The legislation I think has found the proper balancing point between State and local governments, and we will all have the advantage of this relationship.

I want to point out in specific terms that it is organizations like the ARC's in my district of Bergen and Passaic Counties and Warren and Sussex Counties that have the experience with servicing individuals with disabilities and have earned the respect of everyone. It is these kinds of community organizations that will work with the business community under this legislation to provide the job opportunities and the training that is necessary. I think it is very practical. It uses the strengths of all the private sector as well as the public sector, and we are in great debt to the organizations such as these that ensure that these individuals with disabilities will receive the best possible assistance and training.

Mr. Chairman, I rise today in support of this legislation. As a member of the Subcommittee on Post-Secondary, Training and Lifelong Learning, I am proud of the bipartisan effort that has brought Members on both sides of the aisle to consensus. We have here before us clear evidence that bipartisanship works and that Congress works when we are bipartisan.

Following on the heels of last year's failed attempt at reform, this bill represents a significant improvement over current law. It consolidates programs of adult training, disadvantaged youth training and adult education, and literacy. I would add that the committee adopted the right course by removing vocational education from this legislation to ensure that it would not be lost in the overall job training block grant.

In addition, I would like to commend the committee for recognizing the importance of

supportive services, such as transportation and child care assistance, which will enable individuals to participate in the adult training services. This began as legislation introduced by myself and Representatives LAMAR SMITH of Texas, TIM ROEMER of Indiana, and MEL WATT of North Carolina. Our legislation was introduced to make it possible for adults who want to learn to read and receive training to follow that path. About 300,000 individuals who enroll in adult education programs have to withdraw because of the lack of support services. Access to transportation and child care makes it possible for those who want to make their lives better to take advantage of the adult education programs. We are pleased that our legislation was able to become a part of this bill before us today.

Mr. Chairman, as many of my colleagues know, I have been a longtime supporter of the block grant approach. However, I continue to insist that all block grants to the States come with effective and appropriate safeguards. Therefore, I am pleased that this legislation continues to require the States to work with the appropriate Secretary in determining these goals and benchmarks, while allowing the State to specify standards and indicators to focus on employment outcomes. The legislation also highlights certain core indicators, including placement in unsubsidized employment, retention in employment, increase in earnings, attainment of industry-recognized skills, reduction in welfare dependency and attainment of high school diploma or general equivalency diploma.

In addition, States are responsible for developing a State plan which would be submitted, reviewed, and approved by the Secretary for review.

This legislation also has found the proper balancing point between State and local governments. The States will be responsible for working on performance indicators, while the local work force development board will be responsible for the day-to-day oversight of job training and placement.

Mr. Chairman, I would also like to commend the committee on including the concerns of the disabled community in the composition of the work force development boards. Community-rehabilitation providers which serve individuals with disabilities have earned the respect of their local communities and the public sector.

In New Jersey, the ARC's of Bergen and Passaic Counties, and Warren County and Sussex County have all had experience with serving individuals with disabilities and have earned the respect of northern New Jersey. Their involvement with the business sector has provided the community-rehabilitation providers with a comprehensive knowledge of the job opportunities available to and training services needed by individuals with disabilities.

Organization such as these will ensure that individuals with disabilities will receive proper career development information which will maximize the board's ability to assist individuals with disabilities in gaining successful employment. Such a goal is an important part of the goals of this legislation.

And, Mr. Chairman, let take this opportunity to thank Mr. James Seath, executive director of the ARC of Bergen and Passaic Counties and Mr. Bob Pruznick, the executive director of Warren County ARC for their advice and counsel.

Mr. Chairman, I support this bipartisan legislation. It represents solid progress toward increasing job training and placement as our Nation faces the education and work place challenges of the new millennium.

Mr. KILDEE. Mr. Chairman, I would also like to thank the gentlewoman from New Jersey [Mrs. ROUKEMA] for all her work on the committee. She is indeed a great Member of Congress and has been very helpful on this bill.

Mr. Chairman, I yield 3 minutes to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Chairman, first of all I want to thank the gentleman from California [Mr. MCKEON] and the gentleman from Michigan [Mr. KILDEE] for their leadership on this bill. It is a good bill and it is truly a bipartisan effort, and it reflects also the good working relationship of the gentleman from Pennsylvania [Mr. GOODLING], the chairman, and the gentleman from Missouri [Mr. CLAY]. I thank them so much for letting us have something this positive to be talking about today. That is why it is such a good bill.

I am particularly pleased that my amendments concerning training for nontraditional occupations and studies on self-sufficiency standards were included in the bill. The requirements of the new welfare law make it more important than ever that women have a full range of job choices. This bill will make it easier for women to train for those high-wage jobs that actually pay a livable wage.

H.R. 1385 will also help to ensure that job training programs that receive taxpayers' funds do in fact train workers for jobs that pay a livable wage, a job they can afford to live on. The bill does this by allowing the Secretary of Education to conduct research to develop self-sufficiency standards.

A self-sufficiency standard measures local basic living costs, such as housing, transportation and child care. These costs determine whether a worker after training will earn enough in salary and benefits to make herself and her family truly self-sufficient, able to live independently off of public assistance. This is important, because it is a waste of taxpayers' funds to train workers for jobs that do not enable them to support themselves and their families and to keep them independent of assistance.

I am also pleased that this bill that we are considering today includes the amendments offered in committee by the gentleman from Colorado [Mr. BOB SCHAFFER] and myself to ensure that State legislators have a role in implementing job training funds as part of State-wide planning for their education and welfare programs.

Mr. Chairman, this is a good bill. It makes needed reforms to our system of job training programs, and I urge my colleagues to support it.

Mr. GOODLING. Mr. Chairman, I yield the balance of my time to the gentleman from California [Mr. MCKEON] and I ask unanimous consent that he be permitted to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MCKEON. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska [Mr. BARRETT], a member of the committee.

Mr. BARRETT of Nebraska. Mr. Chairman, I thank the gentleman for yielding me this time, and I congratulate him for his efforts in bringing the bill to this point, along with the assistance of the gentleman from Michigan [Mr. KILDEE], his ranking member, the gentleman from Pennsylvania [Mr. GOODLING], the committee chair, and the gentleman from Missouri [Mr. CLAY], the ranking member of the full committee.

Mr. Chairman, I do rise in strong support of H.R. 1385. As has been suggested, the bill already eliminates nearly 70 programs, directs more money to States and local communities, and it does enable individuals to make an informed decision on what types of job training they need.

The bill also includes my amendment that would make a change in current law that will have a positive effect on our disabled youth who are preparing to leave school and move into the State vocational rehabilitation system.

The Nebraska Vocational Rehabilitation Services agency operates a transition program that can allow the agency to participate in a disabled child's individualized education plan once that child reaches the age of 14. This participation has been welcomed by schools and parents as it does help them to understand the types of vocational rehabilitation services that may be available once the child leaves high school. The transition program is helping 2,000 children to prepare to enter the State's vocational rehabilitation system.

Yet, current Federal requirements are burdensome because State vocational rehabilitation agencies must have an individualized written rehabilitation plan, should the State make contact with an individual who may need their services. In the context of transition services for children, this requirement is unnecessary as the child's special education planning, which is mandated by IDEA, already takes into account the child's educational needs. My amendment merely removes the written requirement for children who are being served through an individualized educational plan.

I do encourage my colleagues to support H.R. 1385.

Mr. KILDEE. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I found very interesting the remarks of the gentleman from Michigan [Mr. KILDEE], a true gentleman, and when it comes to education programs in Congress, we have probably seen more real spirit of working together than anywhere else.

I want to compliment the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from Missouri [Mr. CLAY]. I think they have tried to help the American people and the gentleman from Michigan [Mr. KILDEE] and the gentleman from California [Mr. MCKEON] now joining forces with that, I want to compliment the gentlemen, and I thank them from an area that lost an awful lot of jobs.

With that, this bill combines three major programs. It is smart, it is intelligent what the gentlemen have done, but in order for me to effect my Buy American language, I have to offer three Buy American amendments to three different spots, and after all that I am not sure it is going to apply to every dollar in the bill so I want to make sure the legislative history in debate understands that after this is offered en bloc and hopefully accepted that all of the money in this act will be covered by the basic language that is exactly similar in all three amendments.

I would like to talk just for a minute about some developments that have occurred in our country in the loss of jobs. We are retraining workers and we are trying to do our best with dislocated workers. It is very important in my district. But I am actually trying to find out what jobs we are retraining them for. I think we are getting to the point where we have trained a lot of welders, a lot of burger flippers, but the occupational classifications of new jobs listed by the Department of Labor scares me I say to the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from Missouri [Mr. CLAY]. As the chairman and ranking member, I want to just let the gentlemen hear a few: Belly builder; plate stacker; streetlight repairer helper; diaper machine tender; dog washer; dog food mixer; earmuff assembler; brassiere cup molder cutter; sweatband shaper; ball point pen cartridge tester; feather stitcher; ribbon winder; puzzle assembler; dope mixer. I really want to know what that is. Bosom presser; sanitary napkin folder; pantyhose crotch closer.

Let me say this. There is dignity in all work and I do not want to malign anybody's occupation, but when our Department of Labor has to try and make it look like there are jobs in this country by actually dotting every "I", crossing every "T" and trying to imagine every little simple task that might be covered under basic laboring types of provisions, then we have other things to do than to just retrain.

I am asking today from one of the best committees I have seen operate since I have been here, to the gentleman from Pennsylvania [Mr. GOODLING] and to the gentleman from Missouri [Mr. CLAY], to put their minds together and pull upon the resources of Congress and see what we can do to enhance reasonable job opportunities for those dislocated workers. My amendment will cover all the provisions and I want it to be understood it will cover all the money in the bill. I thank the gentleman for yielding me this time.

Mr. MCKEON. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. PETERSON], a new member of the committee who has been very active in working on this bill.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I too would like to rise to congratulate the chairmen of this committee and the subcommittee and the ranking members of the committee and the subcommittee because this is how it should be done. Those of my colleagues who think this bill will pass rather easily today without much trouble, that is true. But there has been a whole lot of hard work, a whole lot of compromise, a whole lot of commitment to getting to home plate and scoring the run. I congratulate those. I think a lot of other committees in this Congress could watch and observe and do better.

America will be challenged in my view in the years ahead to provide the workers with the opportunities to receive the technical education they need to meet tomorrow's jobs. As I view factories, and I try to tour at least one or two a week in my district, they are changing. If we are going to remain a strong manufacturing nation, and I think we must, I agree with the gentleman from Ohio, if we do not maintain manufacturing in this country, we will be a second-rate nation.

□ 1000

We have to have workers with a whole lot more skills than were needed just a few years ago. Today we are taking a step, not all the steps we need to take, but we are taking a major step. When we combine 60 programs into 3 block grants and allow the local folks, the States and the local community groups, to decide what is needed and how to do it, we will be much more successful.

Historically, as a State legislator and a State senator, I so often tried to help people fit into those Federal categories and get the training they needed, and so often we failed because even though there were 60-some programs, the Federal Government cannot design enough slots and enough types of programs to meet the needs that are out there, and we failed at it. Many people were trained for jobs that are not available, people were given skills that no longer are valuable, and that will have a chance to cease with this program.

Mr. Chairman, I want to also thank the gentleman for allowing my amendment which will allow incumbent workers to be trained, and I think that is important. So often we have skill centers sitting idle on weekends and nights, and they were not able to use them because of all the Federal hoops they had to jump through, and those should be on a fee-for-service basis, allowed to train local people, and the investments we made need to be utilized to train everybody we can train. And I just think this is a bill moving in the right direction, and I commend those who made it happen.

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. ESHOO], who played a very crucial and essential role in perfecting section 508.

Ms. ESHOO. Mr. Chairman, I rise in support of H.R. 1385 and the en bloc amendment.

In particular, I would like to thank the gentleman from Pennsylvania [Mr. GOODLING], the gentleman from California [Mr. MCKEON], the gentleman from Missouri [Mr. CLAY], and certainly the gentleman from Michigan [Mr. KILDEE] for accepting the language I offered to strengthen section 508 of the Rehabilitation Act. I would also like to thank the gentleman from Massachusetts [Mr. TIERNEY] for his willingness to actively support this provision in full committee.

There are approximately 145,000 Federal employees with disabilities, and they comprise 7½ percent of the Federal work force. Most work in the Departments of Defense, Veterans' Affairs, and Agriculture.

Information technology has played a large role in opening up jobs in the Federal Government and elsewhere to people with disabilities. An estimated 43 percent of employed people who are blind or visually impaired use computers to write. However, information technology can also shut the door to people with disabilities if it is not accessible to them.

So it is imperative for Federal employees with disabilities to have Federal agencies purchase information technology that gives them a chance to do their jobs well. Section 508 of the Rehabilitation Act was designed to achieve this goal, but it was not working as it should have because it did not have teeth in it and terms of enforcement. It now does.

The en bloc amendment establishes a way to enforce agency compliance. It will require the OMB to develop uniform procedures for Federal agencies to use each year to certify whether or not they are in compliance with section 508, and the OMB also is given authority to review agency compliance

statements and assist the agencies in making their information technology systems accessible to their employees with disabilities.

I urge my colleagues to support certainly this bill. I congratulate the leadership and all the members of the committee for the outstanding work that they have done. I certainly support H.R. 1385, and I am very proud to have this language included. I really think it is going to make a difference for the people that we employ, and the message will go out to the country that we, too, the Federal Government, are an enlightened employer in this country.

Mr. MCKEON. Mr. Chairman, I yield 2½ minutes to the gentleman from Montana [Mr. HILL].

Mr. HILL. Mr. Chairman, I would like to thank the gentleman from California [Mr. MCKEON] and the staff for their hard work on the vocational rehabilitation programs that are part of this bill. I also want to thank the gentleman for accepting my suggestions as part of his en bloc amendment to promote self-employment and small business ownership for people with disabilities.

Since 1998 the Rural Institute on Disabilities at the University of Montana has conducted research and development self-employment models for promoting self-employment for people with disabilities. I have been working with the University of Montana on these amendments, and I am pleased that they have been accepted.

Self-employment is part of the American dream. People are drawn to the notion of working for themselves in a way that they are not attracted to working for someone else. Americans think of self-employment as a way to control their own futures and to make work more fulfilling.

Although self-employment is part of the American dream, it is often overlooked as part of the vocational rehabilitation system, which typically focuses on placing people as employees, and while it is not appropriate for all people with disabilities, self-employment is a vital option for many.

For example, from 1988 through 1992 vocational rehabilitation has placed 5,000 people with disabilities in self-employment, which represents only 2.7 percent of those placements, and while 5,000 is a large number, the 1990 census stated that over 12 percent of working age people with disabilities are self-employed.

My amendment legitimize the use of self-employment for vocational rehabilitation and provides one more way for people with disabilities to become self-sufficient, and I urge the adoption of Mr. MCKEON's en bloc amendment.

Mr. KILDEE. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. SAWYER], a former and much missed member of this committee.

Mr. SAWYER. Mr. Chairman, I thank my friend, the gentleman from Michigan [Mr. KILDEE] for the opportunity to rejoin in this discussion today. I particularly want to thank him and the gentleman from Missouri [Mr. CLAY] and the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from California [Mr. MCKEON] for the quality of work. It is an example of the kind of thing that can be accomplished when we work together, and I would like to thank and commend all of my colleagues from the Committee on Education and the Workforce for their real teamwork on this legislation.

Mr. Chairman, for several years we have known that our job training delivery system is sometimes duplicative, often confusing, and far too often ineffective. Programs are training people for jobs that sometimes no longer exist, and potential workers have to navigate a maze of different service delivery systems in order to get training. For our industries to succeed, our workers must be highly productive. They need the education and training necessary to keep them in tune with technological advances and innovations in real time.

In the last Congress, the committee began with common goals to consolidate programs, to increase flexibility, and to improve the delivery of services. In the last Congress it was known as the Careers Act. I was a member of the conference committee for that legislation. It seemed to be moving in the direction that Members on both sides of the aisle could support, but it also had some fairly basic flaws that were never resolved, and over time changes moved the Careers Act even further away from its original concept.

This legislation, H.R. 1385, is different. In fact, it incorporates almost every one of the concerns that were raised by Democrats in the last Congress. It also gives States and localities the flexibility to provide adults and youth with the literacy services or training necessary for the jobs that exist in their communities.

I support this bill, but I have to admit that I am a little bit saddened that it would repeal legislation that I offered which created important pieces of literacy and adult education infrastructure. The National Literacy Act of 1991, which was supported by both the gentleman from Michigan [Mr. GOODLING] and myself, was signed into law by former President Bush. But laws evolve as the economy evolves, and we need to understand that if we are going to be effective in delivery, that those structures need to evolve with them and to improve.

Mr. Chairman, I am pleased that many of the important elements, including the National Institute for Literacy, will remain in existence under the auspices of the Adult Education Act. I am also pleased that this legislation allows States to maintain their commitment to professional development for adult education and to the State and regional literacy networks.

The Ohio Literacy Resource Center in my district and others like it throughout the country have facilitated an exchange of information on literacy programs that is unprecedented. Their work allows church literacy programs on one coast to use materials and teaching materials that were developed on the other and everywhere in between. This maximizes scarce resources in fighting the problems of illiteracy.

I commend the committee for its work and all of its leaders in helping to guide it in achieving consensus on a broad and complicated area of policy, and I urge my colleagues to support this bill and to help ensure that scarce resources are being used in the most effective way to educate and train America's work force.

Mr. MCKEON. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. SMITH], who has been helpful in making the bill better.

Mr. SMITH of Texas. Mr. Chairman, I thank the chairman of the Subcommittee on Postsecondary Education, Training and Life-Long Learning, the gentleman from California [Mr. MCKEON], for yielding.

I rise today in support of H.R. 1385, the Employment, Training and Literacy Enhancement Act of 1997. I first would like to commend the distinguished chairman of the Committee on Education and the Workforce, the gentleman from Pennsylvania [Mr. GOODLING], and the chairman of the Subcommittee on Postsecondary Education, Training and Life-Long Learning, the gentleman from California [Mr. MCKEON], for their diligent work in bringing this important legislation to the floor and for their willingness to work with Members to address our concerns.

Special thanks also goes to subcommittee members, the gentlewoman from New Jersey [Mrs. ROUKEMA], and the gentleman from Indiana [Mr. ROEMER], and the gentleman from North Carolina [Mr. WATT], an original cosponsor of the legislation I introduced.

Increasing educational opportunities for millions of Americans is a shared goal. But many Americans' opportunities are limited by illiteracy. In fact, there are 46 million illiterate adults in our country. Only 9 percent of these adults are being served by programs provided by the current Adult Education Act.

This bill rightly addresses the problems of adult illiteracy. It allows States more flexibility to tackle the problem of adult illiteracy by funding support services such as transportation and child care. I thank the committee for including my legislative ideas that allow States for the first time ever to use a part of their funding to provide

support services to participants in adult education classes.

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. TIERNEY].

Mr. TIERNEY. Mr. Chairman, I rise to speak in favor of this legislation, the Employment, Training and Literacy Enhancement Act.

I want to also give my appreciation to the chairmen of the full committee and the subcommittee as well as the ranking member. It was, in fact, a notable example of people in this Chamber working together toward a common goal, which was, in fact, a goal that we all spoke about over the last campaign and have carried through for the first 3 or 4 months of this particular session. We have done this on the IDEA legislation, and we have now done it on this particular piece of legislation, and I applaud both the Democrats and Republicans on the committee.

I recently have had the opportunity in my district to have a round table strictly on the issue of literacy, adult basic education. From that round table, I heard from all of the folks within the Sixth District of Massachusetts who are intricately involved in adult basic education on a daily basis. They were able to speak to many of the issues that we, in fact, dealt with in this particular piece of legislation; and, by and large, this bill manages to positively address almost all of the concerns which they made known to us.

As surprising as it seems to people when I talk throughout the district, even the relatively affluent State of Massachusetts has 20 percent of its population that are adults that are functionally illiterate, and a million people have yet to get a high school equivalency in that State.

There are 15,000 people in Massachusetts awaiting the opportunity to have adult basic education literacy and numerary skills worked with them. This is something that we have to provide for. It is a disgrace, frankly, that our system has not been able to step up to the plate and acknowledge and deal with this situation.

I think with this act and some of the changes that have been made in it, we are going to be able to extend these programs and revise them so that they are, in fact, more effective. We are providing more resources so that those people will have the skill and ability to teach people and work with people and bring their levels up to what is needed to be able to get a job and to be able to, in fact, read to their children and grandchildren so that we will not have to repeat this cycle well on into the future.

I also want to make note of the fact that the job training program allows for a good deal of local participation.

Mr. McKEON. Mr. Chairman, I yield 3 minutes to the former Governor, the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Chairman, I thank the gentleman from California [Mr. McKEON] for yielding. But more than that, I thank the gentleman for his tremendous work on a very difficult piece of legislation. He and the gentleman from Pennsylvania [Mr. GOODLING], and the gentleman from Michigan [Mr. KILDEE], and the gentleman from Missouri [Mr. CLAY] have done an outstanding job.

I do rise in support of H.R. 1385. I have heard some of the speeches here, and I will not try to reiterate what has already been said. But this really is a good-faith bipartisan effort, in my judgment, to simplify and improve Federal employment training by consolidating and eliminating over 60 existing programs. It was needed, sorely needed. I think it took a tremendous effort to do it, and I congratulate everybody.

I do want to mention a couple areas that are of particular interest and concern to me in this bill. First of all, I worked to ensure that eligible activities under section 402 include single-purpose grants for training and technical assistance for housing and related facilities for migrant, seasonal farmworkers.

In Delaware this fund uniquely enables the National Council on Agricultural Life and Labor Research and other locally based nonprofits to provide technical assistance that improves housing conditions and develops new housing in their agricultural community.

□ 1015

I also supported changing the bill in committee to ensure that groups like Goodwill and Kent Sussex Industries, two community rehabilitation providers in Delaware, are included in the redesign process and are included on the regional work force development boards.

Of particular concern to me is language that the committee adopted that would effectively preempt State law to give State legislatures unprecedented and sweeping authority over how Federal work force block grant funds are spent. The provision specifically requires that these Federal funds be subject to the State laws and procedures that apply to State funds. Delaware does not make specific authorizations for Federal funds now, and the JTPA and Private Industry Council continue to work very well, and have worked well in the past, including under my past administrations.

Now, under this legislation, the law would be changed to require that all moneys be passed through the legislature, and I am very concerned that funding decisions will become mired in politics. There will be no assurance that objective criteria will be used in selecting training providers, and the efficiency and effectiveness of the funding system could be seriously compromised.

The current system is more productive and provide Governors much-needed flexibility. There is no benefit to the Federal Government mandating that all States administer JTPA in exactly the same way, when we in Delaware have proven that a small State can make a big difference when given the power to choose our own way.

I understand this issue will try to be worked out to the satisfaction of all sides involved, and it is something I will be working on as well as we move to conference. Otherwise, this bill is a giant step forward to help train our workers in a comprehensive way so that we can continue to remain competitive in an increasingly globally competitive environment.

I congratulate the sponsors and ask everyone to support this legislation.

Mr. KILDEE. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, I thank the gentleman from Michigan [Mr. KILDEE], who does such an excellent job and I thank the subcommittee chair for his leadership as well.

Mr. Chairman, I rise in support of H.R. 1385. This bill is a good step in coordinating our Federal, State, and local employment and training programs. It provides incentive grants to States that demonstrate continuing progress in coordination and integration of these programs. This bipartisan bill builds an integrated work force development system. However, I do not think the bill goes far enough, and I would presume that some of its enthusiastic supporters perhaps feel the same. It does not go far enough in my opinion in terms of requiring the Federal Government to coordinate other service programs with these employment and training programs.

Mr. Chairman, I rise because I have introduced a bill, and I want to talk to the gentleman from Pennsylvania [Mr. GOODLING], the gentleman from California [Mr. McKEON], the gentleman from Michigan [Mr. KILDEE], and others, the gentleman from Missouri [Mr. CLAY], about it, called the Family Services Improvement Act, H.R. 1480. It takes this bill I think a necessary step further to encourage agencywide coordination at the Federal level.

I would like to voice my strong support for the full service centers that this bill seeks to implement.

The Department of Labor currently funds 287 one-stop career centers in 24 States. In my district there are five one-stop service centers. These centers allow Americans to have easy access to reliable, up-to-date information on job searches and provides workers with ready access to training-related and supported services. It requires the implementation of full service, one-stop

employment and training delivery centers, an excellent step.

I am pleased to see the Committee on Education and the Workforce come to a compromise on this bill. I support it. Its implementation of one-stop employment and training delivery centers will be a giant step forward, as the gentleman from Delaware [Mr. CASTLE] said.

Coordination of these job training programs which this bill requires will lead to a more effective and efficient use of our Federal dollars.

But let me suggest to the leaders, particularly the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from Missouri [Mr. CLAY], of this critically important committee, that we can do more in terms of coordinating services. The gentleman from Indiana [Mr. JACKSON] talks about a mom going to a centrally located school, with her small child, and they go together. The child goes for education, whether it is pre-K, kindergarten, first, second, or whatever grade, and mom goes to get the job training services and information, GED, whatever she needs; and together, the Federal programs are coordinated at a single site accessible by the user for the purposes of giving that family full service support.

So my colleagues can see, it is no criticism to say this bill does not go as far as I would like to see it. It clearly takes a critically important step forward in the coordination of services, but I think we can do more, and I look forward to working with the leaders that I have mentioned, the gentleman from Pennsylvania [Mr. GOODLING], the gentleman from Missouri [Mr. CLAY], the gentleman from Michigan [Mr. KILDEE], the gentleman from California [Mr. MCKEON], and others on the committee, because I think we have a context in which we can make a dramatic step forward in the coordination of services at the Federal, State, and local levels.

Mr. Chairman, this is an important subject and I appreciate the ability to talk on it, and to support this very significant step.

Mr. KILDEE. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. ROEMER], along with his two sons, Matthew and Patrick.

Mr. ROEMER. Mr. Chairman, I thank the distinguished gentleman from Michigan, and I am not sure that I will yield time to my two sons.

I want to start off by saluting and commending and applauding the bipartisanship shown by the chairman and ranking members on both the Democratic and Republican side, the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from California [Mr. MCKEON], the gentleman from Michigan [Mr. KILDEE], and the gentleman from Missouri [Mr. CLAY]. This is the kind of cooperation and these are the kinds of bills that the people of Indiana, and I think in the Midwest and hopefully throughout the country, want us to work on.

I want to further say that this is the third bipartisan bill that our committee has reported out in a productive and civil fashion to do the people's work. We have worked on the IDEA legislation for the disabled community, we have worked on a higher education commission, and we are now working together on this important legislation for worker training and literacy. I think that this is some of the most important work that we have done in this Congress.

Mr. Chairman, I want to talk in terms of bipartisanship about some legislation that we have put in this bill in a bipartisan way. Several weeks ago the gentleman from Texas [Mr. SMITH], a Republican, and the gentlewoman from New Jersey [Mrs. ROUKEMA], and the gentleman from North Carolina [Mr. WATT], a Democrat, and myself joined together to put a support services bill together that will enhance the way that these programs deliver services in a more effective way with a heart, but they deliver the service and get the literacy programs to the people that need it. Forty-six million people in America lack basic literacy skills. Only 9 percent of those 46 million Americans are currently getting job training skills and literacy program exposure.

One of the things that we attached to this bill in a bipartisan way was to allow these programs to have support services and spend money on child care and transportation to get to the adult services programs and literacy programs at night. When we put these components in, we have found that participation in these programs oftentimes goes from 10 members to 40 members in these nighttime programs, where the people are sometimes single and have children. They need child care, they need transportation at night to get the literacy skills, to enhance their skills at work in the daytime.

The gentleman from California [Mr. MCKEON] and the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from Missouri [Mr. CLAY] and the gentleman from Michigan [Mr. KILDEE] have worked on even making our legislation better, incorporating into this bill the kinds of caring components with transportation and child care that we have found that will help transform our welfare system. We found in welfare in the debate last year that welfare only works when we allow people to get care for their children. We do not want to have to have them pick between work and leaving children home alone.

This bill incorporates those things into making adult literacy programs more available for all people, and that saves us money in the long term, and productivity and enhancing our programs, delivery of efficient services, and helping people learn to read.

Again, I want to end on saying I am proud to be a member of the Committee on Education and the Workforce. It shows the American people that we work together in a bipartisan way to deliver good bills for the American people, and I hope this bill will become law.

Mr. MCKEON. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. PAUL], another new member of the committee.

Mr. PAUL. Mr. Chairman, I thank the gentleman for yielding me this time.

After 30 years of Federal Government involvement and two major legislative overhauls, there are now over 160 Federal programs dedicated to job training. The Federal Government has spent approximately $4.5 billion just on the Job Training and Partnership Act of 1997. However, the U.S. Congress cannot measure whether or not they are getting a good return on their investment since both Federal agencies do not even know if their programs are helping people find jobs.

The very idea that a government board can somehow determine what occupations will be in demand at any point in the future is an example of what Nobel Laureate Friedrich Hayek calls The Fatal Conceit. No central board, even one dominated by local officials and businessmen, can predict which jobs will be in demand in 5, 10, or 15 years. It is doubtful that a local work force board in Silicon Valley in 1978 would have tried to link job training services to personal computer markets. In fact, it is highly unlikely that Steve Jobs will be appointed to the work force development board. The very fact that the boards are compiled of already established leaders for business practically ensures that the entrepreneurs creating the jobs of the future will not be represented on the board.

In this high-technology information age where financial and, more importantly, intellectual capital can travel around the world in a matter of seconds, the jobs in demand in any area can change faster than any geographical local work force board could conceivably update the skills with which to link job training.

The private actions of individual citizens working together in a free market can best build a job training system that meets the needs of its citizens. Private individuals, local communities, and State governments are also more capable than the Federal Government of providing adequate help to those unable to provide training for themselves.

If the Federal Government returns to constitutional size and reduces the tax and regulatory burden on the American citizen, Federal job training programs of any sort furthers the destructive

idea that the proper role of the Federal Government is to provide for all the needs of the citizens. The belief that Congress has a moral duty to administer to the health and welfare of the populace, both of America and the world, is directly responsible for the growth of the welfare state, which threatens to destroy America's economic prosperity and liberty itself.

□ 1030

I am strongly opposed to this legislation, and believe freedom and free choices and the marketplace and the Constitution is a much better approach.

I. INTRODUCTION

Congress is once again attempting to repair the broken system of Federal job training. The major Federal role in job training dates back to 1962, with President Kennedy's Manpower Development and Training Act [MDA] and continuing through the Economic Opportunity Act of 1964, passed as part of President Johnson's Great Society Consistent with the Great Society philosophy that the Federal Government had the solution to all problems, these bills centralized job training authority in Washington.

Soon, however, concerns arose that Federal job training programs were rife with waste and abuse. Congress, therefore, began trying to repair some of the inefficiencies in the job-training program. First, in 1973, Congress, with the support of the Nixon administration, passed the Comprehensive Employment and Training Act [CETA]. CETA was designed to decentralize Federal job training programs. Congress next addressed job training in 1982, with the passage of the Job Training and Partnership Act [JTPA], which promised to turn Federal job-training into a public-private partnership that would operate more efficiently than the three major job-training bills that had previously passed the Congress and failed to accomplish their stated goals.

After 30 years of Federal involvement and two major legislative overhauls, there are now over 160 Federal programs dedicated to job training. The Federal Government spent approximately $4.5 billion to just JPTA in 1997. However, the U.S. Congress cannot measure whether or not they are getting a good return on their investment since most Federal agencies do not even know if their programs are helping people find jobs.

Congress is once again attempting to repair the Federal job training systems. However, despite the abundant evidence of the failure of the centralized welfare state model of job-training programs, this Congress is planning to continue dictating to all 50 states the composition, content, function, and even the goals and benchmarks of job training programs. The Employment Training and Literacy Act of 1997, [H.R. 1385], tampers with the constitutional principle of federalism. H.R. 1385 redefines the very notion of federalism to mean that States, localities, and individual citizens are given limited flexibility and control over how they fulfill the Federal Government's mandates.

II. H.R. 1385 INTERFERES WITH STATE'S AUTONOMY AND FORCES TAXPAYERS TO SUBSIDIZE BENEFITS FOR SELECT BUSINESSES AND EMPLOYEES IN VIOLATION OF THE U.S. CONSTITUTION

Unlike the mandate federalism embodied in H.R. 1385, the federalism embodied in the U.S. Constitution allows for no Federal role in job training, or education generally. In fact, the tenth amendment, which reserves the authority for carrying out functions not explicitly granted to the Federal Government, to the States and the people, forbids Federal education programs. Yet, as demonstrated below, H.R. 1385 continues the unconstitutional centralization of education power for the benefit of certain members of society at the expense of the mass of American taxpayers.

Under H.R. 1385 States must provide a 3-year plan for adult job training and literacy programs in order to receive Federal job-training funds. These plans must satisfy federally specified content and must be approved by the Secretaries of both the Department of Education and the Department of Labor.

Additionally, States are required to establish local work force development boards whose functions and composition are dictated by the Federal law. Furthermore, the boards must meet benchmarks identified by the Governor in negotiation with the schools, the local boards do not even have the authority to determine how their performance should be measured. Rather progress under this bill is measured by predetermined Federal core indicators.

Under H.R. 1385, the local work force development boards would be dominated by representatives of the business community. Certainly the input of the business community is important for job training. However, a Federal mandate that representatives of business dominate the job-training boards may provide a means for business to socialize or externalize their training costs. Those businesses which will achieve a direct benefit from a more highly skilled work force should be the ones to finance such programs. Individuals who will benefit from improving their skills could also choose to ultimately pay at least some of the costs of their training. In no instance should the individual taxpayer be forced to subsidize the job training of another person.

Not satisfied with wealth transfers to prepare those without employment for business, this bill provides training for skills upgrading for incumbent workers—those already employed. Despite a budget billions of dollars out of balance, this bill creates a new entitlement for already-employed workers and their employers to receive more training courtesy of the American taxpayer.

Businesses are not the only institution showered with largess in this bill. Under the provisions of this bill, the Secretary of Labor is empowered to provide taxpayer dollars to labor unions to carry out research and demonstration projects as well as grants to public interest groups. Credible accusations have been made that these groups have often used Federal funds to advance their political agenda. At the very least, Congress should conduct a thorough investigation and take steps to prevent Federal funds from being used to pay for political activity before handing out more grant money.

III. H.R. 1385 INFRINGES ON FAMILY AND INDIVIDUAL AUTONOMY

In addition to continuing the practice of running job training programs from Washington, DC, this bill expands the State's reach into Americas' families by authorizing Federal funding for family literacy services. These services are to include training for parents on how to teach their children and interactive literacy activities between parents and their children.

This history of Federal involvement in family literacy raises questions regarding the effectiveness of government programs to teach anything regarding child raising. From 1963 to 1993, Federal spending on education increased from approximately $900,000 to over $10 billion, while scores on the Scholastic Aptitude Test [SAT's] dropped by an average of almost 60 points. Given the poor track record, it is doubtful whether increasing Federal involvement in family literacy is likely to do anything but ensure lower rates of family literacy.

Furthermore, Federal involvement in child rearing violates the very principles upon which this country was founded. In a free society, such as that bequeathed to America by the drafters of the Constitution, the family, not the Government, is responsible for the raising of children. State control of child raising is, in fact, one of the hallmarks of totalitarianism. Those of us concerned with expanding and preserving freedom must oppose all measures, including the legislation currently under consideration, which erode the autonomy of the family under the theory that government social workers are better able to address the needs of children than parents.

Along similar lines, the language for disadvantaged youth programs mandates the integration of academic, occupation, and work-based learning opportunities. This is also quite objectionable. This language seems to suggest those youth diagnosed as disadvantaged by the social workers and psychologists will be denied a traditional education, instead disadvantaged youth will be herded into State-run job training programs. Such a federally mandated plan is in no way consistent with the core American value of individualism.

IV. H.R. 1385 ESTABLISHES A SYSTEM INCAPABLE OF ACHIEVING ITS STATED PURPOSE

This bill reaches the height of hubris in its mandate that training services be linked to occupations for which there is a demand in the local work force development area. This provision is objectionable for two reasons.

First, because business-dominated work force development boards will determine which occupations are in demand, it is very likely that the business represented on the board will be the ones determined to be those for which there is a demand in the local work force.

Second, and more important, the very idea that a government board can somehow determine what occupations will be in demand at any point in the future is an example of what Nobel Laureate F.A. Hayek called the fatal conceit. No central board, even one dominated by local officials and businessmen, can predict which jobs will be in demand in 5, 10, or even 2 years. It is doubtful that a local work force board in Silicon Valley in 1978 would have to tried to link job training services to the

personal computer market. In fact, it's highly unlikely that Steve Jobs—founder of Apple computers—would be appointed to the work force development board in Silicon Valley. The very fact that the boards are comprised of already established leaders for business practically assures that the entrepreneurs creating the jobs of the future will not be represented on this board. In this high-technology information age, where financial and, more important, intellectual capital, can travel around the world in a matter of seconds, the jobs in demand in any area can change faster than any geographical local work force board could conceivably update the skills with which the link job-training.

V. CONCLUSION

The argument is often made that State-financed job training is necessitated by the failure of the educational system to properly prepare students for the job market. Each of us can understand the frustration of employers unable to find employees capable of adapting to new technologies.

As a physician, I have employed many people in critical positions. I certainly understand the importance of having a readily available pool of skilled labor. I would question, however, whether the pool was better prior to the Federal Government's intrusion into education.

The private actions of individual citizens, working together in a free-market, can best build a job-training system that meets the needs of its citizens. Private individuals, local communities, and State governments are also more capable than the Federal Government of providing adequate help to those unable to provide for training out of their own resources, if the Federal Government returns to constitutional size and reduces the tax burden on American citizens.

Federal job training programs, of any sort, furthers the destructive idea that the proper role of the Federal Government is to provide for all the needs of its citizens. The belief that Congress has a moral duty to minister to the health and welfare of the populace, both of America and the world, is directly responsible for the growth of the welfare-warfare state which threatens to destroy America's economic prosperity, and liberty itself. Job training should be provided, like all other goods and services, by the free-market and voluntary transactions.

Mr. MCKEON. Mr. Chairman, I yield 30 seconds to the gentleman from Michigan [Mr. KILDEE], ranking member of the subcommittee.

Mr. KILDEE. Mr. Chairman, bills like this could not be written without the staff. I want to thank certain members of the staff who played a major role directly in this bill. On the Democratic side, Brian Kennedy, Marshall Grigsby, David Evans, and Margo Huber.

On the Republican side, Mary Gardner-Clagett, D'Arcy Philps, Lynn Selmser, Vic Klatt, and Lauren Coberly. We thank you very much for your very, very hard work, day and night, on this bill.

Mr. MCKEON. Mr. Chairman, I want to thank the gentleman from Michigan [Mr. KILDEE] for his graciousness, and for thanking the members of the staff, and would like to add my thanks, also.

Mary Clagett has worked, what, 6 or 8 years on this. All of those who have worked so hard, we want to thank them. Many people see us standing up here, and we are the ones that finally get the final praise for what has been done. They are the ones that have done all of the work to pull us together to help make it possible, and we want to thank them greatly for this effort.

Mr. RIGGS. Mr. Chairman, I rise today in support of H.R. 1385, the Employment, Training, and Literacy Enhancement Act of 1997. This is a bill which will prepare adults for the 21st century work force. It consolidates and improves existing programs under the Job Training Partnership Act [JTPA], the Adult Education Act, the Wagner-Peyser Act, and the Rehabilitation Act of 1973. Overall, H.R. 1385 consolidates over 60 existing employment, training, and literacy programs into three block grants to States and localities. I would like to congratulate Chairmen GOODLING and MCKEON for their leadership on this issue, and for crafting a measure that has bipartisan support.

This bill will make a positive impact on adults as they prepare for the jobs of the future. It will help workers get the retraining necessary to compete in the current job market. We find ourselves in a unique economic situation in America today—we have low unemployment rates, but also have high rates of underemployment. We in Congress must take the lead and ensure adequate training is available to all Americans, in their communities.

This bill provides service delivery methods that maximize consumer choice in selecting training providers. I am particularly pleased that training services will be provided through the use of skill grants vouchers. These vouchers will be distributed through the full-service employment and training delivery system. This will enable adults to receive the training they need in their own community. When, for example, individuals want computer training, they can shop around for institutions that best meet their needs.

Some naysayers say this will encourage fly-by-night companies to deceive the hard-working public. But the bill includes protections in the form of requirements that providers must meet in order to receive funds. A provider must either:

First, be an accredited title IV eligible post-secondary educational program, or

Second, be recognized by a local work force development board, which will determine if the provider meets acceptable, locally established performance standards established at the State level. The provider must have a proven completion record for participants in their program, and demonstrate a success rate for job placement after program completion.

There are other provisions in this bill I want to highlight.

The disadvantaged youth employment and training opportunities grant will move the focus of current disadvantaged youth programs from short-term employment fixes to longer term academic and occupational training.

The adult employment and training grant takes a work first approach to training. Priority will be given in resource allocations to intensive training for welfare recipients and other individuals with multiple barriers to employment.

Finally, this bill will extend the Rehabilitation Act of 1973 which provides rehabilitation and employment training to adults with disabilities, for 3 years.

In summary, H.R. 1385 promotes individual responsibility through vouchers, promotes competition among training providers, and drives resources and authority out of Washington to States and localities. By decreasing the size and scope of the Federal Government's control, this is truly a work-first bill for adults. It will also help get economically disadvantaged youth back to school.

I urge support for H.R. 1385. By passing this bill, we will give many Americans new tools to prepare for the 21st century.

Mr. SNOWBARGER. Mr. Chairman, I rise to express my support for H.R. 1385 but I urge my colleagues to address several troubling provisions during conference.

The current job training programs are top heavy, duplicative, and micromanaged from Washington. H.R. 1385 consolidates over 60 programs, currently administered by 15 separate agencies, into 3 targeted block grants. This will reduce administrative costs significantly, which the bill would redirect to the grants. I would have preferred that the taxpayers benefit from at least some of the savings.

This bill gives States the authority to tailor job training programs to fit their individual needs. Furthermore, it ensures that business and education leaders, who have expertise in work force development, will play a crucial role in development of State implementation plans instead of Washington bureaucrats.

H.R. 1385 received bipartisan support and is widely supported by industry and education groups. In a letter dated May 16, 1997, the U.S. Chamber of Commerce stated, "H.R. 1385 directly addresses this critical need—work force development—and better targets job training efforts at the State and local level." Additionally, the American Association of Community Colleges and Association of Community College Trustees, one of the primary providers of workforce training, wrote, "We support the flexibility the bill gives states and localities to design their workforce delivery system to best suit the needs of their citizens."

While I believe that H.R. 1385 is a step in the right direction, I do have these serious concerns about it:

The Job Corps Program continues to be championed by those who either will not or can not acknowledge the program's serious flaws. Even the President's own Labor Department study of the program says that it is difficult to defend. Why continue to force Governors to spend limited resources on this program if they can develop better ones? I would have preferred that the legislation passed today would have contained language to allow Governors to experiment with new, perhaps private, job training programs better suited to the particular needs of their local work force.

Why create new federally funded and managed adult literacy programs. On one hand Congress claims to want to end a Federal jobs

bureaucracy. On the other hand, they create a new only slightly smaller version, with new programs devoted to adult literacy. This program amounts to nearly two and one half billion dollars of new spending on top of the 33 billion in job training dollars already allocated. Curiously, this bill grants authority over such literacy programs directly to the State Education Department, by passing the Governor's office all together. They will administer the federally designed and funded grant program.

I do think some of the other complaints are mistaken. The bill does not institute government control of where ordinary Americans will go to work, or restrict individual students' career choices. We must remember that these job training programs are set up for those people who need extra help to find an entry-level job, or change careers because their former job has disappeared. They do not involuntarily assign high school graduates to a particular job or employer, any more than the high school guidance counselor does.

The work force development boards advise the State training agencies on what kinds of jobs are likely to need more workers in the future. Obviously, they won't be perfect. But they would do a better job of predicting the needs of the local labor market than the wild guesses of bureaucrats. Finally, the bill was amended do explicitly ensure that the work force boards do not have the authority to change school curriculums or affect homeschoolers.

On balance, I must say that this bill is better than our current job training mess. For this reason, I am voting for the bill.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to express my support for those portions of H.R. 1385, the Education, Training, and Literacy Enhancement Act which promote change which is beneficial and supportive of the goals of full literacy and accessible responsive job training programs throughout our country.

However, I do have concerns regarding the implementation of this legislation as it pertains to the control that will be given to States. I know that most would agree that local control of these programs is a desired goal, but I would add that local control must extend to the locality or jurisdiction where these important programs are implemented.

In the city of Houston, a successful Job Training Program called Houston Works has been successfully serving the needs of youth and adults for a number of years.

The total population of Houston, TX, is over 1.8 million with 26.7 percent African-Americans, 4 percent American Indian, 3.9 percent Asian, 26.8 percent Hispanic, and 42.2 percent white. Those residents of Houston who live in poverty number over 370,000 families.

This year Houston Works, one of several Job Training Partnership Act providers for the city of Houston, will receive $3 million in funding directly from the Department of Labor and has received letters of obligation from the State of Texas for an additional $24 million for a total of $27 million to carry out their job training goals for this fiscal year.

My concern with this legislation is with its implementation and administration. As job training moves to greater local control we must insure that control is, indeed, local.

Fortunately, in the case of Houston Works there is a long and successful history of working with the State to meet the needs of the Houston labor force. I would hope that this relationship will continue, but should it not, the grievance procedures listed under section 144 of this legislation must be more than adequate in its ability to address problems as they arise between Local Workforce Development Board and the State government. I would hope that as much attention is placed on this portion as the implementation of States receiving more control of these Federal funds.

Another concern of mine, and of the residents of the district that I serve, is regarding the subject and content of job training programs as we move toward the close of this century.

Computer literacy training must be a grater component of this legislation. Not just implied but expressed in the language in as many varied and focused ways as possible.

The need for strong computer job training and literacy based programs will be tremendous, as many communities in the country remain unable to access advanced networks or information. According to a 1995 study, only 20 to 25 percent of the Nation's hospitals and public libraries, and only 9 percent of our classrooms have access to the Internet or advanced information services.

Computer literacy and job skills are needed by millions of Americans who would not otherwise have access to them. This has a direct tie-in to economic development that will payoff by the year 2000 when 60 percent of the new jobs will require skills currently held by only 20 percent of the population.

On February 6 of this year, I introduced on the House floor a resolution to commend the work done by a national project called NetDay, which is responsible for the effort here in the city of Houston that wired 161 elementary, middle, and high school libraries for Internet access.

Because of the Houston Independent School District's NetDay96 and NetDay 2000 efforts, 138,980 students now have Internet access in the libraries of their elementary, junior, and high schools. This was accomplished with the assistance of 1,203 volunteers, who contributed their time to neighborhood schools. The generosity of sponsors, volunteers, students, teachers, and Houston Independent School District personnel saved Houstonians $58,080.

With 27.2 percent of the Houston Independent School District's student population considered at-risk, it was an important decision to hold NetDay96 connection projects on each Saturday in the month of October of last year. The Houston Independent School District methods ensured that every targeted school within minority and majority communities received an equal opportunity to have their neighborhood school library receive the necessary wiring for Internet access.

Distance learning could be a major component of all education instruction in our Nation by the close of this century if we look at the resources which are available to us today.

There are software packages which are designed to identify how an individual student learns reading, mathematics, science, geography. These software packages adopt themselves to that child's ability and pace of learning then instructs the child in a particular learning area on that information.

This technology should be available in every school in our Nation.

If we want to see the United States continue as a global economic and technological leader, we must today prepare the next generation to accomplish these objectives.

My other concern is that job training does not equal a job. I would hope that we continue to consider the impact of other laws which will impact on those citizens who depend on public assistance of some type. There has never been in our Nation's history 100 percent job placement. There will always be an imbalance in the number of jobs available and the number of people seeking positions.

According to the Statistical Abstract of the United States for 1996, there were 605,000 unemployed residents in the State of Texas.

In the 18th Congressional District in March of this year there were 3,936 people receiving unemployment insurance benefits. During that same month the Texas Workforce Commission recorded 13,167 applicants for jobs and only 1,031 job openings with a total of 304 job placements.

In the city of Houston 986,939 people are listed as members of the labor force. The employment totals are 921,636 with an unemployment rate of 65,303. The highest concentration of unemployment are African-American at 29,974, followed by Hispanic unemployment at 17,958, and white unemployment at 15,216.

Statewide the Texas Workforce Commission identified 127,295 people receiving unemployment insurance benefits in the month of March. During this same month 442,251 job applicants were received and 38,112 job openings were registered, with only 17,037 placements took place.

If we consider these facts then we may seek ways to create job opportunities which seek to provide creative and varied employment options which might encompass job sharing, seasonal, training for multiple job placement and others that would broaden the chance of placement after training has ended.

I would hope that my colleagues who will participate in the conference on this legislation will consider these important facts.

Mr. CUNNINGHAM. Mr. Chairman, I rise today in support of H.R. 1385, the Employment, Training and Literacy Enhancement Act.

Most Americans are not college graduates. Most Americans will face job or career changes during their lifetime. Many of our newest Americans want the opportunity to learn to read and write in English, the language of American opportunity. Americans on welfare are now seeking the skills they need to get work. All Americans want an opportunity to succeed and enjoy the American Dream.

Furthermore, American employers want to hire people with the skills they need. These skills change over time. Today's automobiles, to cite one example, have more onboard computing power than the Apollo spacecraft did, and the skills needed to repair them have grown to include computer sciences and electrical engineering.

The current system of job training and basic adult education, created with good intentions,

has simply failed to help citizens get training they need to get jobs. Workers have to navigate a hornet's nest of redtape. And Federal micro management has created training for jobs that do not exist. So this legislation replaces a failed Washington-run system, with local control, local authority, and the local motivation to do the job right.

The Employment, Training and Literacy Enhancement Act replaces Federal micro management with local control and accountability. It replaces some 60 Federal job training programs with three flexible block grants that States and communities can use to provide education and job training that is responsive to local needs. In San Diego, our community colleges, regional occupational programs, private industry councils and others will have the opportunity to work together to meet local citizens' and employers' needs, without having to distort their services to meet the needless and conflicting paperwork guidelines of dozens of Federal programs. Most importantly, it gives individuals who need job training the flexibility, information and resources they need, so they can obtain the education and training they need, so they will have a fighting chance to achieve the American Dream.

In the 104th Congress, I was privileged to serve as chairman of the House Subcommittee on Early Childhood, Youth and Families. Along with Chairman GOODLING and KCKEON, and Ranking Member KILDEE, we worked very hard to consolidate and improved job training, adult education and literacy programs. Our measure was not enacted in the 104th Congress, owing to the late-session election year crush. And now I serve on the Appropriations Committee. But last year's and this year's bills both included some major improvements and focus on the area of literacy. And I would like to focus special attention on that area.

This measure consolidates several adult education and literacy programs into a single block grant to the States. This very basic education is made available for one reason: If a person cannot read and write, he or she cannot benefit from more advanced job skill training.

In 1995, my subcommittee held hearings in San Marcos, CA, on this subject. One of the witnesses, John Corcoran, was a teacher and a businessman, and author of the alarming book "The Teacher that Couldn't Read." Throughout his own education, and through a teaching and real estate sales career, he had developed a thousand coping mechanisms to get around his illiteracy. But when the real estate market failed, his inability to read kept him from being able to support his family. He got help. He learned to read. And now he's doing very well.

The fact is that there are more John Corcorans in America than we are willing to admit, and that most illiterate adults do not do as well as John did. The National Adult Literacy Survey showed that of Americans at the lowest of five literacy levels, 17 percent receive food stamps, 43 percent live in poverty, and a stunning 70 percent are unemployed and underemployed. Therefore, victory in our national battle against poverty and welfare dependency requires attention and devotion to improving literacy among adults.

This legislation encourages local community efforts to improve literacy, and provides resources for that type of basic adult education, such as English language courses. One of the most successful literacy initiatives is called "family literacy." This program is based on the premise that adults will learn to read if they learn together with their children. In San Diego, the Lynch Foundation leverages Even Start family literacy funds into dozens and dozens of groups and courses for literacy training, in libraries and other settings, to offer people a chance to succeed. Bill Lynch and his team do a terrific job, and H.R. 1385 helps them do their job better.

I understand that this measure extends vocational rehabilitation programs until fiscal year 2000, leaving the reform of Federal vocational rehabilitation services to the 106th Congress. I believe this is unfortunate, because the people with disabilities involved in this program deserve much better than they are getting.

Despite congressional authorization of vocational rehabilitation several years ago, the U.S. Rehabilitation Services Administration failed to promulgate regulations on the law until last month. Thus, States have lacked sufficient guidance on how to improve vocational rehabilitation, and to comply with the law, for an unacceptable period of time, and persons with disabilities have suffered. Furthermore, a Region IX RSA comprehensive study of vocational rehabilitation in the State of California, due in December 1996 in hopes of informing further congressional action to improve the program, still has not been released in May 1997. I have not been satisfied with the RSA's justification for the delay, and will continue to follow this issue closely and vigorously. Persons with disabilities deserve a fighting chance at the American dream. Redtape, bureaucratic buck-passing, management failures, poor service to citizens, lack of accountability, and delays are simply inexcusable to me, particularly when one considers the billions—yes, billions of Federal dollars appropriated for vocational rehabilitation every year. Persons with disabilities deserve better.

Mr. Chairman, many citizens and families deserve recognition for their excellent work on this bill. In particular, Dr. George Boggs of Palomar Community College in my district, Dan Pegg and his staff at the San Diego Economic Development Commission, Gil Partida and the men and women of the San Diego Chamber of Commerce, and Scott Himelstein of the Lynch Foundation have all provided me excellent information on the importance of replacing Federal redtape with local control in this field. Several members of this body have served this cause with distinction, namely Chairman GOODLING, MCKEON, and RIGGS, Ranking Member DALE KILDEE, Governor Castle, Mr. GRAHAM of South Carolina, and many others. They have yielded a bill that means less government and more opportunity for Americans to succeed.

I urge support for the bill.

Mr. TIERNEY. Mr. Chairman, I am pleased to stand here before you today to voice my support for this legislation, the Employment, Training & Literacy Enhancement Act of 1997. The Committee on Education and the Workforce, on which I serve, has made considerable efforts to defuse partisan tensions and pass important legislation that will help our children and working families. It has done so on two occasions—most recently having passed the IDEA Bill for disability education and now by passing this legislation that is before us today for consideration.

I applaud all of my colleagues, Republican and Democrat, for the spirit of cooperation that has made this possible. This bill streamlines and integrates job training and employment programs, while increasing access to adult education and literacy services. It also strengthens the Vocational Rehabilitation Act.

I speak first and foremost of the effect this bill will have on adult basic education—a most vital and sorely neglected field in education today. I am pleased that adult education remains part of the Elementary and Secondary Act. I recently held a "round table" discussion in my district, the Sixth District of Massachusetts, with educators, businesses, State government officials, and community groups to talk about the problems surrounding adult basic education and training services within those programs. By and large, this bill positively address as most of the issues raised by that group.

Even in my home State of Massachusetts, which is relatively affluent when compared to other areas, 20 percent of the adults are functionally illiterate and a million people have not yet completed high school. Under these circumstances, it is simply unacceptable that 15,000 people wait for adult education classes.

Nationally, the statistics are even more daunting. More than 46 million Americans do not have a high school diploma.

Studies have shown that the strongest factor in determining the academic success and job prospects of a child is the education level of his or her parents. How can we expect children to learn to read if their parents cannot do so themselves?

Although the States, local governments, schools, and community groups do their best to address these needs, my constituents who are involved in adult education tell me that they are barely able to make a dent in this problem with the current resources at their disposal.

I am pleased that this bill will offer the people of the Sixth District of Massachusetts and elsewhere some of the needed resources to enhance adult education and literacy services.

This bill encourages cooperation among service providers. It increases the Federal commitment of support, and asks local governments to step up their contributions to the effort; it provides for more and better training of instructors, and for the resources to develop the most effective way of actually improving and delivering literacy assistance.

With respect to employment and training, this legislation provides a greater choice in securing job training through skill grants. With skill grants, recipients will be able to choose programs that are available at various centers or universities accessible to them. Information will be made available that will identify available job opportunities, site the skills and education needed for particular jobs, and match applicants to the programs providing the right kind of help. So an individual can work toward and get an real, existing job.

In addition, I welcome the concept of workforce development boards. Under these boards, different parts of the State will be able to determine what is best for their community. This is important in a State as diverse as mine. As a former president of my local Chamber of Commerce, I recognize the need for business and industry to join with other community groups and local governments to work to insure that those in search of a job can identify the skills necessary to obtain a job within their region, and that the programs devised for education and training for positions reflect the true needs of the local businesses.

I am concerned, however, that specific language was left out of the legislation which would have included specifically the representatives of working people as members of these boards. If local business and industry have a place at the table, then the people that work for such companies should also be included. We can recall that under the Job Training Partnership Act, the Private Industry Councils (PICs) were required to have representatives from business and industry as well as organized workers. It strongly encourages that our local communities use their available discretion to make sure that working people are truly represented on workforce development boards. Without that, I think the intent and meaning of that aspect of the legislation will be ignored and the program will not be as successful as it could possibly be.

Great effort has been made to work out a formula for distribution within States of the resources provided for in this legislation. It is of great concern that every person who needs these services will have access to them, and I believe the committee should continually review the actual implementation of this legislation to insure that a broad range of people within the State have input into the decisions that are made on this bill.

I am also pleased that the majority worked with us to include an amendment strengthening section 508 of the Vocational Rehabilitation Act. Section 508 calls on Federal agencies to follow Federal guidelines to insure that their information technology is accessible to employees with disabilities. The amendment asks the Office of Management and Budget to enforce existing law and to bring Agencies into compliance with accessibility guidelines. This will aid the 7.5 percent of the Federal work force who have a disability. I also wanted to thank Congresswoman ESHOO for her dedication and hard work on this issue, and Congressman GEORGE MILLER for his work and cooperation.

Again, I commend the spirit and the manner in which this and the IDEA legislation were brought to the floor and hope that it foretells further cooperation on the important matters that will come before the House.

The CHAIRMAN. All time for general debate has expired.

The committee amendment in the nature of a substitute printed in the bill shall be considered by division as an original bill for the purpose of amendment and, pursuant to the rule, each division is considered read.

Before consideration of any other amendment, it shall be in order to consider the amendment numbered 1 pursuant to clause 6 of rule XXIII, if offered by the gentleman from California [Mr. MCKEON] or his designee. That amendment shall be considered as read, may amend portions of the bill not yet read for amendment, shall be debatable for 10 minutes, equally divided and controlled by the proponent and the opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

If that amendment is adopted, the bill, as amended, shall be considered as an original bill for the purpose of further amendment.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

AMENDMENT NO. 1 OFFERED BY MR. MCKEON

Mr. MCKEON. Mr. Chairman, pursuant to the rule, I offer amendment No. 1 printed in the RECORD.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. MCKEON:

Page 9, line 18, strike "15" and insert "20".

Page 10, line 6, strike "85" and insert "80".

Page 23, line 21, after "1996," insert "the Community Services Block Grant Act, title V of the Older Americans Act of 1965, the National and Community Service Act of 1990,".

Page 25, line 12, strike "(9)" and insert "(9)(A)".

Page 25, after line 21, insert the following:

"(B) An assurance that each local workforce development area will be allowed to determine the proportion of funds allocated to such area under section 204(b)(2) that will be used to provide summer employment opportunities and year-round disadvantaged youth activities, respectively.

Page 27, strike lines 10 through 15 and insert the following:

"(A) a description of the assessment that will be made to determine the adult education and family literacy needs of the State;

"(B) a description of the adult education and literacy activities that will be carried out with any funds received under such part, including activities carried out under section 314(a) of such Act;

Page 27, line 16, strike "such activities" and insert "the adult education and literacy activities that will be carried out with any funds received under such part".

Page 28, beginning on line 4, strike "the Adult Education and Family Literacy Act;" and insert "such Act;".

Page 29, line 3, strike "determines" and all that follows through line 5 and insert "makes a written determination, within 90 days after receiving the plan, that the plan is inconsistent with the specific provisions of this Act.

Page 29, line 10, strike "through (10)" and insert "through (9)(A), paragraph (10),".

Page 30, line 2, strike "entities:" and insert the following: "entities (who overall, represent diverse regions of the State, including urban, rural, and suburban areas):".

Page 30, after line 3, insert the following:

"(2) representatives of the State legislature;".

Page 30, line 4, strike "(2)" and insert "(3)".

Page 30, line 22, strike "(3)" and insert "(4)".

Page 31, line 14, strike "(4)" and insert "(5)".

Page 31, line 16, after "designate;" insert "and".

Page 31, strike line 17.

Page 33, strike line 22 and 23 and insert the following:

"(a) DESIGNATION OF AREAS.—

"(1) IN GENERAL.—Except as provided in subsection (b), and consistent with paragraph (2), a State that desires to receive a grant under title II

Page 34, line 8, strike "(1)" and insert "(A)" (and move such subparagraph 2 ems to the right).

Page 34, line 9, strike "(2)" and insert "(B)" (and move such subparagraph 2 ems to the right).

Page 34, line 12, strike "(3)" and insert "(C)" (and move such subparagraph 2 ems to the right).

Page 34, line 14, strike "(4)" and insert "(D)" (and move such subparagraph 2 ems to the right).

Page 34, line 19, strike "(5)" and insert "(E)" (and move such subparagraph 2 ems to the right).

Page 34, after line 20, insert the following:

"(2) AUTOMATIC DESIGNATION.—The Governor shall approve any request for designation as a workforce development area from any unit of general local government with a population of 500,000 or more.

Page 35, line 21, strike "Such" and insert "(A) Such".

Page 35, line 24, strike "(A)" and insert '(i)".

Page 36, line 8, strike "(B)" and insert '(ii)".

Page 36, line 19, add "and" at the end.

Page 36, line 20, strike "(C)" and insert '(iii)".

Page 37, beginning on line 6, strike "entities;" and all that follows through line 9 and insert "entities.".

Page 37, after line 6, insert the following:

"(B) In addition, the membership of each local board may consist of representatives of local welfare agencies, economic development agencies, and the local employment service system.

Page 41, line 8, after "board" insert ", in partnership with the chief local elected official,".

Page 41, line 9, after "Governor" insert ", for approval,"

Page 45, strike line 10 and all that follows through line 9 on page 46.

Page 52, line 19, strike "center".

Page 52, line 19, strike "and".

Page 52, line 21, strike "activities" and insert "activities, and upon request, minutes of formal meetings of the local board".

Page 59, line 5, strike "for" and all that follows through line 20 and insert the following: "for programs that are eligible to participate in title IV of the Higher Education Act of 1965.".

Page 61, line 23, strike "and".

Page 61, line 25, strike "program." and insert "program; and".

Page 61, after line 25, insert the following:

"(D) for literacy providers or providers of integrated education and training services, the success rate of the applicable program in raising the literacy levels of individuals in skill areas that are considered important for successful participation in training and employment.

Page 66, strike line 9 and all that follows through line 2 on page 67 and insert the following:

"(A) TERMINATION FOR NONPERFORMANCE.—If the designated State agency, or the local workforce development board working through the State agency, determines that an eligible provider under subsection (a) substantially fails to meet performance criteria established by the Governor, the agency, or the local board working through the State agency, may terminate the eligibility of such provider.

Page 83, line 20, strike "NEGOTIATION" and insert "AGREEMENT".

Page 83, beginning on line 25, strike "is authorized to negotiate with each State" and insert "and each State shall reach agreement on".

Page 84, beginning on line 8, strike "negotiations" and insert "agreement".

Page 84, line 24, strike "carry out the negotiation" and insert "enter into the agreement".

Page 85, beginning on line 5, strike "carry out the negotiation" and insert "enter into the agreement".

Page 89, strike line 15 and insert the following:

"(a) REPORT.—

"(1) IN GENERAL.—Each State that receives funds

Page 89, line 25, strike "In" and insert the following:

"(2) ADDITIONAL INFORMATION.— In".

Page 90, line 1, strike "include" and insert "include—".

Page 90, line 1, strike "information" and insert the following:

"(A) information

Page 90, line 3, strike the period and insert "; and".

Page 90, after line 3, insert the following:

"(B) comments assessing the process used for reaching agreement on the State adjusted benchmarks pursuant to section 153(a) and may also include comments from local workforce development areas assessing the process for negotiating local benchmarks pursuant to section 153(b).

Page 92, line 20, strike "upon request to the Secretary" and insert "or upon request by the Governor, the Secretary".

Page 92, line 21, strike "including" and insert "which may include"

Page 92, line 22, strike "plan" and insert "plan, or the development of a modified local plan".

Page 93, strike line 15 and all that follows through line 4 on page 94 and insert the following:

"(ii) APPEAL BY WORKFORCE DEVELOPMENT AREA.—

"(I) APPEAL TO GOVERNOR.—A workforce development area that is subject to a reorganization plan under clause (i) may, not later than 30 days after receiving notice thereof, appeal to the Governor to rescind or revise such plan. In such case, the Governor shall make a final decision not later then 30 days after the receipt of the appeal.

"(II) SUBSEQUENT ACTION.—A local workforce development area may, not later than 30 days after receiving a decision from the Governor pursuant to subclause (I), appeal such decision to the Secretary. In such case the Secretary shall make a final decision not later than 30 days after the receipt of the appeal.

"(iii) EFFECTIVE DATE.—The actions take by the Governor under subclause (I) shall become effective at the time the Governor issues a decision pursuant to such subclause. Such action shall remain effective unless the Secretary rescinds or revises such plan pursuant to subclause (II).".

Page 103, strike line 14, and insert the following:

(2) by striking subsection (e) and inserting the following:

"(e) WAIVERS.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Labor may waive—

"(A) any of the statutory or regulatory requirements of this title and titles II and III of this Act (except for requirements relating to wage and labor standards, worker rights, participation and protection, grievance procedures and judicial review, nondiscrimination, allocation of funds to local areas, eligibility, review and approval of plans, the establishment and functions of workforce development areas and workforce development boards, and the basic purposes of the Act); and

"(B) any of the statutory or regulatory requirements of sections 8 through 10 of the Wagner-Peyser Act (29 U.S.C. 49g through 49i) (except for requirements relating to the provision of services to unemployment insurance claimants and veterans and to universal access to basic labor exchange services without cost to job seekers), pursuant to a request submitted by a State which meets the requirements of paragraph (2).

"(2) REQUESTS.—A State requesting a waiver under paragraph (1) shall submit a plan to the Secretary to improve the workforce development system which—

"(A) identifies the statutory or regulatory requirements that are requested to be waived and the goals which the State or local workforce development areas intend to achieve;

"(B) describes the actions that the State or local workforce development areas have undertaken to remove State or local statutory or regulatory barriers;

"(C) describes the goals of the waiver and the expected programmatic outcomes if the request is granted;

"(D) describes the individuals impacted by the waiver; and

"(E) describes the process used to monitor the progress in implementing a waiver, and for which notice and an opportunity to comment on such request has been provided to the organizations identified in section 122 (e)(2) of this Act, if and only to the extent that the Secretary determines that such requirements impede the ability of the State to implement such plan to improve the workforce development system and the State has executed a memorandum of understanding with the Secretary requiring such State to meet agreed-upon outcomes and implement other appropriate measures to ensure accountability.

Page 104, strike line 6 and insert the following:

"(a) ADMINISTRATIVE COSTS.—

"(1) IN GENERAL.—The Secretary, after consultation

Page 104, after line 11, insert the following:

"(2) ADDITIONAL REQUIREMENT.—Notwithstanding any other provision of law, regulations issued by the Secretary under paragraph (1) shall provide procedures under which the Governor may approve a plan for the pooling of administrative funds, which are available in accordance with the limitation in subsection (b)(1), if the Governor determines that such plan would not jeopardize the administration of the activities from which such funds are to be transferred.

Page 114, line 21, after "reserve" insert "not less than".

Page 114, line 25, strike "services".

Page 115, strike line 2 and all that follows through line 5 and insert the following:

"(ii) agree to provide matching funds from sources other than those received under this subparagraph for such services in an amount equal to the Federal funds received under this subparagraph.

Page 116, line 18, after "121," insert "in accordance with paragraphs (2) and (3),".

Page 116, strike line 21 and all that follows through line 11 on page 118 and insert the following:

"(2) ALLOCATION BY FORMULA.—

"(A) IN GENERAL.—Each State shall allocate not less than 70 percent of the remainder of funds described in paragraph (1) to workforce development areas within the State pursuant to the formula contained in subparagraph (B) for the provision of services for disadvantaged youth in accordance with section 206.

"(B) FORMULA.—Of the amounts described in subparagraph (A)—

"(i) 33⅓ percent shall be allocated on the basis of the relative number of unemployed individuals residing in areas of substantial unemployment in each workforce development area as compared to the total number of such unemployed individuals in all such areas of substantial unemployment in the State;

"(ii) 33⅓ percent shall be allocated on the basis of the relative excess number of unemployed individuals who reside in each workforce development area as compared to the total excess number of unemployed individuals in all workforce development areas in the State; and

"(iii) 33⅓ percent shall be allocated on the basis of the relative number of economically disadvantaged youth in each workforce development area as compared to the total number of disadvantaged youth in all workforce development areas in the State.

"(3) DISCRETIONARY ALLOCATION.—The State, through the collaborative process under section 102, is authorized to allocate not more than 30 percent of the remainder of funds described in paragraph (1) to workforce development areas for the provision of services for disadvantaged youth in accordance with section 206. Such funds shall be allocated to urban, rural, and suburban areas throughout the State and shall be allocated promptly in accordance with section 162(e).

Page 123, line 2, strike "and" at the end.

Page 123, line 3, strike the period and insert "; and".

Page 123, after line 3 insert the following:

"(H) provide summer employment opportunities that are directly linked to academic and occupational learning.".

Page 124, strike line 4 and all that follows through line 10.

Page 124, strike lines 11 and 12 and insert the following:

(III) in subparagraph (G) by striking "in public

Page 124, line 18, strike "(V)" and insert "(IV)".

Page 124, strike line 25 and insert the following: "area; and';".

Page 125, strike lines 1 and 2 and insert the following:

(V) by amending subparagraph (I) to read as follows:

"(I) summer employment opportunities that are directly linked to academic and occupational learning."; and

(VI) by striking subparagraphs (J) through (L); and

Page 139, line 5, strike "and".

Page 139, line 6, after "projects" insert ", and the provision of employment and training services".

Page 143, strike line 5 and all that follows through line 23 on page 145 and insert the following:

"(B) ADULT EMPLOYMENT AND TRAINING ALLOCATIONS.—

"(i) ADULT EMPLOYMENT AND TRAINING FORMULA ALLOCATIONS.—Each State shall allocate not less than 70 percent of the remainder of funds described in subsection (a)(1)(A) to workforce development areas within the State pursuant to the formula contained in clause (ii) for the provision of adult employment and training services in accordance with section 314.

"(ii) FORMULA.—Of the amounts described in clause (i)—

"(I) 33⅓ percent shall be allocated on the basis of the relative number of unemployed individuals residing in areas of substantial unemployment in each workforce development area as compared to the total number of such unemployed individuals in all such areas of substantial unemployment in the State;

"(II) 33⅓ percent shall be allocated on the basis of the relative excess number of unemployed individuals who reside in each workforce development area as compared to the total excess number of unemployed individuals in all workforce development areas in the State; and

"(III) 33⅓ percent shall be allocated on the basis of the relative number of economically disadvantaged adults in each workforce development area as compared to the total number of disadvantaged adults in all workforce development areas in the State.

"(iii) ADULT EMPLOYMENT AND TRAINING DISCRETIONARY ALLOCATION.—The State, through the collaborative process, is authorized to allocate not more than 30 percent of the remainder of funds described in subsection (a)(1)(A) to workforce development areas for the provision of adult employment and training services in accordance with section 314. Such funds shall be allocated to urban, rural, and suburban areas throughout the State and shall be allocated promptly in accordance with section 162(e).

"(C) DISLOCATED WORKER EMPLOYMENT AND TRAINING ALLOCATIONS.—

"(i) DISLOCATED WORKER EMPLOYMENT AND TRAINING FORMULA ALLOCATIONS.—Each State shall allocate not less than 70 percent of the remainder of funds described in subsection (a)(2)(A) to workforce development areas within the State pursuant to the formula contained in clause (ii) for the provision of employment and training services to dislocated workers in accordance with section 314.

"(ii) FORMULA.—Of the amounts described in clause (i)—

"(I) 33⅓ percent shall be allocated on the basis of the relative number of unemployed individuals residing in areas of substantial unemployment in each workforce development area as compared to the total number of such unemployed individuals in all such areas of substantial unemployment in the State;

"(II) 33⅓ percent shall be allocated on the basis of the relative excess number of unemployed individuals who reside in each workforce development area as compared to the total excess number of unemployed individuals in all workforce development areas in the State; and

"(III) 33⅓ percent shall be allocated on the basis of the relative number of individuals who have been unemployed for 15 weeks or more within each workforce development area of the State as compared to the total number of such individuals in all workforce development areas in the State.

"(iii) DISLOCATED WORKER EMPLOYMENT AND TRAINING DISCRETIONARY ALLOCATION.—The State, through the collaborative process, is authorized to allocate not more than 30 percent of the remainder of funds described in subsection (a)(2)(A) to workforce development areas for the provision employment and training services to dislocated workers in accordance with section 314. Such funds shall be allocated to urban, rural, and suburban areas throughout the State and shall be allocated promptly in accordance with section 162(e).

Page 145, line 24, strike "(4)" and insert "(3)".

Page 158, line 17, add at the end closed quotation marks and a second period.

Page 158, strike line 18 and all that follows through line 24.

Page 170, line 19, strike the closed quotation marks and the second period.

Page 170, after line 19, insert the following:

"(e) Prior to the closure of any Job Corps center, the Secretary shall ensure that—

"(1) the proposed decision to close the center is announced in advance to the general public through publication in the Federal Register or other appropriate means;

"(2) the establishment of a reasonable comment period, not to exceed 30 days, for interested individuals to submit written comments to the Secretary;

"(3) the Members of Congress who represent districts affected by the proposed decision to close the center are notified within a reasonable period of time in advance of any final decision to close the center; and

"(4) the geographic location of alternative Job Corps centers is among the factors taken into account in the decision to close the center.

Page 174, line 15, strike "skills" and insert "skill needs".

Page 174, after line 15, insert the following:

"(B) projects that provide training to upgrade the skills of employed workers who reside and are employed in enterprise zones or empowerment communities;

Page 174, line 16, strike "(B)" and insert "(C)".

Page 174, line 20, strike "(C)" and insert "(D)".

Page 174, line 24, strike "(D)" and insert "(E)".

Page 175, line 4, strike "(E)" and insert "(F)".

Page 175, line 9, strike "and".

Page 175, after line 9, insert the following:

"(G) projects to assist public housing authorities that provide to public housing residents job training programs that demonstrate successful job skills upgrading and employment;

Page 175, line 10, strike "(F)" and insert "(H)".

Page 191, strike lines 15 through 25 and insert the following:

"(A) the degree to which the provider will establish measurable goals for client outcomes, including the core indicators of performance pertaining to adult education set forth in section 154 of the Employment, Training, and Literacy Enhancement Act, that are tied to challenging State performance standards for literacy proficiency;

"(B) the past effectiveness of a provider in improving the literacy skills of adults and families, and, after the 1-year period beginning with the adoption of a State's core indicators and benchmarks under the Employment, Training, and Literacy Enhancement Act, the success of a provider receiving funding under this Act in meeting or exceeding such benchmarks, especially with respect to those adults with the lowest levels of literacy;

Page 192, line 19, add "and" at the end;

Page 192, line 25, strike "activities;" and insert "activities.".

Page 193, strike lines 1 through 10.

Page 202, line 5, strike "agencies;" and insert "agencies, such as the special literacy needs of individuals with learning disabilities;"

Page 226, strike the item relating to section 322.

Page 274, strike line 10 and all that follows through line 14 and insert the following:

(ii) in subsection (e)(1)(B)(iii), by striking "Job Training Partnership Act (29 U.S.C. 1693)" and inserting "Employment, Training, and Literacy Enhancement Act".

Page 276, line 9, strike "The Secretary of Education" and insert "(a) IN GENERAL.—The Secretary of Education".

Page 276, after line 14, insert the following:

(b) EXTENDED TRANSITION PERIOD.—

(1) IN GENERAL.—If, on or before July 1, 1997, a State has enacted a State statute that provides for the establishment or conduct of three or more of the programs, projects, or activities described in subparagraphs (A) through (E) or paragraph (2), the State shall not be required to comply with provisions of this Act that conflict with such State statute for the period ending three years after the date of enactment of this Act.

(2) PROGRAMS, PROJECTS, AND ACTIVITIES DESCRIBED.—The programs, projects, and activities described in this paragraph are the following:

(A) Establishment of human resource investment councils or substate councils.

(B) Reorganization or consolidation of State agencies with responsibility for State employment and training programs.

(C) Reorganization or consolidation of State employment and training programs.

(D) Restructuring of local delivery systems for State employment and training programs.

(E) Development or restructuring of State accountability or oversight systems to focus on performance.

The CHAIRMAN. Pursuant to the rule, the gentleman from California [Mr. MCKEON] and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California [Mr. MCKEON].

Mr. MCKEON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am offering an en bloc package of amendments which focus on providing greater flexibility to States and localities as they work to carry out meaningful job training reform. These amendments reflect several months of effort by the National Governors' Association, the National Conference of State Legislatures, and the National Association of Counties in coming to a consensus with respect to several key parts of this legislation.

In working with the members of these organizations, we have not only been able to gain their support for this legislation but we have made substantial improvements to the bill. Specifically, the amendments included in this en bloc accomplish the following: Ensures that members of the State collaborative process used for design and implementation at the State level of programs under this act represent diverse regions of the State; increases

flexibility with respect to membership of local work force development boards; increases the roll of chief local elected officials by authorizing them to develop local plans in partnership with local work force development boards; increases public accountability of local work force development boards; further clarifies the role of each State with respect to determining State expected levels of performance; and provides a process through which formal State and local comments on this process may be transmitted annually to Congress; expedites the process by which Governors may enforce performance accountability; provides States increased flexibility to initiate reforms by extending certain waivers of waiver provisions and providing a limited grandfather for States having passed comprehensive employment and training reform legislation; maintains existing State-passed formulas with respect to a majority of the funds under the block grants while providing increased discretion to States for the allocation of those funds not distributed under the formula; provides greater local discretion with respect to carrying out summer youth programs and clarifies that summer employment activities are an essential element of disadvantaged youth programs; requires that the Secretary must sign off on State plans unless they determine in writing within 90 days of receipt of the plan that it is inconsistent with the specific provisions of this act; and ensures the ability of any unit of local government with a population of 500,000 or more to be designated as a work force development area.

Finally, this package of amendments also makes several modifications to further streamline the adult education provisions of this act, and also includes several additional technical and conforming changes to the bill.

Mr. Chairman, I reserve the balance of my time.

Mr. KILDEE. Mr. Chairman, I am not opposed to the amendment, but I ask unanimous consent that I may claim the time allowed under the rule.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The gentleman from Michigan [Mr. KILDEE] is recognized for 5 minutes.

Mr. KILDEE. Mr. Chairman, I would just say that these are clarifying and perfecting amendments which we agreed to. I would certainly support them, and urge their adoption.

Mr. Chairman, I yield back the balance of my time.

Mr. MCKEON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. MCKEON].

The amendment was agreed to.

The CHAIRMAN. The Clerk will designate section 1.

The text of section 1 is as follows:

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 "Employment, Training, and Literacy Enhancement Act of 1997".

The CHAIRMAN. Are there any amendments to section 1?

The Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into two divisions as follows:

(1) Division A—Employment, Training, and Literacy Programs.

(2) Division B—Vocational Rehabilitation Programs.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.

DIVISION A—EMPLOYMENT, TRAINING, AND LITERACY PROGRAMS

TITLE I—AMENDMENTS TO GENERAL PROVISIONS AND PROGRAM REQUIREMENTS

Subtitle A—General Provisions

Sec. 101. Statement of purpose.
Sec. 102. Authorization of appropriations.
Sec. 103. Definitions.

Subtitle B—State and Local Administrative Provisions

Sec. 111. State administrative provisions.
Sec. 112. Local administrative provisions.

Subtitle C—Program and Fiscal Provisions

CHAPTER 1—GENERAL PROVISIONS

Sec. 121. General program requirements.
Sec. 122. Benefits.
Sec. 123. Labor standards.
Sec. 124. Grievance procedure.
Sec. 125. Identification of additional imposed requirements.
Sec. 126. Authority of State legislature.
Sec. 127. Interstate agreements.

CHAPTER 2—PERFORMANCE ACCOUNTABILITY PROVISIONS

Sec. 131. Performance accountability provisions.

CHAPTER 3—OTHER PROVISIONS

Sec. 141. Prompt allocation of funds.
Sec. 142. Fiscal controls; sanctions.
Sec. 143. Reports; recordkeeping; and investigations.
Sec. 144. Administrative adjudication.
Sec. 145. Nondiscrimination.
Sec. 146. Judicial review.
Sec. 147. Administrative provisions.
Sec. 148. Presidential awards for outstanding private sector involvement in job training programs.
Sec. 149. Construction.
Sec. 150. Limitation on certain costs.

Subtitle D—Miscellaneous Provisions

Sec. 161. Criminal provisions.
Sec. 162. Reference.
Sec. 163. Repealers.

TITLE II—AMENDMENTS TO EMPLOYMENT AND TRAINING PROGRAMS FOR DISADVANTAGED YOUTH

Sec. 201. Adult training program.
Sec. 202. Summer youth employment and training program.
Sec. 203. Disadvantaged youth employment and training opportunities grants.

TITLE III—AMENDMENTS TO EMPLOYMENT AND TRAINING PROGRAMS FOR ADULTS

Sec. 301. Adult employment and training opportunities grants.

TITLE IV—AMENDMENTS TO FEDERALLY ADMINISTERED PROGRAMS

SUBTITLE A—EMPLOYMENT AND TRAINING PROGRAMS FOR NATIVE AMERICANS AND MIGRANT AND SEASONAL FARMWORKERS

Sec. 401. Native American program.
Sec. 402. Migrant and seasonal farmworker program.

Subtitle B—Job Corps

Sec. 411. Statement of purpose.
Sec. 412. Individuals eligible for the Job Corps.
Sec. 413. Screening and selection of applicants; general provisions.
Sec. 414. Job Corps centers.
Sec. 415. Standards of conduct.
Sec. 416. Counseling and job placement.
Sec. 417. Experimental and developmental projects and coordination with other programs.

SUBTITLE C—NATIONAL ACTIVITIES

Sec. 421. Research, demonstration, evaluation, and capacity building.
Sec. 422. Nontraditional employment demonstration program.

SUBTITLE D—REPEALERS

Sec. 451. Repealers.

TITLE V—AMENDMENTS TO ADULT EDUCATION PROGRAMS

Sec. 501. Repeal of Jobs for Employable Dependent Individuals Incentive Bonus Program.
Sec. 502. Amendment to Adult Education Act.
Sec. 503. Repeal of National Literacy Act of 1991.
Sec. 504. Conforming amendments.

TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 601. Repealers.
Sec. 602. Conforming amendments.

TITLE VII—AMENDMENTS TO STATE HUMAN RESOURCE INVESTMENT COUNCIL

Sec. 701. Amendments to Council.
Sec. 702. Transfer of Council.
Sec. 703. Conforming amendments.

TITLE VIII—AMENDMENTS TO WAGNER-PEYSER ACT

Sec. 801. Definitions.
Sec. 802. Functions.
Sec. 803. Designation of State agencies.
Sec. 804. Appropriations.
Sec. 805. Disposition of allotted funds.
Sec. 806. State plans.
Sec. 807. Federal advisory council.
Sec. 808. Regulations.
Sec. 809. Effective date.

TITLE IX—TECHNICAL AND CONFORMING AMENDMENTS

SUBTITLE A—AMENDMENTS TO THE JOB TRAINING PARTNERSHIP ACT

Sec. 901. Short title; table of contents.
Sec. 902. Definitions.
Sec. 903. Amendments to title I.
Sec. 904. Amendments to title IV.
Sec. 905. Amendments to title VI.
Sec. 906. Clarification.

SUBTITLE B—AMENDMENTS TO OTHER ACTS

Sec. 911. Amendments to other Acts.

TITLE X—EFFECTIVE DATE AND TRANSITION PROVISIONS

Sec. 1001. Effective date.
Sec. 1002. Transition provisions.

DIVISION B—VOCATIONAL REHABILITATION PROGRAMS

TITLE XXI—AMENDMENTS TO GENERAL PROVISIONS

Sec. 2101. Rehabilitation Services Administration.
Sec. 2102. Definitions.
Sec. 2103. Reports.

TITLE XXII—AMENDMENTS TO VOCATIONAL REHABILITATION SERVICES

Subtitle A—General Provisions

Sec. 2201. Declaration of policy; authorization of appropriations.
Sec. 2202. State plans.
Sec. 2203. Scope of vocational rehabilitation services.
Sec. 2204. State Rehabilitation Advisory Council.
Sec. 2205. Evaluation standards and performance indicators.
Sec. 2206. Monitoring and review.

Subtitle B—Basic Vocational Rehabilitation Services

Sec. 2211. State allotments.
Sec. 2212. Payments to States.
Sec. 2213. Client assistance program.

TITLE XXIII—AMENDMENTS TO RESEARCH AND TRAINING

Sec. 2221. Authorization of appropriations.
Sec. 2222. National Institute on Disability and Rehabilitation Research.

TITLE XXIV—AMENDMENTS TO TRAINING AND DEMONSTRATION PROJECTS

Subtitle A—Training Programs and Community Rehabilitation Programs

Sec. 2231. Training.
Sec. 2232. Repealers.
Sec. 2233. Authorization of appropriations.

Subtitle B—Special Projects and Supplementary Services

Sec. 2241. Special demonstration programs.
Sec. 2242. Migratory workers.
Sec. 2243. Repealers.
Sec. 2244. Special recreational programs.

TITLE XXV—AMENDMENTS TO NATIONAL COUNCIL ON DISABILITY

Sec. 2251. Authorization of appropriations.

TITLE XXVI—AMENDMENTS TO RIGHTS AND ADVOCACY

Sec. 2261. Employment of individuals with disabilities.
Sec. 2262. Architectural and Transportation Barriers Compliance Board.
Sec. 2263. Protection and advocacy of individual rights.

TITLE XXVII—AMENDMENTS TO EMPLOYMENT OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES

Sec. 2271. Authorization of appropriations.
Sec. 2272. Repealers.

TITLE XXVIII—AMENDMENTS TO INDEPENDENT LIVING SERVICES AND CENTERS FOR INDEPENDENT LIVING

Sec. 2281. Authorization of appropriations.
Sec. 2282. Program authorization for centers for independent living.

TITLE XXIX—AMENDMENTS TO SPECIAL DEMONSTRATIONS AND TRAINING PROJECTS

Sec. 2291. Authorization of appropriations.
Sec. 2292. Demonstration activities.
Sec. 2293. Training activities.

TITLE XXX—AMENDMENTS TO THE HELEN KELLER NATIONAL CENTER ACT

Sec. 2295. Authorization of appropriations.

TITLE XXXI—EFFECTIVE DATE

Sec. 2297. Effective date.

The CHAIRMAN. Are there any amendments to section 2?

If not, the Clerk will designate division A.

The text of division A is as follows:

DIVISION A—EMPLOYMENT, TRAINING, AND LITERACY PROGRAMS

TITLE I—AMENDMENTS TO GENERAL PROVISIONS AND PROGRAM REQUIREMENTS

Subtitle A—General Provisions

SEC. 101. STATEMENT OF PURPOSE.

Section 2 of the Job Training Partnership Act (29 U.S.C. 1501) is amended to read as follows:

"SEC. 2. STATEMENT OF PURPOSE.

"The purpose of this Act is to transform the current array of Federal employment, training, and adult education and literacy programs from a collection of fragmented and duplicative categorical programs into high quality, coherent, and accountable State and local systems that are designed—

"(1) to provide high quality training for today and for the 21st century;

"(2) to empower individuals to choose occupations and training programs, based on accurate and up-to-date information, that will develop more fully their academic, occupational, and literacy skills, leading to productive employment and economic self-sufficiency, and reduction in welfare dependency;

"(3) to provide resources and authority to States and local communities and increase ease of access to high quality employment, training, and literacy programs;

"(4) to provide adults with the adult education services they require to participate fully in society;

"(5) to meet the needs of employers in the United States to be competitive; and

"(6) to ensure an adequate return on the investment of funds in employment, training, and literacy programs through strong program accountability.".

SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

Section 3 of the Job Training Partnership Act (29 U.S.C. 1502) is amended to read as follows:

"SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated the following amounts for the following purposes (in addition to amounts otherwise available for such purposes):

"(1) TITLE II.—Such sums as may be necessary for each of the fiscal years 1999 through 2003 to carry out title II.

"(2) TITLE III.—(A) Such sums as may be necessary for each of the fiscal years 1999 through 2003 to carry out section 312(a)(1).

"(B) Such sums as may be necessary for each of the fiscal years 1999 through 2003 to carry out section 312(a)(2).

"(3) PARTS A, C, D, AND E OF TITLE IV.—Subject to subsection (b), such sums as may be necessary for each of the fiscal years 1999 through 2003 to carry out parts A, C, D, and E of title IV.

"(4) PART B OF TITLE IV.—Such sums as may be necessary for each of the fiscal years 1999 through 2003 to carry out part B of title IV.

"(b) RESERVATIONS.—Of the amount appropriated under subsection (a)(3) for a fiscal year—

"(1) not less than $70,000,000 shall be reserved for carrying out section 401;

"(2) not less than $70,000,000 shall be reserved for carrying out section 402; and

"(3) the remainder shall be reserved for carrying out parts C, D, and E of title IV.

"(c) REALLOTMENT.—

"(1) IN GENERAL.—The Secretary of Labor shall, in accordance with this subsection, reallot to eligible States amounts appropriated for programs authorized under titles II and title III of this Act that are available for reallotment.

"(2) AMOUNT.—The amount available for reallotment is equal to the amount by which the unobligated balance of the State allotment under title II or title III, respectively, at the end of the program year prior to the program year for which the determination under this paragraph is made exceeds 20 percent of such allotment for the prior program year.

"(3) REALLOTMENT.—In making reallotments to eligible States of amounts available pursuant to paragraph (2) for a program year, the Secretary shall allot to each eligible State an amount based on the relative amount allotted to such State under title II or title III, respectively, for the prior program year as compared to the total amount allotted to all eligible States under title II or title III, respectively, for such prior program year.

"(4) ELIGIBILITY.—For purposes of this subsection, an eligible State means a State which has obligated at least 80 percent of its allotments under title II or title III, respectively, for the program year prior to the program year for which the determination under this subsection is made.

"(5) PROCEDURES.—The Governor of each State shall prescribe uniform procedures for the obligation of funds by workforce development areas within the State in order to avoid the requirement that funds be made available for reallotment under this subsection. The Governor shall further prescribe equitable procedures for making funds available from the State and workforce development areas in the event that a State is required to make funds available for reallotment under this paragraph.".

SEC. 103. DEFINITIONS.

Section 4 of the Job Training Partnership Act (29 U.S.C. 1503) is amended—

(1) in paragraph (1) to read as follows:

"(1) ADULT EDUCATION AND LITERACY ACTIVITIES.—The term 'adult education and literacy activities' means the activities authorized under section 314 of the Adult Education and Family Literacy Act.";

(2) by striking paragraph (2);

(3) by inserting after paragraph (1) the following:

"(2) APPROPRIATE SECRETARY.—The term 'appropriate Secretary' means—

"(A) the Secretary of Labor, with respect to programs authorized under titles II, III, and IV of this Act; and

"(B) the Secretary of Education, with respect to programs authorized under the Adult Education and Family Literacy Act.";

(4) in paragraph (3), by striking "under parts A and C of title II" and inserting "under title II and title III";

(5) in paragraph (4) to read as follows:

"(4) CHIEF ELECTED OFFICIAL.—The term 'chief elected official' means the chief elected executive officer of a unit of general local government in a workforce development area.";

(6) in paragraph (5) to read as follows:

"(5) COMMUNITY-BASED ORGANIZATION.—The term 'community-based organization' means a private nonprofit organization that is representative of a community or a significant segment of a community and that has demonstrated the ability, or that can demonstrate a capacity, to effectively administer a program under this Act.";

(7) by striking paragraph (6);

(8) by inserting after paragraph (5) the following:

"(6) DISLOCATED WORKER.—The term 'dislocated worker' means an individual who—

"(A)(i) has been terminated or laid off, or who has received a notice of termination or layoff, from employment;

"(ii) is eligible for or has exhausted entitlement to unemployment compensation; and

"(iii) is unlikely to return to a previous industry or occupation;

"(B) has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of any permanent closure of, or and substantial layoff at, a plant, facility, or enterprise;

"(C) was self-employed (including a farmer and a rancher) but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters;

"(D) is a displaced homemaker; or

"(E) has become unemployed as a result of a Federal action that limits the use of, or restricts access to, a marine natural resource.";

(9) in paragraph (10) to read as follows:

"(10) INDIVIDUAL WITH A DISABILITY.—(A) The term 'individual with a disability' means an individual with any disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)).

"(B) The term 'individuals with disabilities' means more than one individual with a disability.";

(10) by striking paragraph (11);

(11) in paragraph (14), by striking "section 521(22) of the Carl D. Perkins Vocational Education Act" and inserting "section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)";

(12) in paragraph (18), by striking all after "institution of higher education" and inserting "(as such term is defined in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088)) that continues to meet the eligibility and certification requirements under title IV of such Act (20 U.S.C. 1070 et seq.).";

(13) by striking paragraph (19);

(14) in paragraph (21) to read as follows:

"(21) SECRETARIES.—The term 'Secretaries' means the Secretary of Labor and the Secretary of Education.";

(15) in paragraph (22) to read as follows:

"(22) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.";

(16) in paragraph (24) to read as follows:

"(24) SUPPORTIVE SERVICES.—The term 'supportive services' means services such as transportation, child care, dependent care, and needs-based payments, that are necessary to enable an individual to participate in programs authorized under title II and title III of this Act, consistent with the provisions of such titles.";

(17) in paragraph (27) to read as follows:

"(27) VETERAN.—The term 'veteran' has the meaning given such term in section 101(2) of title 38, United States Code.";

(18) by striking paragraph (35);

(19) by striking paragraph (36);

(20) in paragraph (37), by striking "post-termination services authorized under sections 204(c)(4) and 264(d)(5) and follow up services authorized under section 253(d)" and inserting "follow up services authorized under this Act"; and

(21) by adding at the end the following:

"(41) EMPLOYMENT, TRAINING AND LITERACY PROGRAMS.—The term 'employment, training and literacy programs' means programs authorized under titles II and III of this Act and the Adult Education and Family Literacy Act.

"(42) ENGLISH LITERACY PROGRAM.—The term 'English literacy program' means a program of instruction designed to help individuals of limited English proficiency achieve full competence in the English language.

"(43) FAMILY LITERACY SERVICES.—The term 'family literacy services' means services that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family and that integrate all of the following activities:

"(A) Interactive literacy activities between parents and their children.

"(B) Training for parents on how to be the primary teacher for their children and full partners in the education of their children.

"(C) Parent literacy training that leads to economic self-sufficiency.

"(D) An age-appropriate education to prepare children for success in school and life experiences.

"(44) FULL SERVICE ELIGIBLE PROVIDERS.—The term 'full service eligible provider' means a provider designated under section 123(c).

"(45) HUMAN RESOURCE PROGRAMS.—The term 'human resource programs' means programs identified under section 103.

"(46) INDIVIDUAL OF LIMITED ENGLISH PROFICIENCY.—The term 'individual of limited English proficiency' means an individual—

"(A) who has limited ability in speaking, reading, or writing the English language; and

"(B)(i) whose native language is a language other than English; or

"(ii) who lives in a family or community environment where a language other than English is the dominant language.

"(47) LITERACY.—The term 'literacy' used with respect to an individual, means the ability of the individual to speak, read, and write English, and compute and solve problems, at levels of proficiency necessary—

"(A) to function on the job, in the family of the individual, and in society;

"(B) to achieve the goals of the individual; and

"(C) to develop the knowledge potential of the individual.

"(48) LOCAL BENCHMARKS.—The term 'local benchmarks' means the expected level of performance of a local workforce development area established pursuant to section 153(b).

"(49) LOCAL BOARD.—The term 'local board' means a local workforce development board established under section 122.

"(50) LOCAL WORKFORCE DEVELOPMENT AREA.—The term 'local workforce development area' means an area designated under section 121(a).

"(51) ON-THE-JOB TRAINING.—The term 'on-the-job training' means training by an employer that is provided to a paid participant while engaged in productive work in a job that—

"(A) provides knowledge or skills essential to the full and adequate performance of the job;

"(B) provides reimbursement to employers of up to 50 percent of the wage rate of the participant, for the extraordinary costs of providing the training and additional supervision related to the training; and

"(C) is limited in duration as appropriate to the occupation for which the participant is being trained, taking into account the content of the training, the prior work experience of the participant, and the service strategy of the participant, as appropriate.

"(52) OUTLAYING AREA.—The term 'outlying area' means the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"(53) RAPID RESPONSE ASSISTANCE.—The term 'rapid response assistance' means assistance provided by a State, or by an entity designated by a State, with funds provided by the State under section 313(a)(2) in the case of permanent closure or mass layoff at a plant, facility or enterprise, or a natural or other disaster, that results in mass job dislocation, in order to assist dislocated workers in obtaining reemployment as soon as possible, with services including—

"(A) the establishment of onsite contact with employers and employee representative—

"(i) immediately after the State is notified of a current or projected permanent closure or mass layoff; or

"(ii) in the case of a disaster, immediately after the State is made aware of mass job dislocation as a result of such disaster;

"(B) the provision of information and access to available employment and training activities;

"(C) assistance in establishing voluntary labor management committees with the ability to devise and implement a strategy for assessing the employment and training needs of dislocated workers and obtaining services to meet those needs;

"(D) the provision of emergency assistance adapted to the particular closure, layoff, or disaster; and

"(E) the provision of assistance to the local community in developing a coordinated response and in obtaining access to State economic development assistance.

"(54) REPRESENTATIVES OF EMPLOYEES.—For purposes of section 122, the term 'representatives of employees' means—

"(A) individuals who have been elected by organizations, associations, or a network of similar institutions to represent the economic interests of employees at a significant segment of workplaces located in, or adjacent to, the local workforce development area; or

"(B) individuals from organizations, associations, or a network of similar institutions, with expertise to represent, or experience representing, the interests of employees with respect to the job training priorities in the local workforce development area.

"(55) SKILL GRANT.—The term 'skill grant' means a voucher or credit issued to a participant under section 314(c)(6)(A) for the purchase of training services from eligible providers of such services.

"(56) STATE ADJUSTED BENCHMARKS.—The term 'state adjusted benchmarks' means a state's expected levels of performance established pursuant to 153(a).

"(57) STATE BENCHMARK.—The term 'State benchmark' means the benchmarks established by the state pursuant to section 152(a).

"(58) STATEWIDE SYSTEM.—The term 'statewide system' means a statewide employment and training and literacy system that includes programs authorized under titles II and III of this Act and the Adult Education and Family Literacy Act.".

Subtitle B—State and Local Administrative Provisions

SEC. 111. STATE ADMINISTRATIVE PROVISIONS.

Part A of title I of the Job Training Partnership Act (29 U.S.C. 1511 et seq.) is amended to read as follows:

"PART A—STATE ADMINISTRATIVE PROVISIONS

"SEC. 101. STATE PLAN.

"(a) IN GENERAL.—For a State to be eligible to receive an allotment under title II or III, the Adult Education and Family Literacy Act, or section 6 of the Wagner-Peyser Act (29 U.S.C. 49e), the Governor of the State shall submit to Secretaries, for consideration by the appropriate Secretary, a single comprehensive State plan that provides a 3-year strategy and policy guidance with respect to the Statewide system, and programs authorized under the Wagner-Peyser Act (29 U.S.C. 49 et. seq.), operated in the State. Such plan shall meet the requirements of this section and section 102.

"(b) CONTENTS.—The State plan shall include the following:

"(1) A description of the collaborative process described in section 102, including a description of the manner in which the individuals and entitles involved in such process collaborated in the development of the plan and will continue to collaborate in carrying out the functions described in section 102(c).

"(2) Information describing—

"(A) the needs of the State with regard to current and projected demands for workers, by occupation;

"(B) the skills and economic development needs of the State; and

"(C) the type and availability of employment and training services in the State.

"(3)(A) A description of the State long-term goals for the Statewide system.

"(B) An identification of the benchmarks that the State will use to measure its progress toward meeting the goals described in subparagraph (A) based on the core indicators of performance described in section 154.

"(C) A description of how the goals and benchmarks will ensure continuous improvement of the Statewide system and make such system relevant and responsive to labor market, skill, and literacy needs at the State and local levels.

"(4) An identification of local workforce development areas in the State, including a description of the process used for the designation of such areas.

"(5) An identification of criteria to be used by local chief elected officials for the appointment of members of local workforce development boards, consistent with the provisions of section 122.

"(6)(A) A description of measures that will be taken by the State to assure coordination and consistency and avoid duplication among employment, training, and literacy programs receiving assistance under this Act, and, at a minimum, programs carried out under the Wagner-Peyser Act (29 U.S.C. 49 et seq.), the Rehabilitation Act of 1973 (20 U.S.C. 701 et seq.), title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, the Community Services Block Grant Act, title V of the Older Americans Act of 1965, the National and Community Service Act of 1990, and programs carried out by the Veterans' Employment and Training Service with funds received under section 4103 of title 38, United States Code, including a description of common data collection and reporting processes.

"(B) Information identifying how any funds that a State receives through the allotments made under this Act will be leveraged with other private and public resources (including funds made available to the State under the Wagner-Peyser Act (29 U.S.C. 49 et seq.)) and other human resources programs to maximize the effectiveness of such resources, and expand the participation of business, industry, employees, and individuals in the Statewide system.

"(7) A description of the process used by the State to provide an opportunity for public comment, and input into development of the plan, prior to submission of the plan.

"(8) A description of the within-State allocation formulas development through the collaborative process pursuant to sections 204(b)(2) and 313(b), through which the State will distribute funds of local workforce development areas, including—

"(A) a description of how the individuals and entities involved in the collaborative process, including representatives of the State legislature, determined the factors for such formulas;

"(B) a description of how such individuals and entities consulted with chief elected officials in local workforce development areas throughout the State in determining such formulas; and

"(C) assurances that such formulas will result in funds being distributed equitably throughout the State, that no one factors in such formulas receive disproportionate weighting, and that such formulas protect local workforce development areas from significant shifts in funding from year to year.

"(9)(A) With respect to employment and training programs for disadvantaged youth authorized under title II, information describing the State's strategy for providing comprehensive services to disadvantaged youth, particularly those youth who are recognized as having significant barriers to employment, and a description of how the State intends to use its State reserve funds (described in section 204(a)) to serve areas in the State with high concentrations of disadvantaged youth.

"(B) An assurance that each local workforce development area will be allowed to determine the proportion of funds allocated to such area under section 204(b)(2) that will be used to provide summer employment opportunities and year-round disadvantaged youth activities, respectively.

"(10) With respect to employment and training programs for adults and dislocated workers authorized under title III, information—

"(A) describing the employment and training activities that will be carried out with the funds received by the State through the allotments made under section 312, including a description of how the State will provide rapid response assistance to dislocated workers from funds reserved under section 313(a)(2);

"(B) describing the strategy of the State (including the timeframe for such strategy) for development of a fully operational statewide full service employment and training delivery system as described in section 123, including the steps that the State will take over the 3 years covered by the plan, working with local workforce development boards, to provide information to individuals through the full service employment and training delivery system on the quality of employment, training, and literacy services;

"(C) describing the procedures the State will use, working with local workforce development boards, to identify eligible providers of training services described in section 314(c), as required under section 124; and

"(D) describing how the State will serve the employment and training needs of dislocated workers (including displaced homemakers), economically disadvantaged individuals (including welfare recipients), individuals training for nontraditional equipment, and other individuals with multiple barriers to employment (including older workers and individuals with disabilities).

"(11) With respect to adult education and literacy activities authorized under part A of the Adult Education and Family Literacy Act—

(A) a description of the assessment that will be made to determine the adult education and family literacy needs of the State;

"(B) a description of the adult education and literacy activities that will be carried out with any funds received under such part, including activities carried out under section 314(a) of such Act;

"(C) a description of how the adult education and literacy activities that will be carried out with any funds received under such part will be integrated with other adult education, career development, and employment and training activities in the State or outlying area of the eligible agency;

"(D) a description of how the eligible agency annually will evaluate the effectiveness of the adult education and literacy activities that are carried out with any funds received under such part;

"(E) an assurance that any funds received under such part will not be expended for any purpose other than the activities described in sections 313 and 314 of such Act;

"(F) an assurance that the eligible agency will expend any funds received under such part only in a manner consistent with the fiscal requirements in section 315 of such Act;

"(G) an assurance that the eligible agency will award grants under such part to providers who offer flexible schedules and necessary support services (such as child care and transportation) to enable individuals, including individuals with disabilities or other special needs to participate in adult education and literacy activities; and

"(H) a description of the steps the State will take to ensure direct and equitable access, as stipulated in section 313(c)(2) of the Adult Education and Family Literacy Act.

"(12) With respect to programs authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.), the plan information required under section 8 of such Act.

"(c) PLAN SUBMISSION.—A State plan submitted to the Secretaries under this section shall be approved by the appropriate Secretary unless such Secretary makes a written determination, within 90 days after receiving the plan, that the plan is inconsistent with the specific provisions of this Act.

"(d) SPECIAL RULES.—

"(1) GOVERNOR.—The Governor of a State shall have final authority to determine the content of the portion of the State plan described in paragraphs (1) through (9)(A), paragraph (10), and paragraph (12) of subsection (b).

"(2) ELIGIBLE AGENCY.—The eligible agency for adult education and literacy in a State shall have final authority to determine the content of the portion of the State plan described in paragraph (11) of subsection (b).

"(e) MODIFICATIONS TO PLAN.—A State may submit modifications to a State plan in accordance with the requirements of this section and section 102 as necessary during the 3-year period covered by the plan.

"SEC. 102. COLLABORATIVE PROCESS.

"(a) IN GENERAL.—A State shall use a collaborative process in the development of the State plan described in section 101 and in carrying out the functions described under subsection (c). Such collaborative process shall be carried out by, at a minimum, the

following individuals and entities (who overall, represent diverse regions of the State, including urban, rural, and suburban areas):

"(1) the Governor;

"(2) representatives of the State legislature;

"(3) representatives, appointed by the Governor, of—

"(A) business and industry;

"(B) local chief elected officials (representing both cities and counties, where appropriate);

"(C) local educational agencies (including adult education and literacy providers);

"(D) postsecondary institutions (including community and technical colleges);

"(E) organizations representing individuals served by programs authorized under this Act (including community-based organizations);

"(F) organizations serving individuals participating in programs authorized under this Act and the Adult Education and Family Literacy Act;

"(G) parents; and

"(H) employees (which may include labor);

"(4) the lead State agency official or officials for—

"(A) employment security;

"(B) job training;

"(C) the State educational agency;

"(D) the eligible agency for vocational education;

"(E) the eligible agency for adult education and literacy;

"(F) the State agency responsible for postsecondary education;

"(G) the State agency responsible for welfare; and

"(H) the State agency responsible for vocational rehabilitation, and where applicable, the State agency providing vocational rehabilitation program activities for the blind;

"(5) such other State agency officials, including officials responsible for economic development, as the Governor may designate; and

"(6) the representative of the Veterans' Employment and Training Service assigned to the State under section 4103 of title 38, United States Code.

"(b) CLARIFICATION.—For purposes of complying with subsection (a), a State may use any State collaborative process (including a council, board, State Human Resource Investment Council established under section 103, or a similar entity) that meets or is conformed to meet the requirements of such subsection.

"(c) ADDITIONAL FUNCTIONS OF THE COLLABORATIVE PROCESS.—In addition to development of the State plan, the individuals and entities described in subsection (a) shall collaborate in—

"(1) the designation of local workforce areas as required under section 121;

"(2) the development of allocation formulas for the distribution of funds to local workforce development areas for programs authorized under title II and title III;

"(3) the development of the State goals and benchmarks as required under part C of this title, including the continued updating of such goals and benchmarks;

"(4) the provision of management guidance and review for all programs in the State, including review of the operation of programs conducted in each local workforce development area, and the availability, responsiveness, and adequacy of State services, and make recommendations to the Governor, the State legislature, appropriate chief elected officials, local workforce development boards, and service providers throughout the State regarding the findings of such review;

"(5) the continued development of linkages between employment, training, literacy, and other human resource and workforce preparation programs in the State;

"(6) comment at least once annually on the measures taken pursuant to section 113(b)(14) of the Carl D. Perkins Vocational Education Act; and

"(7) review plans of all State agencies providing employment, training, literacy, and related services, and provide comments and recommendations to the Governor, the State legislature, the State agencies, and the appropriate federal agencies on the relevancy and effectiveness of employment, training, literacy, and related delivery systems in the State.".

SEC. 112. LOCAL ADMINISTRATIVE PROVISIONS.

Part B of title I of the Job Training Partnership Act (29 U.S.C. 1531 et seq.) is amended by striking sections 121 through 123 and inserting the following:

"SEC. 121. LOCAL WORKFORCE DEVELOPMENT AREAS.

"(a) DESIGNATION OF AREAS.—

"(1) IN GENERAL.—Except as provided in subsection (b), and consistent with paragraph (2), a State that desires to receive a grant under title II or title III shall, through the collaborative process established under section 102 and after consultation with local chief elected officials, and after consideration of comments received through the public comment process as described in section 101(b)(7) of the State plan, designate local workforce development areas within the State that are consistent with labor market areas, or a substantial portion of a labor market area, and that take into consideration the following:

"(A) Units of general local government.

"(B) Geographic areas served by local educational agencies and intermediate educational agencies.

"(C) Geographic areas served by postsecondary institutions and area vocational education schools.

"(D) Service delivery areas established under section 101 of this Act (as such section was in effect on the day before the date of the enactment of the Employment, Training, and Literacy Enhancement Act of 1997).

"(E) The distance that individuals will need to travel to receive services.

"(2) AUTOMATIC DESIGNATION.—The Governor shall approve any request for designation as a workforce development area from any unit of general local government with a population of 500,000 or more.

"(b) SMALL STATES.—Any State determined to be eligible to receive a minimum allotment under section 203(b)(2)(D) or paragraph (1)(B)(iv) or paragraph (2)(B)(iv) of section 312(b) may designate itself, through the collaborative process established pursuant to section 102, and after consultation with local chief elected officials, and consideration of comments received through the public comment process described in section 101(b)(7) of the State plan, as a single State workforce development area for purposes of this Act.

"SEC. 122. LOCAL WORKFORCE DEVELOPMENT BOARDS.

"(a) ESTABLISHMENT.—There shall be established in each local workforce development area of a State, and certified by the Governor of the State, a local workforce development board (hereinafter referred to as the 'local board'), reflecting business and community interests in employment, training, and other workforce preparation activities.

"(b) MEMBERSHIP.—

"(1) STATE CRITERIA.—The Governor of the State, through the collaborative process described in section 102, shall establish criteria for use by local chief elected officials in the local workforce development areas for appointment of members of the local boards in such local areas in accordance with the requirements of paragraph (2).

"(2) COMPOSITION.—(A) Such criteria shall require at a minimum, that the membership of each local board consist of—

"(i) a majority of members who are representatives of business and industry in the local workforce development area, who are owners of businesses, chief executives or chief operating officers of private business, and other business executives with optimum policymaking authority in local businesses, appointed from among individuals nominated by local business organizations and trade associations;

"(ii) representatives of local educational entities, including representatives of local educational agencies, local school boards, post-secondary educational institutions (including representatives of community colleges), and representatives of providers of adult education and literacy services, where such schools, institutions, educators, or providers, as appropriate, exist, selected from among individuals nominated by regional or local educational agencies, institutions, or organizations representing such individuals or entities; and

"(iii) representatives of community-based organizations (including, as appropriate, a community-based organization that provides direct job training and placement services to individuals with disabilities), employees (which may include labor), and other representatives of the public who may include program participants, parents, individuals with disabilities, older workers, veterans, or organizations serving such individuals, as nominated to the board by regional or local agencies, institutions, or organizations representing such individuals or entities.

"(B) In addition, the membership of each local board may consist of representatives of local welfare agencies, economic development agencies, and the local employment service system.

"(3) CHAIRPERSON.—The local board shall elect a chairperson from among the members of the board.

"(c) APPOINTMENT AND CERTIFICATION OF BOARD.—

"(1) APPOINTMENT OF BOARD MEMBERS AND ASSIGNMENT OF RESPONSIBILITIES.—

"(A) IN GENERAL.—The chief elected official in a local workforce development area is authorized to appoint the members of the local board for such area, in accordance with the State criteria established under subsection (b).

"(B) MULTIPLE UNITS OF LOCAL GOVERNMENT IN AREA.—

"(i) IN GENERAL.—In a case in which a local workforce development area includes more than 1 unit of general local government, the chief elected officials of such units may execute an agreement that specifies the respective roles of the individual chief elected officials.—

"(I) in the appointment of the members of the local board from the individuals nominated or recommended to be such members in accordance with the criteria established under subsection (b); and

"(II) in carrying out any other responsibilities assigned to such officials.

"(ii) LACK OF AGREEMENT.—If, after a reasonable effort, the chief elected officials are unable to reach agreement as provided under clause (i), the Governor may appoint the members of the local board from individuals so nominated or recommended.

"(2) CERTIFICATION.—

"(A) IN GENERAL.—The Governor is authorized to biennially certify 1 local board for each local workforce development area in the State.

"(B) CRITERIA.—Such certification shall be based on factors including the criteria established under subsection (b) and, for a second or subsequent certification, the extent to which the local board has ensured that employment and training activities and disadvantaged youth activities carried out in the local workforce development area have met expected levels of performance with respect to the local benchmarks negotiated pursuant to subsection (d)(6)(A).

"(C) FAILURE TO ACHIEVE CERTIFICATION.—Failure of a local board to achieve certification shall result in reappointment and certification of another local board for the local workforce development area pursuant to the process described in paragraph (1) and this paragraph.

"(3) DECERTIFICATION.—

"(A) FISCAL NONCOMPLIANCE.—Notwithstanding paragraph (2), the Governor may decertify a local board if it is determined as a result of financial and compliance audits that there is a substantial violation of a specific requirement under this Act and corrective action has not been taken, in accordance with section 164. If the Governor decertifies a local board for a local workforce development area under this subparagraph, the Governor may require that a new local board be appointed and certified for the local workforce development area pursuant to a reorganization plan developed by the Governor under section 164(b)(1) and in accordance with the criteria established under subsection (b).

"(B) NONPERFORMANCE.—Notwithstanding paragraph (2), the Governor may decertify a local board if a local workforce development area fails to meet the local benchmarks established pursuant to section 153(b) for such local area for two consecutive program years (in accordance with section 156(b)(2)). If the Governor decertifies a local board for a local workforce development area under this subparagraph, the Governor may require that a new local board be appointed and certified for the local area pursuant to a reorganization plan developed by the Governor under section 156(b)(2) and in accordance with the criteria established under subsection (b).

"(4) SINGLE STATE AREA.—Notwithstanding subsection (b) and paragraphs (1) and (2), if a State described in section 121(b) indicates in the State plan that the State will be treated as a local workforce development area for purposes of the application of this Act, the Governor may designate the individuals and entities involved in the collaborative process described in section 105 to carry out the functions described in subsection (d).

"(d) FUNCTIONS OF LOCAL BOARD.—The functions of the local board shall include the following:

"(1) LOCAL PLAN.—

"(A) IN GENERAL.—Each local board, in partnership with the chief local elected official, shall develop and submit to the Governor, for approval, a comprehensive 3-year strategic local plan. The local plan shall be consistent with the State goals and State plan described in section 101.

"(B) CONTENTS.—The local plan shall include—

"(i) an identification of the workforce development needs of local industries, job seekers, and workers;

"(ii) a description of the disadvantaged youth activities and the employment and training activities for adults and dislocated workers to be carried out in the local workforce development area as required under titles II and III, that, with activities authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.), will contribute to the coherent delivery of employment, training and workforce preparation activities in the local area;

"(iii) a description of the local benchmarks negotiated with the Governor pursuant to paragraph (6)(A), to be used by the local board for measuring the performance of the local administrative entity (where appropriate), eligible providers of services authorized under titles II and III, and the performance of the full service employment and training delivery system in the local workforce development area;

"(iv) a description of the local full service employment and training delivery system to be established or designated in the local workforce development area, including—

"(I) a description of the process negotiated with the Governor pursuant to paragraph (6)(B) that the local board will use to designate or certify full service eligible providers in the local workforce development area, which ensures that the most effective and efficient providers will be chosen;

"(II) a description of how the local board will ensure the continuous improvement of such full service eligible providers and that such providers will continue to meet the labor market needs of local employers and participants; and

"(III) an identification of the roles of individual employment, training, and other human resources programs, as determined appropriate, including programs authorized by the Wagner-Peyser Act (20 U.S.C. 49 et seq.), in carrying out the functions of the full service employment and training delivery system, including a description of the funding sources to be used in the operation of the full service employment and training system;

"(v) an identification of the administrative entity designated by the local board in accordance with paragraph (5);

"(vi) a description of the steps the local board will take to work with local educational agencies, postsecondary educational institutions (including community colleges, where applicable), vocational educators, providers of adult education and literacy services, and other representatives of the educational community to address local employment, education, and training needs, including a description of linkages established with such individuals and entities to enhance the provision of services, including supportive services, and avoid duplication;

"(vii) a description of the process that will be used by the local board to fully involve representatives of the local community, including community-based organizations with experience in serving disadvantaged youth, the local education community (including vocational educators and teachers), parents, youth, local law enforcement agencies, and representatives of business and employees (which may include labor) in the development and implementation of disadvantaged youth programs in the local workforce development area, including a description of the process used (involving the individuals and organizations described in this clause) to ensure that the most effective and efficient providers are chosen to carry out the activities authorized under title II; and

"(viii) such other information as the Governor may require.

"(2) SELECTION OF PROVIDERS.—

"(A) SELECTION OF FULL SERVICE PROVIDERS.—Consistent with section 123 and the agreement negotiated with the Governor under paragraph (6)(B)(i), the local board is authorized to designate or certify full service eligible providers, and to terminate for cause, the eligibility of such providers.

"(B) SELECTION OF DISADVANTAGED YOUTH PROVIDERS.—Consistent with section 207, the local board is authorized to award grants on a competitive basis to eligible providers of disadvantaged youth activities in the local workforce development area.

"(3) IDENTIFICATION OF ELIGIBLE PROVIDERS OF TRAINING SERVICES.—Consistent with section 124, the local board is authorized to work in partnership with the Governor concerning the identification of eligible providers of training services described in section 314(c) in the local workforce development area.

"(4) BUDGET AND PROGRAM OVERSIGHT.—

"(A) BUDGETING.—

"(i) IN GENERAL.—The local workforce development board shall develop a budget for the purpose of carrying out local programs established under titles II and III and section 123.

"(ii) APPROVAL OF BUDGET.—Such budget shall be subject to the approval of the chief elected official or officials in the local workforce development area.

"(B) PROGRAM OVERSIGHT.—The local workforce development board, in partnership with the chief elected official or officials in the local workforce development area, shall conduct oversight of the programs established under titles II and III and section 123.

"(5) ADMINISTRATION.—

"(A) DESIGNATION OF ADMINISTRATIVE ENTITY.—

"(i) IN GENERAL.—The local workforce development board may designate itself as the administrative entity for receipt and disbursement of funds made available for carrying out programs authorized under title II and title III of this Act, or the local board may designate an administrative entity (which may be the State through a mutual agreement between the local board and the State), for the purpose of receipt and disbursement of such funds.

"(ii) ADDITIONAL FISCAL RESPONSIBILITIES .—Each administrative entity shall be responsible for the distribution of funds and shall have responsibility to take action against its subcontractors, subgrantees, and other recipients to eliminate abuses in the programs being carried out in the local workforce development area and to prevent any misuse of funds by subcontractors, subgrantees, and other recipients.

"(B) STAFF; GRANTS AND OTHER CONTRIBUTIONS.—The local board may employ its own staff, independent of local programs and service providers, and may solicit or accept grants and contributions from sources other than from this Act.

"(C) PROHIBITION ON DIRECT PROVISION OF SERVICES.—

"(i) IN GENERAL.—Except as provided in clause (ii), a local board or employees of such board may not directly provide services under programs established under this Act.

"(ii) WAIVER.—The Governor of the State in which the local board is located may grant to the local board a written waiver of the prohibition under clause (i) where necessary to improve performance or to provide a full array of services in the local area as may be particularly necessary in rural areas.

"(D) CONFLICT OF INTEREST.—A member of a local board may not—

"(i) vote on a matter under consideration by the local board—

"(I) regarding the provision of services by such member (or by an organization that such member represents); or

"(II) that would provide direct financial benefit to such member or the immediate family of such member; or

"(ii) engage in any other activity determined by the Governor to constitute a conflict of interest.

"(6) NEGOTIATIONS.—

"(A) LOCAL BENCHMARKS.—The local board, the local chief elected official, and the Governor shall negotiate and reach agreement on local benchmarks designed to meet the State goals described in the State plan under section 101 for the local workforce development area. In determining such benchmarks, the Governor, the local chief elected official, and the local board shall take into account the State adjusted benchmarks described in section 153(a) with respect to programs authorized under titles II and III, and specific economic, demographic, and other characteristics of the populations to be served in the local workforce development area.

"(B) LOCAL DELIVERY OF SERVICES.—

"(i) IN GENERAL.—The local board, the local chief elected official, and the Governor shall negotiate and reach agreement on a process to be used by the local board that meets the requirements of subclauses (I) and (II) of paragraph (1)(B)(iv) for—

"(I) the designation or certification of full service eligible providers (as described in section 123(c)) in the local workforce development area, including, consistent with State statute, a determination of the role of providers of activities authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) in the full service delivery of services in the local workforce development area; and

"(II) the continued role of the local board and the local elected official in conducting oversight with respect to full service eligible providers that are providers of activities authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.).

"(ii) ESTABLISHED FULL SERVICE EMPLOYMENT AND TRAINING DELIVERY SYSTEM.—Notwithstanding this subsection and section 123(c), if a full service employment and training delivery system has been established in a local workforce development area prior to the date of enactment of this Act, or if approval has been obtained for a plan for a full service employment and training delivery system under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) prior to the date of enactment of this Act, the local board and the Governor involved may agree to certify such full service employment and training delivery system for purposes of this subparagraph.

"(e) SUNSHINE PROVISION.—

"(1) IN GENERAL.—The local board shall make available to the public, on a regular basis, information regarding the activities of the local board, including information regarding membership, the designation and certification of full service employment and training eligible providers, the award of grants to eligible providers of disadvantaged youth activities, and upon request, minutes of formal meetings of the local board.

"(2) LOCAL PLAN.—Prior to the submission of the local plan to the Governor, under subsection (d)(1)(D)(ii), the local board shall make such plan available for review and comment to—

"(A) appropriate community-based organizations and local educational and other public agencies in the local workforce development area;

"(B) local business organizations and representatives of employees in the local workforce development area; and

"(C) the general public through such means as public hearings and local news media.

"SEC. 123. FULL SERVICE EMPLOYMENT AND TRAINING DELIVERY SYSTEM.

"(a) IN GENERAL.—There shall be established in a State that receives an allotment under section 312, a full service employment and training delivery system that—

"(1) shall provide the core services described in subsection (d), including the information described in part E of title IV and labor exchange services authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.);

"(2) shall provide access to the activities carried out under subsection (e), if any; and

"(3) shall provide access to intensive and training services described in section 314, including serving as the point of distribution of skill grants for training services to participants in accordance with section 314(c)(6)(A).

"(b) ACCESS TO DELIVERY OF SERVICES.—

"(1) IN GENERAL.—The State's full service employment and training delivery system shall provide individuals and employers with access to the services described in subsection (a) through a network of eligible providers that assures participants that such services will be available, regardless of where the participants initially enter the system. At a minimum, such services shall be available—

"(A) through a network of full service employment and training delivery centers, established in all local workforce development areas in the State, that provide all of the services described in subsection (a); or

"(B) at not less than one full service employment and training delivery center in each local workforce development area in the State that provides all of the services described in subsection (a), supplemented with multiple affiliated sites that provide one or more of such services and are linked through electronic and technological access points.

"(2) SPECIALIZED CENTERS.—Of the full service employment and training delivery centers or affiliated sites described in paragraph (1), such centers or sites may have a specialization in addressing special needs, such as the needs of dislocated workers.

"(c) ELIGIBILITY FOR DESIGNATION.—Any entity or consortium of entities located in a local workforce development area may be designated or certified by the local workforce development board (in accordance with section 122(d)(2)(A)) through a competitive process, or through an agreement reached between the local board and a consortium of entities, to operate a full service employment and training delivery center or to participate as an affiliated site in the full service employment and training delivery system. Such entities shall be known as 'full service eligible providers' and may include—

"(1) institutions of higher education;

"(2) local employment service offices established under the Wagner-Peyser Act (29 U.S.C. 49 et seq.);

"(3) private, nonprofit organizations (including community-based organizations);

"(4) private for-profit entities;

"(5) agencies of local government; and

"(6) other interested organizations and entities of demonstrated effectiveness, including local chambers of commerce and other business organizations, consistent with State criteria as described in the State plan under section 101.

"(d) CORE SERVICES.—Funds made available to local workforce development areas under section 313(b), in addition to funds made available under the Wagner-Peyser Act, part E of title IV, and other related programs, shall be used to provide core services, which shall be available to all individuals through the full service employment and training delivery system and shall, at a minimum, include—

"(1) outreach, intake (which may include worker profiling), and orientation to the information and other services available through the full service employment and training delivery system;

"(2) initial assessment of skill levels, aptitudes, abilities, and supportive service needs;

"(3) job search and placement assistance, and where appropriate, career counseling;

"(4) provision of accurate information relating to local, regional, and national labor markets, including—

"(A) job vacancy listings in such markets; and

"(B) information relating to local occupations in demand and the earnings and skill requirements for such occupations;

"(5) provision of accurate information relating to the quality and availability of employment, training, and literacy activities authorized under titles II and III of this Act and the Adult Education and Family Literacy Act, and of vocational rehabilitation program activities as appropriate, and referral to such activities;

"(6) provision of information relating to unemployment compensation, publicly funded employment and training programs (including registered apprenticeships), and forms of public financial assistance, such as student aid programs, that may be available in order to enable individuals to participate in employment, training, literacy, and other workforce preparation activities;

"(7) soliciting and accepting job orders submitted by employers in the local workforce development area, and screening and referring applicants in accordance with such orders;

"(8) dissemination of lists of eligible training providers and performance information regarding such providers in accordance with section 124; and

"(9) any additional performance information with respect to the full service employment and training delivery system in the local workforce development area.

"(e) PERMISSIBLE SERVICES.—Funds made available to local workforce development areas under section 313(b) may be used to contribute to, through the full service employment and training delivery system—

"(1) co-location of services related to employment, training, and literacy activities, such as unemployment insurance, vocational rehabilitation program activities, veterans' employment services, programs authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.), employment-related services for welfare recipients, or other public assistance activities;

"(2) customized screening and referral of qualified participants to employment; and

"(3) customized employment-related services to employers on a fee-for-service basis.

"SEC. 124. IDENTIFICATION OF TRAINING PROVIDERS.

"(a) ELIGIBILITY REQUIREMENTS.—

"(1) IN GENERAL.—Except as provided in subsection (e), to be identified as an eligible provider of training services under title III and to receive funds made available for the provision of training services described in section 314(c) (referred to in this section as 'training services'), a provider of such services shall meet the requirements of this section.

"(2) POSTSECONDARY EDUCATIONAL INSTITUTION.—Subject to the provisions of this section, a postsecondary educational institution shall automatically be eligible to provide training services under title III for programs that are eligible to participate in title IV of the Higher Education Act of 1965.

"(A) a program that leads to an associate, baccalaureate, professional, or graduate degree;

"(B) a program that—

"(i) is at least 2 academic years in length; and

"(ii) is acceptable for academic credit toward a baccalaureate degree; or

"(C) a program that—

"(i) is at least 1 academic year in length;

"(ii) is a training program;

"(iii) leads to a certificate, degree, or other recognized educational credential; and

"(iv) prepares a student for gainful employment in a recognized occupation.

"(3) OTHER ELIGIBLE PROVIDERS.—

"(A) PROCEDURE.—

"(i) IN GENERAL.—The Governor shall establish a procedure for use by local workforce development boards in determining the eligibility of public and private providers not described in paragraph (2) (including eligibility of postsecondary educational institutions for programs not described in paragraph (2)) to receive such funds.

"(ii) FACTORS.—In developing such procedure, the Governor—

"(I) shall solicit and take into consideration the recommendations of local workforce development boards and providers of training services within the State; and

"(II) shall take into consideration—

"(aa) the specific economic, geographic, and demographic factors in the local areas in which eligible providers are located; and

"(bb) the characteristics of the populations served by the eligible providers, including the demonstrated difficulties in serving such populations, where applicable.

"(B) LEVELS OF PERFORMANCE.—At a minimum, the procedure described in subparagraph (A) shall require such a provider to meet minimum acceptable levels of performance based on verifiable program-specific performance information described in subsection (b) and submitted to the State agency designated under subsection (c), as required under paragraphs (2) and (3) of subsection (c).

"(b) PERFORMANCE INFORMATION.—

"(1) REQUIRED INFORMATION.—Pursuant to subsection (c)(2), to be eligible to provide training services under title III, a provider shall submit information on—

"(A) program completion rates for individuals in the applicable program conducted by the provider;

"(B) the percentage of individuals in the applicable program who obtain employment, which may also include information specifying the percentage of individuals who obtain employment in an occupation related to the program conducted;

"(C) the earnings at placement of individuals who complete the program; and

"(D) for literacy providers or providers of integrated education and training services, the success rate of the applicable program in raising the literacy levels of individuals in skill areas that are considered important for successful participation in training and employment.

"(2) ADDITIONAL INFORMATION.—Subject to paragraph (3), in addition to the performance information described in paragraph (1), the Governor may require that a provider described in this paragraph submit such other performance information as the Governor determines to be appropriate, which many include information relating to—

"(A) the retention in employment and the subsequent earnings of the individuals who complete the applicable program;

"(B) where appropriate, the rates of licensure or certification of individuals who complete the program;

"(C) the percentage of individuals who complete the program who attain industry-recognized occupational skills in the subject, occupation, or industry for which training is provided, where applicable; and

"(D) the adequacy of space, staff, equipment, instructional materials, and student support services offered by the provider through a program conducted by the provider.

"(3) CONDITIONS.—

"(A) IN GENERAL.—If the Governor requests additional information pursuant to paragraph (2) that imposes extraordinary costs in providers, the Governor shall provide access to cost-effective methods for the collection of such information or provide additional resources to assist providers in the collection of such information from funds made available under section 313(a).

"(B) TRANSITION PERIOD FOR PERFORMANCE-BASED INFORMATION.—For program years 1999 and 2000, the performance-based information to be submitted by a provider under this subsection shall only be required to be provided relating to the performance of participants assisted under title III in lieu of all; individuals participating in the program of the provider. Nothing in this subparagraph shall be construed to prohibit the submission of performance-based information for all individuals participating in the program of the provider as soon as is practicable prior to program year 2001 and each provider shall be encouraged to submit such information.

"(c) ADMINISTRATION.—

"(1) DESIGNATION.—The Governor shall designate a State agency to collect and disseminate the performance information described in subsection (b) and to carry out other duties described in this subsection.

"(2) SUBMISSION.—A provider described in subsection (a) shall submit the performance information described in subsection (b) annually to the designated State agency at such time and in such manner as the designated State agency may require. The designated State agency may accept program-specific performance information consistent with the requirements for eligibility under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) from such a provider for purposes of enabling the provider to fulfill the applicable requirements of this paragraph, if such information is substantially similar to the information required under subsection (b).

"(3) LIST OF ELIGIBLE PROVIDERS.—

"(A) IN GENERAL.—The designated State agency shall compile a list of eligible providers accompanied by the performance information described in subsection (b) consisting of—

"(i) providers determined to be automatically eligible subject to subsection (a)(2); and

"(ii) providers determined to be eligible by local workforce development boards, subject to subsection (a)(3).

"(B) AVAILABILITY.—The designated State agency shall disseminate such lists and information to the full service employment and training delivery system and to local boards. Such list and information shall be made widely available to participants in employment and training programs authorized under title III and others through the full service employment and training delivery system described in section 123.

"(d) ENFORCEMENT.—

"(1) ACCURACY OF INFORMATION.—If the designated State agency determines that a provider or individual supplying information on behalf of a provider intentionally supplies inaccurate information under this section, the agency shall terminate the eligibility of the eligible provider to receive funds described in subsection (a) for a period of time, but not less than 2 years, as prescribed in regulations issued by the Governor.

"(2) NONCOMPLIANCE.—If the designated State agency, or the local workforce development board working through the State agency, determines that an eligible provider under subsection (a) substantially violates any requirement under this Act, the agency, or the local board through the State agency, may terminate the eligibility of such provider to receive funds described in subsection (a) for such program or take such other action as the agency or local board determines to be appropriate.

"(3) NONPERFORMANCE.—

"(A) TERMINATION FOR NONPERFORMANCE.—If the designated State agency, or the local workforce development board working through the State agency, determines that an eligible provider under subsection (a) substantially fails to meet performance criteria established by the Governor, the agency, or the local board working through the State agency, may terminate the eligibility of such provider.

"(B) FACTORS.—In establishing the performance criteria described under subparagraph (A)(i), the Governor shall—

"(i) solicit and take into consideration the recommendations of local workforce development boards and providers of training services within the State; and

"(ii) take into consideration—

"(I) the specific economic, geographic, and demographic factors in the local areas in which eligible providers are located; and

"(II) the characteristics of the populations served by the eligible providers, including the demonstrated difficulties in serving such populations, where applicable.

"(4) ELIGIBILITY UNDER THE HIGHER EDUCATION ACT OF 1965.—If the designated State agency determines that the eligibility of an eligible provider described in subsection (a)(2) under title IV of the Higher Education Act of 1965 has been terminated, the agency—

"(A) shall terminate the automatic eligibility of the provider under subsection (a)(2); and

"(B) shall require the provider to meet the requirements of subsection (a)(3) to be eligible to receive funds as described in subsection (a).

"(5) REPAYMENT.—A provider whose eligibility is terminated under paragraph (1) or (2) for a program shall be liable for repayment of all funds described in subsection (a) received for the program during any period of noncompliance described in such paragraph.

"(6) APPEAL.—The Governor shall establish a procedure for an eligible provider to appeal a determination by the local board or the designated state agency that results in the denial or termination of eligibility under this subsection. Such procedure shall provide an opportunity for a hearing and prescribe appropriate time limits to ensure prompt resolution of the appeal.

"(7) CONSTRUCTION.—This subsection shall be construed to supplement, but not supplant, other civil and criminal remedies and penalties.

"(e) ON-THE-JOB TRAINING EXCEPTION.—

"(1) IN GENERAL.—Providers of on-the-job training, and apprenticeship programs registered in accordance with the National Apprenticeship Act, shall not be subject to the requirements of subsection (a), (b), (c), or (d).

"(2) COLLECTION AND DISSEMINATION OF INFORMATION.—A full-service eligible provider

in a local workforce development area shall collect such performance information from on-the-job training providers as the Governor may require, and disseminate such information through the delivery of core services described in section 123, as appropriate.".

Subtitle C—Program and Fiscal Provisions

CHAPTER 1—GENERAL PROVISIONS

SEC. 121. GENERAL PROGRAM REQUIREMENTS.

(a) EMPLOYMENT AND TRAINING OPPORTUNITIES.—Section 141(a) of the Job Training Partnership Act (29 U.S.C. 1551(a)) is amended—

(1) by striking "and shall make efforts" and all that follows and inserting a period; and

(2) by adding at the end the following: "In addition, efforts shall be made to develop programs which contribute to occupational development, upward mobility, development of new careers, and overcoming sex-stereotyping in occupations traditional for the other sex.".

(b) RELOCATION.—Section 141(c) of such Act (29 U.S.C. 1551(c)) is amended to read as follows:

"(c) RELOCATION.—

"(1) PROHIBITION ON USE OF FUNDS TO ENCOURAGE OR INDUCE RELOCATION.—No funds provided under title II, III, or IV shall be used or proposed for use to encourage or induce the relocation, of a business or part of a business, that results in a loss of employment for any employee of such business at the original location, if such original location is within the United States.

"(2) PROHIBITION ON USE OF FUNDS FOR CUSTOMIZED OR SKILL TRAINING AND RELATED ACTIVITIES AFTER RELOCATION.—No funds provided under title II, III, or IV for an employment and training activity shall be used for customized or skill training, on-the-job training, or company-specific assessments of job applicants or employees, for any business or part of a business, that has relocated, until 120 days after the date on which such business commences operations at the new location, if the relocation of such business or part of a business, results in a loss of employment for any employee of such business at the original location and such original location is within the United States.

"(3) REPAYMENT.—If the Secretary of Labor determines that a violation of paragraph (1) or (2) has occurred, the Secretary shall require the State that has violat4ed such paragraph to repay to the United States an amount equal to the amount expended in violation of such paragraph.".

(c) TRAINING FOR OCCUPATIONS IN DEMAND.—Subsection (d) of section 141 of such Act (29 U.S.C. 1551(d)) is hereby repealed.

(d) AGREEMENTS AMONG AREAS RELATING TO EDUCATION, TRAINING, AND EMPLOYMENT OF PARTICIPANTS.—Section 141(e) of such Act (29 U.S.C. 1551(e)) is amended—

(1) by striking paragraph (1); and

(2) in paragraph (2)—

(A) by striking "(2)";

(B) by striking "service delivery area" each place it appears and inserting "local workforce development area"; and

(C) in the second sentence—

(i) by striking "private industry council" and inserting "local workforce development board"; and

(ii) by striking "section 104" and inserting "section 122(d)(1)".

(e) PROHIBITION ON CERTAIN VOTES.—Subsection (f) of section 141 of such Act (29 U.S.C. 1551(f)) is hereby repealed.

(f) PAYMENTS TO EMPLOYERS FOR ON-THE-JOB-TRAINING.—Section 141(g) of such Act (29 U.S.C. 1551(g)) is amended—

(1) by striking paragraphs (1) through (3); and

(2) in paragraph (4)—

(A) by striking "(4)";

(B) by striking "In accordance with regulations issued by the Secretary, on -the-job training contracts" and inserting "On-the-job training contracts"; and

(C) by striking "with wages and employment benefits" and all that follows and inserting a period.

(g) DUPLICATE FACILITIES OR SERVICES.—Section 141(h) of such Act (29 U.S.C. 1551(h)) is amended to read as follows:

"(h)(1) Upon the approval of the Governor, real property in which, as of July 1, 1998, equity has resulted from funds provided under title III of the Social Security Act, section 903(c) of such Act (commonly referred to as the 'Reed Act'), or the Wagner-Peyser Act (29 U.S.C. 49 et seq.) may be used for the purposes of a full service employment and training delivery center.

"(2) Unless otherwise provided in a plan approved pursuant to section 101, subsequent to the commencement of the use of the property described in paragraph (1) for the purposes of a full service employment and training delivery center, funds provided under the provisions of law described in paragraph (1) may only be used to acquire further equity in such property, or to pay operating and maintenance expenses relating to such property in proportion to the extent of the use of such property attributable to the activities authorized under such provisions of law.".

(h) RESPONSIBILITIES OF ADMINISTRATIVE ENTITIES.—Section 141(i) of such Act (29 U.S.C. 1551(i)) is hereby repealed.

(i) PROHIBITION ON CERTAIN SUBSIDIZED EMPLOYMENT.—Section 141(k) of such Act (29 U.S.C. 1551(k)) is hereby repealed.

(j) CONSULTATION REQUIREMENTS.—Section 141(n) of such Act (29 U.S.C. 1551(n)) is amended—

(1) by striking "private industry councils" each place it appears and inserting "local workforce development boards";

(2) by striking "councils" and inserting "boards";

(3) by striking "service delivery area" each place it appears and inserting "local workforce development area"; and

(4) by striking "this Act" each place it appears and inserting "title II or title III".

(k) PROHIBITION ON USE OF FUNDS FOR PUBLIC SERVICE EMPLOYMENT.—Section 141(p) of such Act (29 U.S.C. 1551(p)) is amended—

(1) by striking "part B of this title or part A or C of title II" and inserting "this Act"; and

(2) by inserting at the end before the period the following: "except as specifically authorized under this Act".

(l) PROHIBITION ON USE OF FUNDS FOR CERTAIN ECONOMIC ACTIVITIES.—Section 141(q) of such Act (29 U.S.C. 1551(p)) is amended in the first sentence by inserting at the end before the period the following: "which are not directly related to training or related services for eligible individuals under this Act".

(m) PRIORITY FOR EXCESS PROPERTY OF THE DEPARTMENT OF DEFENSE.—Section 141(s) of such Act (29 U.S.C. 1551(s)) is hereby repealed.

(n) PROHIBITION ON ENTITLEMENT TO SERVICE.—Section 141 of such Act (29 U.S.C. 1551) is amended by adding at the end the following:

"(s) PROHIBITION ON ENTITLEMENT TO SERVICE.—Nothing in this Act shall be construed to provide an individual with an entitlement to a service under this Act.

"(t) FEE FOR SERVICE AUTHORITY.—Services, facilities, and equipment funded under titles II and III may be used, as appropriate, on a fee for service basis, by employers in a local workforce development area in order to provide employment and training services to incumbent workers—

"(1) when such services, facilities, or equipment are not in use for the provision of services for eligible program participants under title II or title III, respectively;

"(2) if such use would not have an adverse affect on the provision of services to eligible program participants under title II or title III, respectively; and

"(3) if the income derived from such fees is used to carry out the programs authorized under title II or title III, respectively.".

SEC. 122. BENEFITS.

Section 142(a) of the Job Training Partnership Act (29 U.S.C. 1552(a)) is amended—

(1) by striking all that precedes paragraph (4) and inserting the following:

"(a) WAGES.—

"(1) IN GENERAL.—Individuals in on-the-job training or individuals employed in activities under this Act shall be compensated at the same rates, including periodic increases, as trainees or employees who are similarly situated in similar occupations by the same employer and who have similar training, experience and skills, and such rates shall be in accordance with applicable law, but in no event less than the higher of the rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State or local minimum wage law."; and

(2) by redesignating paragraph (4) as paragraph (2).

SEC. 123. LABOR STANDARDS.

Section 143 of the Job Training Partnership Act (29 U.S.C. 1553) is amended to read as follows:

"SEC. 143. LABOR STANDARDS.

"(a) LIMITATIONS ON ACTIVITIES THAT IMPACT WAGES OF EMPLOYEES.—No funds provided under this title shall be used to pay the wages of incumbent employees during their participation in economic development activities provided through the statewide system.

"(b) DISPLACEMENT.—

"(1) PROHIBITION.—A participant in an activity authorized under title II, III, or IV of this Act (referred to in this section as a 'specified activity') shall not displace (including a partial displacement, such as a reduction in the hours of nonovertime work, wages, or employment benefits) any currently employed employee (as of the date of the participation).

"(2) PROHIBITION ON IMPAIRMENT OF CONTRACTS.—A specified activity shall not impair an existing contract for services or collective bargaining agreement, and no such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization and employer concerned.

"(c) OTHER PROHIBITIONS.—A participant in a specified activity shall not be employed in a job—

"(1) when any other individual is on layoff from the same or any substantially equivalent job;

"(2) when the employer has terminated the employment of any regular employee or otherwise reduced the workforce of the employer with the intention of filling the vacancy so created with the participant; or

"(3) which is created in a promotional line that will infringe in any way upon the promotional opportunities of currently employed individuals.

"(d) HEALTH AND SAFETY.—Health and safety standards established under Federal and State law otherwise applicable to working conditions of employees shall be equally applicable to working conditions of participants engaged in specified activities. To the extent that a State workers' compensation law applies, workers' compensation shall be provided to participants on the same basis as the compensation is provided to other individuals in the State in similar employment.

"(e) EMPLOYMENT CONDITIONS.—Individuals in on-the-job training or individuals employed in activities under this Act, shall be provided benefits and working conditions at the same level and to the same extent as other trainees or employees working a similar length of time and doing the same type of work.

"(f) OPPORTUNITY TO SUBMIT COMMENTS.—Interested parties shall be provided an opportunity to submit comments with respect to training programs proposed to be funded under this Act.".

SEC. 124. GRIEVANCE PROCEDURE.

Section 144 of the Job Training Partnership Act (29 U.S.C. 1554) is amended to read as follows:

"SEC. 144. GRIEVANCE PROCEDURE.

"(a) IN GENERAL.—Each State receiving an allotment under this Act shall establish and maintain a procedure for grievances or complaints alleging violations of the requirements of this Act from participants and other interested or affected parties. Such procedure shall include an opportunity for a hearing and be completed within 60 days of filing the complaint.

"(b) INVESTIGATION.—

"(1) IN GENERAL.—The Secretary shall investigate an allegation of a violation described in subsection (a) if—

"(A) a decision relating to such violation has not been reached within 60 days after the date of the grievance or complaint and either party appeals to the Secretary; or

"(B) a decision relating to such violation has been reached within such 60 days and the party to which such decision is adverse appeals such decision to the Secretary.

"(2) ADDITIONAL REQUIREMENT.—The Secretary shall make a final determination relating to an appeal made under paragraph (1) no later than 120 days after receiving such appeal.

"(c) REMEDIES.—Remedies shall be limited—

"(1) to suspension or termination of payments under this Act;

"(2) to prohibition of placement of a participant with an employer that has violated any requirements under this Act;

"(3) where applicable, to reinstatement of an employee, payment of lost wages and benefits, and reestablishment of other relevant terms, conditions and privileges of employment; and

"(4) where appropriate, to other equitable relief.".

SEC. 125. IDENTIFICATION OF ADDITIONAL IMPOSED REQUIREMENTS.

Section 124 of the Job Training Partnership Act (29 U.S.C. 1534) is amended—

(1) by redesignating such section as section 146 of such Act; and

(2) by inserting such section after section 145 of such Act.

SEC. 126. AUTHORITY OF STATE LEGISLATURE.

Section 126 of the Job Training Partnership Act (29 U.S.C. 1536) is amended—

(1) by adding at the end "Any funds received by a State under title II or III of this Act shall be subject to appropriation by the State legislature, consistent with the terms and conditions required under this Act.";

(2) by redesignating such section as section 147 of such Act; and

(3) by inserting such section after section 146 of such Act, as amended by this Act.

SEC. 127. INTERSTATE AGREEMENTS.

Section 127 of the Job Training Partnership Act (29 U.S.C. 1537) is amended—

(1) by redesignating such section as section 148 of such Act; and

(2) by inserting such section after section 147 of such Act, as amended by this Act.

CHAPTER 2—PERFORMANCE ACCOUNTABILITY PROVISIONS

SEC. 131. PERFORMANCE ACCOUNTABILITY PROVISIONS.

The Job Training Partnership Act (29 U.S.C. 1501 et seq.) is amended by inserting after part C of title I of such Act the following:

"SEC. 151. PERFORMANCE ACCOUNTABILITY SYSTEM.

"In order to promote high levels of performance and to ensure an appropriate return on the Nation's investment in employment, training, and literacy programs, each State receiving funds under this Act or the Adult Education and Family Literacy Act shall implement a statewide performance accountability system that meets the requirements of this subpart.

"SEC. 152. INDICATORS OF PERFORMANCE.

"(a) STATE BENCHMARKS.—

"(1) IN GENERAL.—Each State receiving funds under this Act shall identify indicators and related levels of performance (hereinafter referred to as 'State benchmarks'), for each of the programs established under titles II, III, and V of this Act, to be used to measure the State's progress in meeting the State long-term goals described in the State plan under section 101. Such State benchmarks shall, at a minimum—

"(A) include the core indicators of performance described in section 154;

"(B) be expressed in an objective, quantifiable, and measurable form; and

"(C) show the progress of the State to continuously improve in performance over the 3-year period covered by the State plan.

"(2) CUSTOMER SATISFACTION.—Such State benchmarks may also include post-program surveys and other measures of customer satisfaction of both employers and program participants.

"(b) TECHNICAL DEFINITIONS OF CORE INDICATORS.—In order to ensure nationwide comparability of performance data, the Secretary of Labor and the Secretary of Education, in collaboration with the States, localities, representatives of business and industry, employees, employment and training service providers, State directors of adult education, providers of adult education and literacy services, individuals with expertise in serving the employment and training needs of disadvantaged youth, participants, parents and other interested parties with expertise in the provision of employment, training, literacy, and related services, shall promulgate definitions of each of the core indicators of performance described in section 154, with the exception of the indicators described under subsections (a)(6), (b)(1), (b)(5), (c)(1), and (c)(5) of such section, to be used under this Act in measuring performance.

"SEC. 153. STATE ADJUSTED BENCHMARKS.

"(a) AGREEMENT.—

"(1) IN GENERAL.—In order to ensure an adequate return on the investment of Federal funds in employment, training, and literacy programs authorized under this Act and the Adult Education and Family Literacy Act, the appropriate Secretary and each State shall reach agreement on the levels of performance expected to be achieved by such State based upon the State's benchmarks established pursuant to section 152(a)(1) (hereinafter referred to as the 'State adjusted benchmarks'), for the core indicators of performance described in section 154 (except for the indicators described under subsections (a)(6), (b)(1), (b)(5), (c)(1), and (c)(5) of such section). Such agreement shall take into account—

"(A) whether the levels will enable each State to attain the State goals;

"(B) how the levels compare with the levels established by other States, taking into consideration the specific circumstances, including economic circumstances, of each State;

"(C) how the levels compare with the model levels of performance identified pursuant to subsection (c); and

"(D) the extent to which such levels demonstrate continuous improvement in performance by such State and ensure an adequate return on the investment of Federal funds.

"(2) AUTHORITY OF GOVERNOR.—The Governor of a State is authorized to enter into the agreement described in paragraph (1) for programs authorized under titles II and III.

"(3) AUTHORITY OF ELIGIBLE STATE AGENCY.—The eligible State agency for adult education and literacy programs is authorized to enter into the agreement described in paragraph (1) for programs authorized under the Adult Education and Family Literacy Act.

"(b) LOCAL BENCHMARKS FOR EMPLOYMENT AND TRAINING PROGRAMS.—Based on the expected levels of performance established pursuant to subsection (a), each State shall negotiate with the local workforce development board and the chief local elected official in each local workforce development area (consistent with section 122(d)(6)(A)) the levels of performance for each indicator that are expected for such local workforce development areas. Such levels of performance shall be known as 'local benchmarks'.

"(c) MODEL LEVELS OF PERFORMANCE.—In order to encourage high levels of performance and advance the Nation's competitiveness, the Secretary of Labor and the Secretary of Education, in collaboration with the States, localities, and with representatives of business and industry, employees, employment and training service providers, State directors of adult education, providers of adult education and literacy services, individuals with expertise in serving the employment and training needs of disadvantaged youth, participants, parents and other interested parties with expertise in the provision of employment, training, literacy, and related services, shall identify challenging model levels of performance (hereinafter referred to as 'model levels of performance') with respect to the core indicators of performance described in section 154, with the exception of the indicators described under subsections (a)(6), (b)(1), (b)(5), (c)(1), and (c)(5).

"SEC. 154. CORE INDICATORS OF PERFORMANCE.

"(a) CORE INDICATORS FOR ADULT EMPLOYMENT AND TRAINING PROGRAMS.—The common core indicators of performance for programs authorized under title III of this Act shall include measures of—

"(1) placement in unsubsidized employment;

"(2) retention in unsubsidized employment for not less than 6 months and for not less than 12 months, respectively;

"(3) increases in earnings or in earnings in combination with employer-assisted benefits;

"(4) reductions in welfare dependency;

"(5) attainment of industry-recognized occupational skills;

"(6) attainment of a high school diploma or a general equivalency diploma; and

"(7) such other measures of performance as the State may wish to collect.

"(b) CORE INDICATORS FOR ADULT EDUCATION AND LITERACY PROGRAMS.—The core indicators of performance for programs conducted under the Adult Education and Family Literacy Act shall include measures of—

"(1) achievement in the areas of reading, writing, English language acquisition, problem solving, numeracy, and other literacy skills;

"(2) receipt of a high school diploma or a general equivalency diploma;

"(3) entry into a postsecondary school, job retraining program, employment, or career advancement;

"(4) attainment of the literacy skills and knowledge individuals need to be productive and responsible citizens and to become more actively involved in the education of their children; and

"(5) such other measures of performance as the State may wish to collect.

"(c) CORE INDICATORS FOR DISADVANTAGED YOUTH.—The core indicators of performance for programs conducted under title II shall include measures of—

"(1) attainment of challenging State academic proficiencies;

"(2) attainment of secondary school diplomas or general equivalency diplomas;

"(3) attainment of industry-recognized work readiness and occupational skills;

"(4) placement in, retention in, and completion of postsecondary education or advanced training, or placement and retention in military service, employment, or qualified apprenticeships; and

"(5) such other measures of performance as the State may wish to collect.

"(d) POPULATION INDICATORS.—

"(1) ADULT EMPLOYMENT AND TRAINING PROGRAMS.—The core indicators of performance for programs conducted under title III, as provided under subsection (a), shall include measures of the success of individuals with multiple barriers to employment, including economically disadvantaged individuals (including welfare recipients), displaced homemakers, older workers, and other individuals as determined by the State.

"(2) ADULT EDUCATION AND LITERACY PROGRAMS.—The core indicators of performance for programs conducted under the Adult Education and Family Literacy Act, as provided under subsections (a) and (b), shall include measures of the success of economically disadvantaged individuals, individuals with limited literacy (as determined by the eligible agency), and other individuals as determined by the eligible agency.

"(3) DISADVANTAGED YOUTH PROGRAMS.—The core indicators of performance for programs conducted under title II, as provided under subsection (c), shall include measures of the success of hard to serve youth, including individuals who are school dropouts or whose educational attainment is one or more grade levels below the grade level appropriate to the age of the individual, and other individuals as determined by the State.

"SEC. 155. REPORT ON PERFORMANCE.

"(a) REPORT.—

"(1) IN GENERAL.—Each State that receives funds under titles II and III of this Act and the Adult Education and Family Literacy Act shall annually prepare and submit to the Secretary of Labor and the Secretary of Education (for consideration by the appropriate Secretary) a report on the levels of performance achieved by the State with respect to the State adjusted benchmarks identified pursuant to section 153(a), and by each local workforce development area with respect to the local benchmarks identified pursuant to section 153(b) for programs authorized under title II and title III for each program year.

"(2) ADDITIONAL INFORMATION.—In preparing such report, the State may include—

"(A) information on such additional benchmarks as the State may establish to meet the State goals; and

"(B) comments assessing the process used for reaching agreement on the State adjusted benchmarks pursuant to section 153(a) and may also include comments from local workforce development areas assessing the process for negotiating local benchmarks pursuant to section 153(b).

"(b) INFORMATION DISSEMINATION.—The Secretary of Labor and the Secretary of Education—

"(1) shall make the information contained in such reports available to the general public through publication and other appropriate methods;

"(2) shall disseminate State-by-State comparisons of the information; and

"(3) shall provide the appropriate congressional committees with copies of such reports.

"SEC. 156. INCENTIVE GRANTS AND SANCTIONS.

"(a) INCENTIVE GRANTS.—

"(1) AWARD OF GRANTS.—From amounts made available under section 452 and section 502 for any fiscal year, the appropriate Secretary may award incentive grants to States that—

"(A) exceed, during the most recent 12-month period for which data are available, the adjusted State benchmarks described under section 153(a);

"(B) demonstrate continuing progress toward exceeding, during the 3-year period covered by the State plan submitted under section 101, the adjusted State benchmarks described under section 153(a); or

"(C) demonstrate significant progress in the coordination and integration of employment, training, literacy, and other human resource and workforce preparation programs within the State, and demonstrate high performance in such programs.

"(2) TECHNICAL ASSISTANCE.—The Secretary, upon request, shall provide technical assistance to any State that does not qualify for receipt of an incentive grant under paragraph (1).

"(3) USE OF FUNDS.—A State that receives an incentive grant under paragraph (1) may use funds made available under such grant only to carry out employment, training, or literacy activities.

"(b) SANCTIONS.—

"(1) STATES.—

"(A) TECHNICAL ASSISTANCE.—If a State fails to meet expected levels of performance for a program for any program year as established pursuant to section 153(a), the Secretary of Labor for programs established under title II and title III, or the Secretary of Education for programs established under the Adult Education and Family Literacy Act, shall, upon request, provide technical assistance, including assistance in the development of a performance improvement plan.

"(B) REDUCTION IN AMOUNT OF GRANT.—If such failure continues for a second consecutive year, the appropriate Secretary may reduce by not more than 5 percent, the amount of the grant that would (in the absence of this paragraph) be payable to the State under such program for the immediately succeeding program year. Such penalty shall be based on the degree of failure to meet adjusted levels of performance.

"(2) LOCAL AREAS.—

"(A) TECHNICAL ASSISTANCE.—If a local workforce development area, or other applicable local administrative entity, fails to meet expected levels of performance for a program for any program year under section 153(b), the Governor, or upon request by the Governor, the Secretary, shall provide technical assistance, which may include the development of a performance plan, or the development of a modified local plan.

"(B) CORRECTIVE ACTIONS.—

"(i) IN GENERAL.—If such failure continues for a second consecutive year, the Governor shall take corrective actions, which may include development of a reorganization plan through which the Governor may require the appointment of a new local board (consistent with the criteria established under section 122(b)), prohibit the use of designated service providers, require the redesignation of a local administrative entity (in such case chosen jointly by the Governor and the chief elected official in the local workforce development area), or such other actions as the Governor determines are appropriate, consistent with State law, and the requirements of this subparagraph.

"(ii) APPEAL BY WORKFORCE DEVELOPMENT AREA.—

"(I) APPEAL TO GOVERNOR.—A workforce development area that is subject to a reorganization plan under clause (i) may, not later than 30 days after receiving notice thereof, appeal to the Governor to rescind or revise such plan. In such case, the Governor shall make a final decision not later then 30 days after the receipt of the appeal.

"(II) SUBSEQUENT ACTION.—A local workforce development area may, not later than 30 days after receiving a decision from the Governor pursuant to subclause (I), appeal such decision to the Secretary. In such case the Secretary shall make a final decision not later than 30 days after the receipt of the appeal.

"(iii) EFFECTIVE DATE.—The actions taken by the Governor under subclause (I) shall become effective at the time the Governor issues a decision pursuant to such subclause. Such action shall remain effective unless the Secretary rescinds or revises such plan pursuant to subclause (II).".

CHAPTER 3—OTHER PROVISIONS

SEC. 141. PROMPT ALLOCATION OF FUNDS.

Section 162 of the Job Training Partnership Act (29 U.S.C. 1572) is amended—

(1) in the second sentence of subsection (a), by striking "1980 Census or later data" and inserting "the most recent satisfactory data from the Bureau of the Census"; and

(2) by striking subsection (f).

SEC. 142. FISCAL CONTROLS; SANCTIONS.

(a) ESTABLISHMENT OF FISCAL CONTROLS BY STATES.—Section 164(a) of the Job Training Partnership Act (29 U.S.C. 1574(a)) is amended—

(1) in paragraph (2)—

(A) in the first sentence of the matter preceding subparagraph (A), before the period at the end insert the following: ", consistent with appropriate circulars of the Office of Management and Budget"; and

(B) in subparagraph (C), by striking "except as specifically provided by this Act" and inserting ", and procurement transactions between workforce development boards and such governments shall be conducted only on a cost-reimbursable basis";

(2) in paragraph (3)—

(A) by inserting before the second comma in the first sentence "consistent with appropriate circulars of the Office of Management and Budget"; and

(B) by striking the second sentence and all that follows:

(3) in paragraph (4), by striking "service delivery area and substate area" and inserting "workforce development area";

(4) in paragraph (5), by striking "service delivery area or substate area" and inserting "workforce development area";

(5) in paragraph (6)(B), by striking "substate areas and service delivery areas" and inserting "workforce development areas"; and

(6) by striking paragraph (8).

(b) SANCTIONS.—Section 164(b) of such Act (29 U.S.C. 1574(b)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking "provision of" and inserting "requirement under"; and

(ii) by striking "or the regulations under this Act";

(B) in subparagraph (A), by inserting "local" before "plan"; and

(C) in subparagraph (B)—

(i) in clause (i), by striking "private industry council" and inserting "workforce development board";

(ii) in clause (iii), by striking "service delivery" and inserting "workforce development"; and

(iii) in clause (iv), by striking "service delivery" each place it appears and inserting "workforce development"; and

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i)—

(I) by striking "paragraph (1)(A)" and inserting "subparagraphs (A) and (B) of paragraph (1)"; and

(II) by striking "under the same terms and conditions as the disapproval of the plan"; and

(ii) in clause (i), by inserting "the" before "appeal"; and

(B) in subparagraph (B)—

(i) by striking "The actions" and all that follows through ", who" and inserting "The Secretary"; and

(ii) by striking "60" and inserting "45".

(c) EVALUATION BY COMPTROLLER GENERAL OF THE UNITED STATES.—Subsection (c) of section 164 of such Act (29 U.S.C. 1574(c)) is hereby repealed.

(d) REPAYMENT OF MISEXPENDITURES TO THE UNITED STATES.—Subsection (d) of section 164 of such Act (29 U.S.C. 1574(d)) is amended to read as follows:

"(d) REPAYMENT OF CERTAIN AMOUNTS TO THE UNITED STATES.—

"(1) IN GENERAL.—Every recipient of funds under titles II and III of this Act shall repay to the United States amounts found not to have been expended in accordance with this Act.

"(2) OFFSET OF REPAYMENT.—If the Secretary determines that a State has expended funds made available under this Act in a manner contrary to the requirements of this Act, the Secretary may offset repayment of such expenditures against any other amount to which the State is or may be entitled, except as provided under subsection (e)(1).

"(3) REPAYMENT FROM DEDUCTION BY STATE.—If the Secretary requires a State to repay funds as a result of a determination that a local recipient or a subgrantee of such recipient in a local workforce development area of the State has expended funds contrary to the requirements of this Act, the Governor of the State may use an amount deducted under paragraph (4) to repay the funds, except as provided under subsection (e)(1).

"(4) DEDUCTION BY STATE.—The Governor may deduct an amount equal to the misexpenditure described in paragraph (3) from subsequent program year allocations to the local workforce development area from funds reserved for the administrative costs of such local programs under title II or title III, as appropriate.

"(5) LIMITATIONS.—A deduction made by a State as described under paragraph (4) shall not be made until such time as the Governor has taken appropriate corrective action to ensure full compliance within such local workforce development area with regard to appropriate expenditures of funds under this Act.".

(e) REPAYMENT OF CERTAIN AMOUNTS TO THE UNITED STATES.—Subsection (e) of section 164 of such Act (29 U.S.C. 1574(e)) is amended—

(1) in paragraph (1)—

(A) in the first sentence—

(i) by inserting "by the Secretary" after "upon a determination";

(ii) by striking "or failure" and inserting "failure"; and

(iii) by inserting before the period at the end the following: ", or a pattern of failure with respect to paragraphs (2) and (3) of subsection (d)"; and

(B) in the second sentence—

(i) by inserting "under this subsection or subsection (d)" after "shall be made"; and

(ii) by inserting before the period at the end the following: "has been given to the recipient"; and

(2) in paragraph (3), by striking the second sentence.

(f) REMEDIES CONSTRUED AS EXCLUSIVE REMEDIES.—Subsection (h) of section 164 of such Act (29 U.S.C. 1574(h)) is hereby repealed.

SEC. 143. REPORTS; RECORDKEEPING; INVESTIGATIONS.

Section 165 of the Job Training Partnership Act (29 U.S.C. 1575) is amended—

(1) in subsection (d)(1)(C)—

(A) by striking the comma after "occupations"; and

(B) by striking the semicolon at the end and inserting "and placement for participants in nontraditional employment;"; and

(2) by striking subsection (h).

SEC. 144. ADMINISTRATIVE ADJUDICATION.

Section 166(a) of the Job Training Partnership Act (29 U.S.C. 1576(a)) is amended by striking the last sentence.

SEC. 145. NONDISCRIMINATION.

Section 167 of the Job Training Partnership Act (29 U.S.C. 1577) is amended to read as follows:

"SEC. 167. NONDISCRIMINATION.

"(a) IN GENERAL.—

"(1) FEDERAL FINANCIAL ASSISTANCE.—For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), on the basis of disability under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), on the basis of sex under title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), programs and activities funded or otherwise financially assisted in whole or in part under this Act are considered to be programs and activities receiving Federal financial assistance.

"(2) NONDISCRIMINATION.—No individual shall be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with any such program or activity because of race, color, religion, sex, national origin, age, political affiliation or belief, or status as a qualified individual with a disability or as a participant of such program or activity.

"(b) SECRETARIAL AUTHORITY.—Whenever the Secretary finds that a State or other recipient has failed to comply with a provision of this section, or with an applicable regulation prescribed to carry out this section, the Secretary shall notify such State or recipient and seek compliance through the processes of conciliation, mediation or persuasion, as appropriate. If within a reasonable time the State or recipient fails or refuses to comply, the Secretary may—

"(1) refer the matter to the Attorney General with a recommendation for appropriate action; or

"(2) take such other action as may be provided by law.

"(c) AUTHORITY OF ATTORNEY GENERAL.—When a matter is referred to the Attorney General pursuant to subsection (b)(1), the Attorney General may bring a civil action in any appropriate district court of the United States for such relief as may be appropriate, including injunctive relief.

"(d) JOB CORPS.—For the purposes of this section, Job Corps members shall be considered as the ultimate beneficiaries of Federal financial assistance.

"(e) REGULATIONS.—The Secretary shall issue regulations necessary to implement this section not later than one year after the date of the enactment of the Employment, Training, and Literacy Enhancement Act of 1997. Such regulations shall adopt standards for determining discrimination and procedures for enforcement that are consistent with the Acts referred to in a subsection (a)(1), as well as procedures to ensure that complaints filed under this section and such Acts are processed in a manner that avoids duplication of effort.".

SEC. 146. JUDICIAL REVIEW.

Section 168 of the Job Training Partnership Act (29 U.S.C. 1578) is hereby repealed.

SEC. 147. ADMINISTRATIVE PROVISIONS.

Section 169 of the Job Training Partnership Act (29 U.S.C. 1579) is amended—

(1) in the first sentence of subsection (a), by striking "such rules and regulations" and all that follows and inserting "rules and regulations only to the extent necessary to administer and ensure compliance with the specific requirements of this Act."; and

(2) by striking subsection (e) and inserting the following:

"(e) WAIVERS.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Labor may waive—

"(A) any of the statutory or regulatory requirements of this title and titles II and III of this Act (except for requirements relating to wage and labor standards, worker rights, participation and protection, grievance procedures and judicial review, nondiscrimination, allocation of funds to local areas, eligibility, review and approval of plans, the establishment and functions of workforce development areas and workforce development boards, and the basic purposes of the Act); and

"(B) any of the statutory or regulatory requirements of sections 8 through 10 of the Wagner-Peyser Act (29 U.S.C. 49g through 49i) (except for requirements relating to the provision of services to unemployment insurance claimants and veterans and to universal

access to basic labor exchange services without cost to job seekers), pursuant to a request submitted by a State which meets the requirements of paragraph (2).

"(2) REQUESTS.—A State requesting a waiver under paragraph (1) shall submit a plan to the Secretary to improve the workforce development system which—

"(A) identifies the statutory or regulatory requirements that are requested to be waived and the goals which the State or local workforce development areas intend to achieve;

"(B) describes the actions that the State or local workforce development areas have undertaken to remove State or local statutory or regulatory barriers;

"(C) describes the goals of the waiver and the expected programmatic outcomes if the request is granted;

(D) describes the individuals impacted by the waiver; and

(E) describes the process used to monitor the progress in implementing a waiver, and for which notice and an opportunity to comment on such request has been provided to the organizations identified in section 122(e)(2) of this Act, if and only to the extent that the Secretary determines that such requirements impede the ability of the State to implement such plan to improve the workforce development system and the State has executed a memorandum of understanding with the Secretary requiring such State to meet agreed-upon outcomes and implement other appropriate measures to ensure accountability.".

SEC. 148. PRESIDENTIAL AWARDS FOR OUTSTANDING PRIVATE SECTOR INVOLVEMENT IN JOB TRAINING PROGRAMS.

Section 172 of the Job Training Partnership Act (29 U.S.C. 1582) is hereby repealed.

SEC. 149. CONSTRUCTION.

Section 173 of the Job Training Partnership Act (29 U.S.C. 1583) is hereby repealed.

SEC. 150. LIMITATION ON CERTAIN COSTS.

Part D of title I of the Job Training Partnership Act (29 U.S.C. 1571 et seq.), as amended by this Act, is further amended by adding at the end the following:

"SEC. 172. LIMITATION ON CERTAIN COSTS.

"(a) ADMINISTRATIVE COSTS.—

"(1) IN GENERAL.—The Secretary, after consultation with the Inspector General of the Department of Labor and the Comptroller General of the United States, shall develop regulations that define 'administrative costs' for purposes of programs under titles II and III. Such definition shall reflect generally accepted accounting principles.

"(2) ADDITIONAL REQUIREMENT.—Notwithstanding any other provision of law, regulations issued by the Secretary under paragraph (1) shall provide procedures under which the Governor may approve a plan for the pooling of administrative funds, which are available in accordance with the limitation in subsection (b)(1), if the Governor determines that such plan would not jeopardize the administration of the activities from which such funds are to be transferred.

"(b) LIMITATION.—

"(1) IN GENERAL.—Of the amounts allocated to local workforce development areas for a program year under titles II and III, not more than 10 percent of such amounts may be expended for administrative costs.

"(2) DEFINITION.—For purposes of paragraph (1), the term 'allocated' means allocated for a program year, as adjusted for reallocations and reallotments and for transfers of funds in accordance with this Act.".

Subtitle D—Miscellaneous Provisions

SEC. 161. CRIMINAL PROVISIONS.

(a) IN GENERAL.—Section 182 of the Job Training Partnership Act is hereby repealed.

(b) SAVINGS PROVISION.—The repeal of section 182 of such Act made by subsection (a) does not affect in any way the amendment made by such section 182.

SEC. 162. REFERENCE.

Section 183 of the Job Training Partnership Act (29 U.S.C. 1592) is amended to read as follows:

"SEC. 183. REFERENCE.

"Effective on the date of the enactment of the Employment, Training, and Literacy Enhancement Act of 1997, all references in any other provision of law (other than section 665 of title 18, United States Code) to the Comprehensive Employment and Training Act, or to the Job Training Partnership Act, as the case may be, shall be deemed to refer to Employment, Training, and Literacy Enhancement Act.".

SEC. 163. REPEALERS.

(a) IN GENERAL.—Section 184 of the Job Training Partnership Act (29 U.S.C. 801 et seq.) is hereby repealed.

(b) SAVINGS PROVISION.—The repeal of section 184 of such Act made by subsection (a) does not affect in any way the repealers made by such section 184.

TITLE II—AMENDMENTS TO EMPLOYMENT AND TRAINING PROGRAMS FOR DISADVANTAGED YOUTH

SEC. 201. ADULT TRAINING PROGRAM.

Title II of the Job Training Partnership Act (29 U.S.C. 1601 et seq.) is amended by striking part A of such title.

SEC. 202. SUMMER YOUTH EMPLOYMENT AND TRAINING PROGRAM.

Title II of the Job Training Partnership Act (29 U.S.C. 1601 et seq.) is amended by striking part B of such title.

SEC. 203. DISADVANTAGED YOUTH EMPLOYMENT AND TRAINING OPPORTUNITIES GRANTS.

(a) AUTHORIZATION.—Title II of the Job Training Partnership Act (29 U.S.C. 1601 et seq.), as amended by this Act, is further amended—

(1) in the heading to read as follows:

"TITLE II—DISADVANTAGED YOUTH EMPLOYMENT AND TRAINING OPPORTUNITIES GRANTS";

(2) by striking the heading for part C of such title;

(3) by redesignating section 261 as section 201; and

(4) by inserting after section 201 (as redesignated) the following:

"SEC. 202. AUTHORIZATION.

"(a) IN GENERAL.—In the case of each State that in accordance with the requirements of sections 101 and 102 submits to the Secretary of Labor (hereinafter in this title referred to as the 'Secretary') a State plan, the Secretary shall provide a grant to the State for the purpose of providing employment, job training, educational, and related assistance for disadvantaged youth in the State.

"(b) AMOUNT.—The grant shall consist of the allotment determined for the State under section 203.".

(b) ALLOTMENT AND ALLOCATION AMONG STATES.—Title II of the Job Training Partnership Act (29 U.S.C. 1601 et seq.), as amended by this Act, is further amended—

(1) by redesignating section 262 as section 203; and

(2) in section 203 (as redesignated)—

(A) in the heading to read as follows:

"SEC. 203. ALLOTMENT AND ALLOCATION AMONG STATES.";

(B) by striking subsections (b) and (c);

(C) by redesignating subsections (a) and (d) as subsections (b) and (c), respectively;

(D) by inserting before subsection (b) (as redesignated) the following:

"(a) IN GENERAL.—Of the amount appropriated pursuant to section 3(a)(1) to carry out this title for a fiscal year, the Secretary shall allot such amount in accordance with subsection (b).";

(E) in subsection (b) (as redesignated)—

(i) in the heading to read as follows:

"(b) ALLOTMENT AMONG STATES.—";

(ii) in paragraph (1) to read as follows:

"(1) OUTLYING AREAS.—

"(A) IN GENERAL.—From the amount appropriated for any fiscal year to carry out this title, the Secretary shall reserve not more than one quarter of one percent to provide assistance to—

"(i) the outlying areas; and

"(ii) for each of the fiscal years 1998 through 2001, to carry out the competition described in subparagraph (B), except that the amount reserved to carry out such subparagraph for any such fiscal year shall not exceed the amount reserved for the freely associated states for fiscal year 1997, from amounts reserved under section 262(a)(1) of the Job Training Partnership Act (29 U.S.C. 1642(a)(1)) (as such section was in effect on the day before the date of the enactment of Employment, Training, and Literacy Enhancement Act of 1997).

"(B) LIMITATION FOR FREELY ASSOCIATED STATES.—

"(i) COMPETITIVE GRANTS.—The Secretary shall use funds described in subparagraph (A)(ii) to award grants to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the freely associated states to carry out the purposes of this title.

"(ii) AWARD BASIS.—The Secretary shall award grants pursuant to clause (i) on a competitive basis and pursuant to the recommendations of experts in the field of employment and training, working through the Pacific Region Educational Laboratory in Honolulu, Hawaii.

"(iii) ASSISTANCE REQUIREMENTS.—Any freely associated state that desires to receive amounts under this title shall include in its application for assistance—

"(I) information demonstrating that it will meet all conditions that apply to States under this title;

"(II) an assurance that, notwithstanding any other provision of this title, it will use such amounts only for the direct provision of services; and

"(III) such other information and assurances as the Secretary may require.

"(iv) TERMINATION OF ELIGIBILITY.—Notwithstanding any other provision of law, the freely associated states shall not receive any funds under this title for any program year that begins after September 30, 2001.

"(v) ADMINISTRATIVE COSTS.—The Secretary may provide not more than 5 percent of the amount made available for grants under this subparagraph to pay the administrative costs of the Pacific Region Educational Laboratory in Honolulu, Hawaii, regarding activities assisted under this section.

"(C) ADDITIONAL REQUIREMENT.—The provisions of Public Law 95–134, permitting the consolidation of grants by the outlying areas, shall not apply to funds provided to those areas or to the freely associated states under this section.

"(D) DEFINITION.—For purposes of this paragraph, the term 'freely associated states' means the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau."; and

(III) in paragraph (2)—

(I) by inserting after the heading the following:

"(A) IN GENERAL.—";

(II) by striking "82 percent of the remainder" and all that follows and inserting the following: "the remaining amount to the States pursuant to the formula contained in subparagraph (B).'; and

(III) by adding at the end the following:

"(B) FORMULA.—Subject to the provisions of subparagraphs (C) and (D) of the amounts allotted to States for this title for each fiscal year—

"(i) 33⅓ percent shall be allotted on the basis of the relative number of unemployed individuals residing in areas of substantial unemployment within each State as compared to the total number of such unemployed individuals in all such areas of substantial unemployment in all States;

"(ii) 33⅓ percent shall be allotted on the basis of the relative number of unemployed individuals who reside in each State as compared to the total excess number of unemployed individuals in all States; and

"(iii) 33⅓ percent shall be allotted on the basis of the relative number of economically disadvantaged youth within each State as compared to the total number of economically disadvantaged youth in all States.

"(C) MINIMUM ALLOTMENT.—

"(i) MINIMUM PERCENTAGE.—No State shall be allotted less than 90 percent of its allotment percentage for the fiscal year preceding the fiscal year for which the determination is made.

"(ii) MAXIMUM PERCENTAGE.—No State shall be allotted more than 130 percent of its allotment percentage for the fiscal year preceding the fiscal year for which the determination is made.

"(D) SMALL STATE MINIMUM ALLOTMENT.—No State shall receive less than one-quarter of one percent of the amount available under this title for a fiscal year. Amounts necessary for increasing such payments to States to comply with the preceding sentence shall be obtained by ratably reducing the amounts to be paid to other States."; and

(F) in subsection (c)(1)(A) (as redesignated)—

(i) in the heading, by striking "ECONOMICALLY DISADVANTAGED" and inserting "DISADVANTAGED"; AND

(ii) in the matter preceding clause (i), by striking "economically".

(c) ALLOCATION WITHIN STATES.—Title II of the Job Training Partnership Act (29 U.S.C. 1601 et seq.), as amended by this Act, is further amended by inserting after section 203 the following:

"SEC. 204. ALLOCATION WITHIN STATES.

"(a) RESERVATION FOR STATE ACTIVITIES.—

"(1) IN GENERAL.—

"(A) RESERVATION.—The Governor of the State shall reserve not more than 25 percent of the amount allotted to the State under section 203(b) for a fiscal year to carry out the activities described in this subsection.

"(B) MATCHING FUNDS FOR OUT-OF-SCHOOL YOUTH PROGRAMS.—Of the amount reserved under subparagraph (A), the Governor shall reserve not less than 10 percent of the total amount alloted to the State under section 203(b) for any fiscal year to award grants in accordance with this title to programs for disadvantaged youth that—

"(i) serve only out-of-school youth; and

"(ii) agree to provide matching funds from sources other than those received under this subparagraph for such services in an amount equal to the Federal funds received under this subparagraph.

"(2) REQUIRED ACTIVITIES.—Activities described in paragraph (1)(A) shall include the provision of additional assistance to areas that have high concentrations of disadvantaged youth to carry out the activities described in section 206.

"(3) DISCRETIONARY ACTIVITIES.—Activities described in paragraph (1)(A) may include—

"(A) subject to paragraph (4), administration by the State of programs under this title;

"(B) capacity building and technical assistance to local workforce development areas and to providers of disadvantaged youth services as authorized under this title, including the development and training of staff, members of local workforce development boards, and employers and workplace mentors providing training through programs authorized under this title;

"(C) incentives for program coordination and integration, performance awards, and research and demonstrations;

"(D) implementation of innovative disadvantaged youth employment and training programs, pilot projects, and demonstration projects which further the purposes of this title; and

"(E) support for a common management information system across employment, training, literacy, and human resource programs as identified in section 103.

"(4) LIMITATION.—Of the amount reserved by the Governor under paragraph (1)(A), not more than 5 percent of the total amount allotted to the State under section 203(b) may be used for administration by the State of programs under this title.

"(b) WITHIN STATE ALLOCATION.—

"(1) IN GENERAL.—The Governor of the State shall allocate the remainder of the amount allotted to the State under section 203(b) to workforce development areas designated under section 121, in accordance with paragraphs (2) and (3), for the purpose of providing services for disadvantaged youth in accordance with section 206.

"(2) ALLOCATION BY FORMULA.—

"(A) IN GENERAL.—Each State shall allocate not less than 70 percent of the remainder of funds described in paragraph (1) to workforce development areas within the State pursuant to the formula contained in subparagraph (B) for the provision of services for disadvantaged youth in accordance with section 206.

"(B) FORMULA.—Of the amounts described in subparagraph (A)—

"(i) 33⅓ percent shall be allocated on the basis of the relative number of unemployed individuals residing in areas of substantial unemployment in each workforce development area as compared to the total number of such unemployed individuals in all such areas of substantial unemployment in the State;

"(ii) 33⅓ percent shall be allocated on the basis of the relative excess number of unemployed individuals who reside in each workforce development area as compared to the total excess number of unemployed individuals in all workforce development areas in the State; and

"(iii) 33⅓ percent shall be allocated on the basis of the relative number of economically disadvantaged youth in each workforce development area as compared to the total number of disadvantaged youth in all workforce development areas in the State.

"(3) DISCRETIONARY ALLOCATION.—The State, through the collaborative process under section 102, is authorized to allocate not more than 30 percent of the remainder of funds described in paragraph (1) to workforce development areas for the provision of services for disadvantaged youth in accordance with section 206. Such funds shall be allocated to urban, rural, and suburban areas throughout the State and shall be allocated promptly in accordance with section 162(e).".

(d) ELIGIBILITY FOR SERVICES.—Title II of the Job Training Partnership Act (29 U.S.C. 1601 et seq.), as amended by this Act, is further amended—

(1) by redesignating section 263 as section 205; and

(2) in section 205 (as redesignated)—

(A) in subsection (a)—

(i) in the heading to read as follows:

"(a) IN GENERAL.—";

(ii) in the matter preceding paragraph (1)—

(I) by striking "subsections (e) and (g)" and inserting "subsection (c)";

(II) by striking "who is in school"; and

(III) by striking "part" and inserting "title"; and

(iii) in paragraph (1)(B) to read as follows:

"(B) if provided in the local plan developed pursuant to section 122(d)(1), is age 14 through 24; and";

(B) in subsection (b)—

(i) by amending the heading to read as follows:

"(b) PRIORITY FOR SERVICE.—";

(ii) by redesignating paragraphs (1) through (7) as subparagraphs (B) through (H), respectively, and moving the margin for each such subparagraph two ems to the right;

(iii) by inserting before subparagraph (B) (as redesignated) the following:

"(A) Individuals who are school dropouts.";

(iv) in subparagraph (H) (as redesignated) to read as follows:

"(H) Other disadvantaged youth who face serious barriers to employment as identified by the local workforce development area."; and

(v) by amending the matter preceding subparagraph (A) (as added by clause (iii)) to read as follows:

"(1) PRIORITY.—Of the disadvantaged youth described in subsection (a), priority for service shall be given to school dropouts and to other hard-to-serve youth.

"(2) DEFINITION.—For the purposes of this title, the term 'hard-to-serve youth' includes—";

(C) by striking subsections (c), (d), (f), (g), and (h);

(D) by redesignating subsection (e) as subsection (c); and

(E) in subsection (c) (as redesignated)—

(i) by striking "subsection (a)(2) or (c)(2)" and inserting "subsection (a)"; and

(ii) by striking "of individuals who face" and all that follows and inserting "described in subparagraphs (A) through (G) of subsection (b)(2).".

"(e) USE OF FUNDS.—Title II of the Job Training Partnership Act (29 U.S.C. 1601 et seq.), as amended by this Act, is further amended—

(1) by redesignating section 264 as section 206; and

(2) in section 206 (as redesignated)—

(A) by striking subsection (a);

(B) by redesignating subsections (b), (c), and (d) as subsections, (a), (b), and (c), respectively;

(C) in subsection (a) (as redesignated)—

(i) in the heading to read as follows:

"(a) PROGRAM DESIGN.—";

(ii) in paragraph (1)—

(I) in the heading to read as follows:

"(1) ESSENTIAL ELEMENTS.—";

(II) in the matter preceding subparagraph (A)—

(aa) by striking "part" and inserting "title"; and

(bb) by striking "include";

(III) in subparagraph (A)—

(aa) by inserting "provide" after "(A)";

(bb) by striking "skill levels and service needs" and inserting "academic levels, skill levels, and service needs"; and

(cc) by striking "and supportive service needs" and inserting "supportive service needs, and developmental needs of such participants";

(IV) in subparagraph (B)—

(aa) by striking "development of" and inserting "develop"; and

(bb) by inserting "for each participant" after "service strategies"; and

(V) by amending subparagraphs (C) and (D) to read as follows:

"(C) integrate academic, occupational, and work-based learning opportunities;

"(D) provide comprehensive guidance and counseling;

"(E) provide postsecondary educational or training opportunities, where appropriate;

"(F) involve employers and parents in the design and implementation of programs;

"(G) provide adult mentoring; and

"(H) provide summer employment opportunities that are directly linked to academic and occupational learning.";

(iii) in paragraph (2)—

(I) in subparagraph (A)—

(aa) in the matter preceding clause (i), by striking "service delivery" and inserting "workforce development"; and

(bb) in clause (i), by striking "service delivery" and inserting "workforce development"; and

(II) in subparagraph (B)—

(aa) in clause (i), by striking "(i) SERVICE PROVIDERS.—"; and

(bb) by striking clause (ii);

(D) in subsection (b) (as redesignated)—

(i) in the matter preceding paragraph (1), by striking "part" and inserting "title";

(ii) in paragraph (1)—

(I) in subparagraph (A), by striking "section 204(b)(1)" and inserting "section 314(c)(4)";

(II) in subparagraph (C), by striking "section 141(o)(1)" and inserting "section 141(11)(A)";

(III) in subparagraph (G) by striking "in public agencies, nonprofit agencies, and other appropriate agencies, institutions, and organizations";

(IV) by amending subparagraph (H) to read as follows:

"(H) such other training and transition services that assist disadvantaged youth in making the transition to employment or to postsecondary education or training, as determined appropriate by the local workforce development area; and";

(V) by amending subparagraph (I) to read as follows:

"(I) summer employment opportunities that are directly linked to academic and occupational learning."; and

(VI) by striking subparagraphs (J) through (L); and

(iii) in paragraph (2)—

(I) in subparagraph (A) to read as follows:

"(A) assessment, outreach, staff development, job development, and job search assistance activities;";

(II) in subparagraph (C), by striking "and" at the end;

(III) in subparagraph (D)—

(aa) by striking "cash"; and

(bb) by striking the period at the end and inserting "; and"; and

(IV) by adding at the end the following:

"(E) peer-centered activities encouraging responsibility and other positive social behaviors during non-school hours.";

(E) in subsection (e) (as redesignated)—

(i) in paragraph (1)—

(I) by striking "service delivery" and inserting "workforce development";

(II) by striking "private industry council" and inserting "local board"; and

(III) by striking "section 453(c)" and inserting "part D of title IV";

(ii) in clauses (i) through (iii) of paragraph (2)(B), by striking "service delivery" each place it occurs and inserting "workforce development";

(iii) in paragraph (3)—

(I) in subparagraph (A)—

(aa) in the heading to read as follows:

"(A) WORK-RELATED ACTIVITIES.—";

(bb) in the first sentence, by inserting after "work maturity skills training" the following: ", summer employment, job search assistance, job club activities, and other work-related activities";

(cc) in the first sentence, by striking "part" and inserting "title";

(dd) in the first sentence, by striking "by either work experience or other additional services" and inserting "by occupational and academic learning opportunities";

(ee) in the first sentence, by striking "basic education or occupational skills" and inserting "basic education and occupational skills"; and

(ff) in the second sentence, by striking ", including the Job Corps";

(II) by striking subparagraph (B);

(III) by redesignating subparagraph (C) as subparagraph (B); and

(IV) in subparagraph (B) (as redesignated)—

(aa) by striking clause (i);

(bb) by redesignating clause (ii) as clause (i);

(cc) in clause (i) (as redesignated), by striking "part" and inserting "title"; and

(dd) by redesignating clause (iii) as clause (ii);

(iv) in paragraph (5)—

(I) in the heading, by striking "COUNSELING" and inserting "FOLLOW-UP, COUNSELING";

(II) by striking "part" and inserting "title"; and

(III) by striking "for a period of up to 1 year";

(v) by striking paragraph (6);

(vi) in paragraph (7), by striking "service delivery" and inserting "workforce development" and

(vii) by redesignating paragraph (7) and paragraph (6).

(f) SELECTION OF SERVICE PROVIDERS.—Title II of the Job Training Partnership Act (29 U.S.C. 1601 et seq.), as amended by this Act, is further amended by adding after section 206 (as redesignated), the following:

"SEC. 207. SELECTION OF SERVICE PROVIDERS.

"From funds made available under section 204(b) to a local workforce development area, the local board for such local area shall award grants, on a competitive basis, to eligible providers to carry out the disadvantaged youth programs described in section 206.".

(g) EDUCATION LINKAGES.—Title II of the Job Training Partnership Act (29 U.S.C. 1601 et seq.), as amended by this Act, is further amended—

(1) by redesignating section 265 as section 208; and

(2) in section 208 (as redesignated)—

(A) in subsection (a), by striking "service delivery" and inserting "workforce development";

(B) in subsection (b)—

(i) in the matter preceding paragraph (1), by striking "service delivery" and inserting "workforce development"; and

(ii) in paragraph (6) to read as follows:

"(6) title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996;";

(C) in subsection (c)—

(i) in the first sentence, by striking "service delivery" and inserting "workforce development"; and

(ii) in the second sentence, by striking ", including programs conducted under part A"; and

(D) by striking subsection (d).

(h) TRANSFER OF FUNDS.—Title II of the Job Training Partnership Act (29 U.S.C. 1601 et seq.), as amended by this Act, is further amended by striking section 266.

TITLE III—AMENDMENTS TO EMPLOYMENT AND TRAINING PROGRAMS FOR ADULTS

SEC. 301. ADULT EMPLOYMENT AND TRAINING OPPORTUNITIES GRANTS.

Title III of the Job Training Partnership Act (29 U.S.C. 1651 et seq.) is amended to read as follows:

"TITLE III—ADULT EMPLOYMENT AND TRAINING OPPORTUNITIES GRANTS

"SEC. 301. PURPOSE.

"The purpose of this title is to establish a high-quality, efficient system of employment, job training, and related assistance that—

"(1) provides individuals with choice in the selection of employment and training options that will facilitate the transition of such individuals into productive, high skills, private sector jobs;

"(2) provides quality training of such individuals for the 21st century; and

"(3) drives resources and authority to States and local communities for the design of job training programs.

"PART A—ADULT EMPLOYMENT AND TRAINING OPPORTUNITIES GRANTS

"SEC. 311. AUTHORIZATION.

"(a) IN GENERAL.—In the case of each State that in accordance with the requirements of sections 101 and 102 submits to the Secretary of Labor (hereinafter in this title referred to as the 'Secretary') a State plan, the Secretary shall provide funds to the State for the purpose of providing employment, job training, and related assistance for adults and dislocated workers in the State, in accordance with this title.

"(b) AMOUNT.—The funds described in subsection (a) shall consist of the allotments determined for the State under section 312.

"SEC. 312. ALLOTMENT AMONG STATES.

"(a) IN GENERAL.—Of the amount appropriated pursuant to section 3(a)(2) to carry out this title for a fiscal year, the Secretary—

"(1) shall allot the total amount appropriated pursuant to section 3(a)(2)(A) in accordance with subsection (b)(1); and

"(2)(A) shall allot 80 percent of the amount appropriated pursuant to section 3(a)(2)(B) in accordance with the subsection (b)(2); and

"(B) shall reserve the remainder of the amount appropriated pursuant to section 3(a)(2)(B) for use under part B.

"(b) ALLOTMENT AMONG STATES.—

"(1) ADULT EMPLOYMENT AND TRAINING.—

"(A) RESERVATION FOR OUTLYING AREAS.—

"(i) IN GENERAL.—Of the amount allotted under subsection (a)(1), the Secretary shall allot not more than one quarter of one percent among the outlying areas.

"(ii) APPLICABILITY OF ADDITIONAL REQUIREMENTS.—Of the amount allotted under clause (i), the Secretary shall award grants to Guam, American Samoa, the Commonwealth

of the Northern Mariana Islands, and the freely associated states in accordance with the requirements of section 203(b)(1).

"(B) STATES.—

"(i) IN GENERAL.—After determining the amount to be allotted under subparagraph (A), the Secretary shall allot the remaining amount to the States pursuant to the formula contained in clause (ii).

"(ii) FORMULA.—Subject to the provisions of clause (iii), of the amounts allotted to States for adult employment and training under this title for each fiscal year—

"(I) 33⅓ percent shall be allotted on the basis of the relative number of unemployed individuals residing in areas of substantial unemployment within each State as compared to the total number of such unemployed individuals in all such areas of substantial unemployment in all States;

"(II) 33⅓ percent shall be allotted on the basis on the relative excess number of unemployed individuals within each State as compared to the total excess number of unemployed individuals in all States; and

"(III) 33⅓ percent shall be allotted on the basis of the relative number of economically disadvantaged adults within each State as compared to the total number of economically disadvantaged adults in all States.

"(iii) MINIMUM ALLOTMENT.—

"(I) MINIMUM PERCENTAGE.—No State shall be allotted less than 90 percent of its allotment percentage for the fiscal year preceding the fiscal year for which the determination is made.

"(II) MAXIMUM PERCENTAGE.—No State shall be allotted more than 130 percent of its allotment percentage for the fiscal year preceding the fiscal year for which the determination is made.

"(iv) SMALL STATE MINIMUM ALLOTMENT.—No State shall receive less than one-quarter of one percent of the amount available under this subparagraph for a fiscal year. Amounts necessary for increasing such payments to States to comply with the preceding sentence shall be obtained by ratably reducing the amounts to be paid to other States.

"(2) DISLOCATED WORKERS.—

"(A) RESERVATION FOR OUTLYING AREAS.—

"(i) IN GENERAL.—Of the amount allotted under subsection (a)(2)(A), the Secretary shall allot not more than one quarter of one percent among the outlying areas.

"(ii) APPLICABILITY OF ADDITIONAL REQUIREMENTS.—Of the amount allotted under clause (i), the Secretary shall award grants to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the freely associated states in accordance with the requirements of section 203(b)(1).

"(B) STATES.—

"(i) IN GENERAL.—After determining the amount to be allotted under subparagraph (A), the Secretary shall allot the remaining amount to the States pursuant to the formula contained in clause (ii).

"(ii) FORMULA.—Subject to the provisions of clause (iii), of the amounts allotted to States for dislocated worker employment and training under this title for each fiscal year—

"(I) 33⅓ percent shall be allotted among the States on the basis of the relative number of unemployed individuals who reside in each State as compared to the total number of unemployed individuals in all the States;

"(II) 33⅓ percent shall be allotted among the States on the basis of the relative excess number of unemployed individuals who reside in each State as compared to the total excess number of unemployed individuals in all the States (for purposes of this subclause, the term 'excess number' means the number which represents unemployed individuals in excess of 4.5 percent of the civilian labor force in the State); and

"(III) 33⅓ percent shall be allotted among the States on the basis of the relative number of individuals who have been unemployed for 15 weeks or more and who reside in each State as compared to the total number of such individuals in all the States.

"(iii) MINIMUM ALLOTMENT.—

"(I) MINIMUM PERCENTAGE.—No State shall be allotted less than 90 percent of its allotment percentage for the fiscal year preceding the fiscal year for which the determination is made.

"(II) MAXIMUM PERCENTAGE.—No State shall be allotted more than 130 percent of its allotment percentage for the fiscal year preceding the fiscal year for which the determination is made.

"(iv) SMALL STATE MINIMUM ALLOTMENT.—No State shall receive less than one-quarter of one percent of the amount available under this subparagraph for a fiscal year. Amounts necessary for increasing such payments to States to comply with the preceding sentence shall be obtained by ratably reducing the amounts to be paid to other States.

"SEC. 313. ALLOCATION WITHIN STATES.

"(a) RESERVATIONS FOR STATE ACTIVITIES.—

"(1) ADULT EMPLOYMENT AND TRAINING.—

"(A) IN GENERAL.—The Governor of the State shall reserve not more than 15 percent of the total amount allotted to the State under section 312(b)(1) for a fiscal year for statewide activities for employment, job training, and related assistance for adults.

"(B) ALLOWABLE ACTIVITIES.—Such activities may include—

"(i) subject to subparagraph (C), administration by the State of programs under this title;

"(ii) capacity building and technical assistance to local workforce development areas, full service employment and training delivery systems, and service providers including the development and training of staff and the development of exemplary program activities;

"(iii) incentives for program coordination and integration, performance awards, and research and demonstrations;

"(iv) implementation of innovative incumbent worker training programs, which may include the establishment and implementation of an employer loan program to assist in skills upgrading, and the establishment and implementation of programs targeted to empowerment zones;

"(v) implementation of experimentation, model activities, pilot projects, demonstration projects, and the provision of employment and training services which further the goals and purposes of this Act;

"(vi) additional assistance for the development and implementation of the full service employment and training delivery system established in accordance with section 123;

"(vii) support for a common management information system across employment, training, literacy, and human resource programs as identified in section 103;

"(viii) support for the identification of eligible training providers as required under section 124; and

"(ix) implementation of innovative programs for displaced homemakers and programs to increase the number of individuals training and placed in nontraditional employment.

"(C) LIMITATION.—Of the amount reserved by the Governor under subparagraph (A) not more than 5 percent of the total amount allotted to the State under section 312(b)(1) for a fiscal year may be used for administration by the State of programs under this part.

"(2) DISLOCATED WORKERS EMPLOYMENT AND TRAINING.—

"(A) IN GENERAL.—The Governor of the State shall reserve not more than 30 percent of the total amount allotted to the State under section 312(b)(2) for a fiscal year for statewide activities for employment, job training, and related assistance for dislocated workers.

"(B) REQUIRED ACTIVITIES.—Such activities shall include—

"(i) rapid response activities carried out by a designated State dislocated worker unit, working in conjunction with the local workforce development board and the chief elected official in an affected local workforce development area; and

"(ii) additional assistance to areas that experience disasters, mass layoffs or plant closings, or other events that precipitate substantial increases in the number of unemployed workers, working in conjunction with the local workforce development board and the chief elected official in affected local workforce development areas.

"(C) DISCRETIONARY ACTIVITIES.—Such activities may include those activities described in paragraph (1)(B).

"(B) LIMITATION.—Of the amount reserved by the Governor under subparagraph (A) not more than 10 percent of the total amount allotted to the State under section 312(b)(2) for a fiscal year may be used for activities described in paragraph (1)(B) and of that amount not more than 5 percent of the total amount allotted to the State under section 312(b)92) for a fiscal year may be used for administration by the State of programs under this part.

"(b) WITHIN STATE ALLOCATION.—

"(1) ALLOCATION.—

"(A) IN GENERAL.—The Governor of the State shall allocate the remainder of the amounts allotted to the State under section 312 to workforce development areas designated under section 121 for the purpose of providing a single system of employment and training services for adults and dislocated workers in accordance with section 314.

"(B) ADDITIONAL REQUIREMENTS.—(i) Funds allocated under paragraph (2)(B), shall be used by a local workforce development area to contribute proportionately to the costs of the local full service employment and training delivery system, and to pay for services provided to adults, in the local area, consistent with section 314.

"(ii) Funds allocated under paragraph (2)(C), shall be used by a local workforce development area to contribute proportionately to the costs of the local full service employment and training delivery system, and to pay for services provided to dislocated workers, in the local area, consistent with section 314.

"(2) METHODS.—

"(A) IN GENERAL.—The Governor, through the collaborative process under section 102, and other consultation with local chief elected officials in the local workforce development areas, shall allocate the remainder of funds described in subsection (a)(1)(A) for adult employment and training in accordance with subparagraph (B), and the funds described in subsection (a)(2)(A) for dislocated workers in accordance with subparagraph (C).

"(B) ADULT EMPLOYMENT AND TRAINING ALLOCATIONS.—

"(i) ADULT EMPLOYMENT AND TRAINING FORMULA ALLOCATIONS.—Each State shall allocate not less than 70 percent of the remainder of funds described in subsection (a)(1)(A)

to workforce development areas within the State pursuant to the formula contained in clause (ii) for the provision of adult employment and training services in accordance with section 314.

"(ii) FORMULA.—Of the amounts described in clause (i)—

"(I) 33⅓ percent shall be allocated on the basis of the relative number of unemployment individuals residing in areas of substantial unemployment in each workforce development area as compared to total number of such unemployed individuals in all such areas of substantial unemployment in the State;

"(II) 33⅓ percent shall be allocated on the basis of the relative excess number of unemployed individuals who resident in each workforce development area as compared to the total excess number of unemployed individuals in all workforce development areas in the State; and

"(III) 33⅓ percent shall be allocated on the basis of the relative number of economically disadvantaged adults in each workforce development area as compared to the total number of disadvantaged adults in all workforce development areas in the State.

"(iii) ADULT EMPLOYMENT AND TRAINING DISCRETIONARY ALLOCATION.—The State, through the collaborative process, is authorized to allocate not more than 30 percent of the remainder of funds described in subsection (a)(1)(A) to workforce development areas for the provision of adult employment and training services in accordance with section 314. Such funds shall be allocated to urban, rural, and suburban areas throughout the State and shall be allocated promptly in accordance with section 162(e).

"(C) DISLOCATED WORKER EMPLOYMENT AND TRAINING ALLOCATIONS.—

"(i) DISLOCATED WORKER EMPLOYMENT AND TRAINING FORMULA ALLOCATIONS.—Each State shall allocate not less than 70 percent of the remainder of funds described in subsection (a)(2)(A) to workforce development areas within the State pursuant to the formula contained in clause (ii) for the provision of employment and training services to dislocated workers in accordance with section 314.

"(ii) FORMULA.—Of the amounts described in clause (i)—

"(I) 33⅓ percent shall be allocated on the basis of the relative number of unemployed individuals residing in areas of substantial unemployment in each workforce development area as compared to the total number of such unemployed individuals in all such areas of substantial unemployment in the State;

"(II) 33⅓ percent shall be allocated on the basis of the relative excess number of unemployed individuals who resident in each workforce development area as compared to the total excess number of unemployed individuals in all workforce development areas in the State; and

"(III) 33⅓ percent shall be allocated on the basis of the relative number of individuals who have been unemployed for 15 weeks or more within each workforce development area of the State as compared to the total number of such individuals in all workforce development areas in the State.

"(iii) DISLOCATED WORKER EMPLOYMENT AND TRAINING DISCRETIONARY ALLOCATION.—The State, through the collaborative process, is authorized to allocate not more than 30 percent of the remainder of funds described in subsection (a)(2)(A) to workforce development areas for the provision employment and training services to dislocated workers in accordance with section 314. Such funds shall be allocated to urban, rural, and suburban areas throughout the State and shall be allocated promptly in accordance with section 162(e).

"(3) TRANSFER AUTHORITY.—A local workforce development area is authorized to transfer up to 20 percent of the funds received under this subsection between adult employment and training and dislocated worker allocations if such transfer is approved by the Governor.

"SEC. 314. USE OF AMOUNTS.

"(a) CORE SERVICES.—Amounts allocated for adults under section 313(b)(2)(B) and for dislocated workers under section 313(b)(2)(C) shall be used to provide core services described in section 123(d) to adults and dislocated workers, respectively, through a full service employment and training delivery system in accordance with such section.

"(b) INTENSIVE SERVICES.—

"(1) IN GENERAL.—Amounts allocated for adults under section 313(b)(2)(B) and for dislocated workers under section 313(b)(2)(C) shall be used to provide intensive services to adults and dislocated workers, respectively—

"(A)(i) who are unable to obtain employment through core services under subsection (a); and

"(ii) who have been determined to be in need of more intensive services in order to gain employment; or

"(B)(i) who are employed but are economically disadvantaged despite such employment; and

"(ii) who are determined to be in need of such intensive services in order to gain employment that allows for self-sufficiency.

"(2) DELIVERY OF SERVICES.—Such intensive services shall be provided—

"(A) directly through full service eligible providers identified pursuant to section 123(c); or

"(B) through contracts through full service employment and training delivery systems with service providers approved by the local workforce development board, which may include private, for-profit providers.

"(3) TYPES OF SERVICES.—Such intensive services may include the following:

"(A) Comprehensive and specialized assessments of the skill levels and service needs of adults, which may include—

"(i) diagnostic testing and other assessment tools; and

"(ii) in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals.

"(B) Development of an individual employment plan, to identify the employment goals, appropriate achievement objectives, and the appropriate combination of services for the participant to achieve the employment goal.

"(C) Group counseling.

"(D) Individual counseling and career planning.

"(E) Case management for participants receiving training services under subsection (c).

"(F) Follow-up services for participants placed in training or employment, for up to 1 year, to assist in retention or advancement in employment.

"(c) TRAINING SERVICES.—

"(1) IN GENERAL.—Amounts allocated for adults under section 313(b)(2)(B) and for dislocated workers under section 313(b)(2)(C) shall be used to provide training services to adults and dislocated workers, respectively—

"(A) who are unable to obtain employment through core services under subsection (a);

"(B) who are in need of training services in order to gain employment as a result of determinations made through—

"(i) initial assessments under subsection (a); or

"(ii) comprehensive and specialized assessments under subsection (b)(3)(A); or

"(C)(i) who are employed but are economically disadvantaged despite such employment; and

"(ii) who are determined to be in need of such training services in order to gain employment that allows for self-sufficiency.

"(2) PARTICIPANT QUALIFICATION.—

"(A) REQUIREMENTS.—Except as provided in subparagraph (B), provision of such training services shall be limited to participants who—

"(i) are unable to obtain other grant assistance for such services, including Federal Pell Grants established under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); or

"(ii) require assistance beyond the assistance made available under other grant assistance programs, including Federal Pell Grants.

"(B) REIMBURSEMENTS.—Training services may be provided under this subsection to an individual who otherwise meets the requirements of this subsection while an application for a Federal Pell Grant or other grant assistance is pending, except that if such individual is subsequently awarded a Federal Pell Grant or other grant assistance, appropriate reimbursement shall be made to the local workforce development area from such Federal Pell Grant or other grant assistance.

"(3) PROVIDER QUALIFICATION.—Such training services shall be provided through training providers identified under in accordance with section 124.

"(4) TYPES OF SERVICES.—Such training services may include the following:

"(A) Basic skills training, including remedial education, literacy training, and English literacy program instruction.

"(B) Occupational skills training, including training for nontraditional employment.

"(C) On-the-job training.

"(D) Programs that combine workplace training with related instruction, which may include cooperative education programs.

"(E) Training programs operated by the private sector.

"(F) Skill upgrading and retraining.

"(G) Entrepreneurial training.

"(H) Employability training to enhance basic workplace competencies.

"(I) Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.

"(5) INDIVIDUAL CHOICE REQUIREMENTS.—

"(A) IN GENERAL.—All training services under this section shall be provided through service delivery methods that, to the extent practicable, maximize consumer choice in the selection of eligible providers of training services.

"(B) INFORMATION ON ELIGIBLE PROVIDERS.—Each local workforce development board, through the full service employment and training delivery system, shall make available—

"(i) the list of eligible providers of training services required under section 124, with a description of the training courses available from such providers and a list of the names of on-the-job training providers; and

"(ii) the performance information described in section 124 relating to such providers.

"(C) PURCHASE OF SERVICES.—An individual eligible for training services under this section may select an eligible provider of training services from the list of providers described in subparagraph (B)(i). Upon such selection, the full service eligible provider

shall, to the extent practicable, refer such individual to the selected eligible provider of training services and arrange for payment for such services.

"(6) ADDITIONAL REQUIREMENTS.—

"(A) USE OF SKILL GRANTS.—

"(i) IN GENERAL.—Except as provided in clause (ii) and clause (iii), training services under this section shall be provided through the use of skill grants in accordance with this subsection, and shall be distributed to eligible individuals through full service eligible providers or affiliated sites as described in section 123.

"(ii) EXCEPTIONS.—Training services authorized under this title may be provided pursuant to a contract for services in lieu of a skill grant if the requirements of paragraph (5) are met and if—

"(I) such services are on-the-job training provided by an employer;

"(II) the local workforce development board determines there are an insufficient number of qualified providers of training services in the workforce development area to accomplish the purposes of a skill grant system;

"(III) the local workforce development board determines that the qualified providers of training services in the workforce development area are unable to provide effective services to special participant populations; or

"(IV) the local workforce development board decides to enter into a direct training contract with a community based organization.

"(iii) TRANSITION.—Each State shall, not later than three years after the date of the enactment of the Employment, Training, and Literacy Enhancement Act of 1997, fully implement the requirements of clause (i). Nothing in this Act shall prohibit a State from beginning such implementation at an earlier date.

"(B) LINKAGE TO OCCUPATIONS IN DEMAND.—Training services under this subsection shall be directly linked to occupations for which there is a demand in the local workforce development area, or in another area to which an adult receiving such services is willing to relocate, except that a local workforce development board may approve training in occupations determined by the local board to be in sectors of the economy which have a high potential for sustained demand or growth in the local workforce development area.

"(d) ADDITIONAL USES OF AMOUNTS.—

"(1) SUPPORTIVE SERVICES.—Amounts allocated for adults under section 313(b)(2)(B) and for dislocated workers under section 313(b)(2)(C) may be used to provide supportive services for adults and dislocated workers, respectively—

"(A) who are receiving assistance under any of subsection (a) through (c); and

"(B) who are unable to receive such services through other programs providing such services.

"(2) NEEDS-RELATED PAYMENTS.—

"(A) IN GENERAL.—Amounts allocated under section 313(b) may be used to provide needs-related payments to adults and dislocated workers who are unemployed and do not qualify for (or have ceased to qualify for) unemployment compensation for the purpose of enabling such individuals to participate in training programs under subsection (c).

"(B) ADDITIONAL ELIGIBILITY REQUIREMENTS.—In addition to the requirements contained in subparagraph (A), a dislocated worker who has exhausted unemployment insurance benefits may be eligible to receive needs-related payments under this paragraph only if such worker was enrolled in training by the end of the 13th week of the worker's most recent lay-off, or, if later, by the end of the 8th week after the worker is informed that a short-term layoff will in fact exceed 6 months.

"(e) PRIORITY.—From funds allocated to local workforce development areas for adult employment and training under section 313(b)(1)(B)(i), priority shall be given to welfare recipients and other economically disadvantaged individuals with multiple barriers to employment for receipt of intensive services and training services provided under subsections (b) and (c) of section 314, respectively.

"PART B—NATIONAL PROGRAMS

"SEC. 321. NATIONAL EMERGENCY GRANTS.

"(a) IN GENERAL.—From the amount reserved under section 312(a)(2), the Secretary of Labor is authorized to award national emergency grants in a timely manner—

"(1) to an entity described in subsection (b) to provide employment and training assistance to workers affected by major economic dislocations, such as plant closures, mass layoffs, or closures and realignments of military installations; and

"(2) to provide assistance to the Governor of any State within the boundaries of which is an area that has suffered an emergency or a major disaster as defined in paragraphs (1) and (2), respectively, of section 102 of The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122 (1) and (2)) (referred to in this section as the 'disaster area').

"(b) EMPLOYMENT AND TRAINING ASSISTANCE REQUIREMENTS.—

"(1) APPLICATION.—To be eligible to receive a grant under subsection (a)(1), an entity shall submit an application to the Secretary of Labor at such time, in such manner, and accompanied by such information, as the Secretary may reasonably require.

"(2) ELIGIBLE ENTITY.—For purposes of this section, the term 'entity' means a State, local workforce development board, employer or employer association, worker-management transition assistance committee or other employer-employee entity, representative of employees, community development corporation or community-based organization, or an industry consortia.

"(c) DISASTER RELIEF EMPLOYMENT ASSISTANCE REQUIREMENTS.—

"(1) IN GENERAL.—Funds made available under subsection (a)(2)—

"(A) shall be used exclusively to provide employment on projects that provide food, clothing, shelter, and other humanitarian assistance for disaster victims, and projects regarding demolition, cleaning, repair, renovation, and reconstruction of damaged and destroyed structures, facilities, and lands located within the disaster area; and

"(B) may be expended through public private agencies and organizations engaged in such projects.

"(2) ELIGIBILITY.—An individual shall be eligible to be offered disaster relief employment under this section if such individual is a dislocated worker or is temporarily or permanently laid off as a consequence of the disaster.

"(3) LIMITATIONS ON DISASTER RELIEF EMPLOYMENT.—No individual shall be employed under this part for more than 6 months for work related to recovery from a single natural disaster.".

TITLE IV—AMENDMENTS TO FEDERALLY ADMINISTERED PROGRAMS

Subtitle A—Employment and Training Programs for Native Americans and Migrant and Seasonal Farmworkers

SEC. 401. NATIVE AMERICAN PROGRAM.

Section 401 of the Job Training Partnership Act (29 U.S.C. 1671) is amended to read as follows:

"SEC. 401. NATIVE AMERICAN PROGRAMS.

"(a) PURPOSE.—

"(1) IN GENERAL.—The purpose of this section is to support employment and training activities for Indian, Alaska Native, and Native Hawaiian individuals in order—

"(A) to develop more fully the academic, occupational, and literacy skills of such individuals;

"(B) to make such individuals more competitive in the workforce; and

"(C) to promote the economic and social development of Indian, Alaska Native, and Native Hawaiian communities in accordance with the goals and values of such communities.

"(2) INDIAN POLICY.—All programs assisted under this section shall be administered in a manner consistent with the principles of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) and the government-to-government relationship between the Federal Government and Indian tribal governments.

"(b) DEFINITIONS.—As used in this section:

"(1) ALASKA NATIVE.—The term 'Alaska Native' means a Native as such term is defined in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)).

"(2) INDIAN, INDIAN TRIBE, AND TRIBAL ORGANIZATION.—The terms 'Indian', 'Indian tribe', and 'tribal organization' have the meanings given such terms in subsections (d), (e), and (l), respectively, of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(3) NATIVE HAWAIIAN AND NATIVE HAWAIIAN ORGANIZATION.—The terms 'Native Hawaiian' and 'Native Hawaiian organization' have the meanings given such terms in paragraphs (1) and (3), respectively, of section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912).

"(c) PROGRAM AUTHORIZED.—The Secretary of Labor shall make grants to, or enter into contracts or cooperative agreements with, Indian tribes, tribal organizations, Alaska Native entities, Indian-controlled organizations serving Indians, or Native Hawaiian organizations to carry out the authorized activities described in subsection (d).

"(d) AUTHORIZED ACTIVITIES.—

"(1) IN GENERAL.—Funds made available under this section shall be used to carry out the activities described in paragraphs (2) and (3) that—

"(A) are consistent with this section; and

"(B) are necessary to meet the needs of Indians or Native Hawaiians preparing to enter, re-enter, or retain unsubsidized employment.

"(2) EMPLOYMENT AND TRAINING ACTIVITIES AND SUPPLEMENTAL SERVICES.—

"(A) IN GENERAL.—Funds made available under this section shall be used for—

"(i) comprehensive workforce and career development activities for Indians or Native Hawaiians; or

"(ii) supplemental services for Indian or Native Hawaiian youth on or near Indian reservations and in Oklahoma, Alaska, or Hawaii.

"(B) SPECIAL RULE.—Notwithstanding any other provision of this section, individuals who were eligible to participate in programs

under section 401 of the Job Training Partnership Act (29 U.S.C. 1671) (as such section was in effect on the day before the date of enactment of this Act) shall be eligible to participate in an activity assisted under subparagraph (A)(i).

"(e) PROGRAM PLAN.—In order to receive a grant or enter into a contract or cooperative agreement under this section an entity described in subsection (c) shall submit to the Secretary of Labor a plan that describes a 2-year strategy for meeting the needs of Indian or Native Hawaiian individuals, as appropriate, in the area served by such entity. Such plan—

"(1) shall be consistent with the purposes of this section;

"(2) shall identify the population to be served;

"(3) shall identify the education and employment needs of the population to be served and the manner in which the services to be provided will strengthen the ability of the individuals served to obtain or retain unsubsidized employment;

"(4) shall describe the services to be provided and the manner in which such services are to be integrated with other appropriate services; and

"(5) shall describe the goals and benchmarks to be used to assess the performance of entities in carrying out the activities assisted under this section.

"(f) CONSOLIDATION OF FUNDS.—Each entity receiving assistance under this section may consolidate such assistance with assistance received from related programs in accordance with the provisions of the Indian Employment, Training and Related Services Demonstration Act of 1992 (25 U.S.C. 3401 et seq.).

"(g) NONDUPLICATIVE AND NONEXCLUSIVE SERVICES.—Nothing in this section shall be construed—

"(1) to limit the eligibility of any entity described in subsection (c) to participate in any activity offered by a State or local entity under this Act; or

"(2) to preclude or discourage any agreement, between any entity described in subsection (c) and any State or local entity, to facilitate the provision of services by such entity or to the population served by such entity.

"(h) ADMINISTRATIVE PROVISIONS.—

"(1) ORGANIZATIONAL UNIT ESTABLISHED.—The Secretary of Labor shall designate a single organizational unit that shall have as its primary responsibility the administration of the activities authorized under this section.

"(2) REGULATIONS.—The Secretary of Labor shall consult with the entities described in subsection (c)(1) in establishing regulations to carry out this section, including performance measures for entities receiving assistance under such subsection, taking into account the economic circumstances of such groups, and in developing a funding distribution plan that takes into consideration previous levels of funding.

"(3) TECHNICAL ASSISTANCE.—The Secretary of Labor, through the unit established under paragraph (1), are authorized to provide technical assistance to entities described in subsection (c) that receive assistance under this section to enable such entities to improve the workforce and career development activities provided by such entities.".

SEC. 402. MIGRANT AND SEASONAL FARMWORKER PROGRAM.

Section 402 of the Job Training Partnership Act (29 U.S.C. 1672) is amended to read as follows:

"SEC. 402. MIGRANT AND SEASONAL FARMWORKERS PROGRAM.

"(a) IN GENERAL.—The Secretary of Labor shall make grants to, or enter into contracts with, eligible entities to carry out the activities described in subsection (d).

"(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant or enter into a contract under this section, an entity shall have an understanding of the problems of migrant farmworkers and seasonal farmworkers, a familiarity with the area to be served, and the ability to demonstrate a capacity to administer effectively a diversified program of workforce and career development activities for migrant farmworkers and seasonal farmworkers.

"(c) PROGRAM PLAN.—

"(1) IN GENERAL.—To be eligible to receive a grant or enter into a contract under this section, an entity described in subsection (b) shall submit to the Secretary of Labor a plan that describes a 2-year strategy for meeting the needs of migrant farmworkers and seasonal farmworkers and their dependents in the area to be served by such entity.

"(2) CONTENTS.—Such plan shall—

"(A) identify the education and employment needs of the population to be served and the manner in which the services to be provided will strengthen the ability of the eligible farmworkers and dependents to obtain or be retained in unsubsidized employment or stabilize their unsubsidized employment;

"(B) describe the related assistance and supportive services to be provided and the manner in which such services are to be integrated and coordinated with other appropriate services; and

"(C) describe the goals and benchmarks to be used to assess the performance of such entity in carrying out the activities assisted under this section.

"(d) AUTHORIZED ACTIVITIES.—Funds made available under this section shall be used to carry out comprehensive workforce and career development activities and related services for migrant farmworkers and seasonal farmworkers which may include employment, training, educational assistance, literacy assistance, an English literacy program, worker safety training, housing, supportive services, and the continuation of the case management database on participating migrant farmworkers and seasonal farmworkers.

"(e) CONSULTATION WITH GOVERNORS AND LOCAL BOARDS.—In making grants and entering into contracts under this section, the Secretary of Labor shall consult with the Governors and local boards of the States in which the eligible entities will carry out the activities described in subsection (d).

"(f) REGULATIONS.—The Secretaries shall consult with migrant and seasonal farmworker groups and States in establishing regulations to carry out this section, including performance measures for eligible entities which take into account the economic circumstances of migrant farmworkers and seasonal farmworkers.

"(g) DEFINITIONS.—As used in this section:

"(1) MIGRANT FARMWORKER.—The term 'migrant farmworker' means a seasonal farmworker whose farm work requires travel such that the worker is unable to return to a permanent place of residence within the same day.

"(2) SEASONAL FARMWORKER.—The term 'seasonal farmworker' means a person who during the eligibility determination period (12 consecutive months out of 24 months prior to application)—

"(A) has been primarily employed in farm work that is characterized by chronic unemployment or under employment; and

"(B) is economically disadvantaged at the time of application.".

Subtitle B—Job Corps

SEC. 411. STATEMENT OF PURPOSE.

Section 421 of the Job Training Partnership Act (29 U.S.C. 1691) is amended in the first sentence by inserting after "a distinct national program" the following: "carried out in collaboration with States and localities".

SEC. 412. INDIVIDUALS ELIGIBLE FOR THE JOB CORPS.

Section 423 of the Job Training Partnership Act (29 U.S.C. 1693) is amended—

(1) in paragraph (1), by striking "14" and inserting "16";

(2) in paragraph (2), by striking ", and who requires" and all that follows and inserting a semicolon;

(3) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(4) by inserting after paragraph (2) the following:

"(3) is an individual who—

"(A) is deficient in basic skills;

"(B) is a school dropout;

"(C) is homeless or a runaway;

"(D) is a single parent; or

"(E) requires additional education, training, or intensive counseling and related assistance in order to secure and hold meaningful employment, participate successfully in regular school work, qualify for other suitable training programs, or satisfy Armed Forces requirements;".

SEC. 413. SCREENING AND SELECTION OF APPLICANTS; GENERAL PROVISIONS.

Section 424(a) of the Job Training Partnership Act (29 U.S.C. 1694(a)) is amended—

(1) in the first sentence, by adding at the end before the period the following: "after considering input from State, local, and community groups and other interested parties";

(2) in the second sentence—

(A) by inserting after "public employment offices," the following: "full service eligible providers,"; and

(B) by striking "and agencies" and inserting "and entities"; and

(3) in the third sentence, by inserting after "The rules shall" the following: "require Job Corps applicants to pass background checks, conducted in accordance with procedures established by the Secretary, and".

SEC. 414. JOB CORPS CENTERS.

Section 427 of the Job Training Partnership Act (29 U.S.C. 1697) is amended—

(1) in subsection (a)(1), by adding at the end the following: "In selecting any entity to serve as an operator or to provide services for a Job Corps center, the Secretary shall take into consideration the previous performance of the entity, if any, relating to operating or providing services for a Job Corps center.";

(2) in subsection (c) to read as follows:

"(c) The Secretary may select an entity to operate a Civilian Conservation Center on a competitive basis if such a center fails to meet performance criteria established by the Secretary."; and

(3) by adding at the end the following:

"(d) Notwithstanding any other provision of law, any proceeds from the sale of Job Corps center facilities shall be retained by the Secretary to carry out the Job Corps program.

"(e) Prior to the closure of any Job Corps center, the Secretary shall ensure that—

"(1) the proposed decision to close the center is announced in advance to the general public through publication in the Federal Register or other appropriate means;

"(2) the establishment of a reasonable comment period, not to exceed 30 days, for interested individuals to submit written comments to the Secretary;

"(3) the Members of Congress who represent districts affected by the proposed decision to close the center are notified within a reasonable period of time in advance of any final decision to close the center; and

"(4) the geographic location of alternative Job Corps centers is among the factors taken into account in the decision to close the center.".

SEC. 415. STANDARDS OF CONDUCT.

Section 430(a) of the Job Training Partnership Act (29 U.S.C. 1700(a)) is amended—

(1) in the first sentence, by adding at the end before the period the following: ", including a policy of zero tolerance for violence and illegal drugs under which enrollees will receive mandatory terminations for specific actions in accordance with regulations issued by the Secretary";

(2) by inserting after the first sentence the following: "As part of the zero tolerance policy, drug testing of all students shall be required in accordance with procedures established by the Secretary."; and

(3) in the third sentence, by inserting after "If violations" the following: "of center standards other than those covered by the zero tolerance policy".

SEC. 416. COUNSELING AND JOB PLACEMENT.

Section 432(b) of the Job Training Partnership Act (29 U.S.C. 1702(b)) is amended in the first sentence by inserting after "determine their capabilities and" the following: ", based on these capabilities,".

SEC. 417. EXPERIMENTAL AND DEVELOPMENTAL PROJECTS AND COORDINATION WITH OTHER PROGRAMS.

Section 433(c)(1) of the Job Training Partnership Act (29 U.S.C. 1703(c)(1)) is amended in the first sentence by striking "disseminate information" and inserting "disseminate to Federal, State, and local workforce development programs information and best practices".

SUBTITLE C—NATIONAL ACTIVITIES

SEC. 421. RESEARCH, DEMONSTRATION, EVALUATION, AND CAPACITY BUILDING.

Part D of the Job Training Partnership Act (29 U.S.C. 1731 et seq.) is amended by striking sections 451 through 454 and inserting the following:

"SEC. 451. RESEARCH, DEMONSTRATION, EVALUATION, AND CAPACITY BUILDING.

"(a) IN GENERAL.—The Secretary is authorized to establish and carry out research, demonstration, evaluation, and capacity building activities described in subsections (b) through (f).

"(b) NATIONAL PARTNERSHIP AND SPECIAL TRAINING.—The Secretary may award special grants to eligible entities to carry out programs that are most appropriately administered at the national level. Such activities may include—

"(1) partnership programs with national organizations with special expertise in developing, organizing, and administering employment and training services at the national, State, and local levels, such as industry and labor associations, public interest groups, community-based organizations representative of groups that encounter special difficulties in the labor market, and other organizations with special knowledge or capabilities in education and training; and

"(2) activities that—

"(A) address industry-wide skill shortages;

"(B) meet training needs that are best addressed on a multi-state basis;

"(C) further the goals of increasing the competitiveness of the United States labor force;

"(D) require technical expertise available at the national level to serve the needs of particular client groups that encounter significant barriers to employment and who the Secretary determines require special assistance; or

"(E) promote and experiment with model activities, pilot projects, and demonstration projects which further the goals and purposes of this Act.

"(c) RESEARCH.—The Secretary is authorized to conduct continuing research, which may include studies and other methods and techniques, that will aid in the solution of the employment and training problems of the United States. Such studies may include the extent to which individuals who participate in programs established under this title achieve self-sufficiency as a result of such participation, including the identification by States and localities, to the extent practicable, of indicators measuring such self-sufficiency.

"(d) PILOT AND DEMONSTRATION PROGRAMS.—

"(1) IN GENERAL.—The Secretary is authorized to conduct pilot and demonstration programs for the purpose of developing and improving techniques and demonstrating the effectiveness of specialized methods in addressing employment and training needs which may include—

"(A) the establishment of advanced manufacturing technology skill centers developed through local partnerships of industry, labor, education, community-based organizations, and economic development organizations to meet unmet, high-tech skill needs of local communities;

"(B) projects that provide training to upgrade the skills of employed workers who reside and are employed in enterprise zones or empowerment communities;

"(C) programs conducted jointly with the Department of Defense to develop training programs utilizing computer-based and other innovative learning technologies;

"(D) projects that promote the use of distance learning, enabling students to take courses through the use of media technology such as videos, teleconferencing computers, and the Internet;

"(E) projects that assist in providing comprehensive services to increase the employment rates of out-of-school youth residing in targeted high poverty areas within empowerment zones and enterprise communities;

"(F) the establishment of partnerships with national organizations with special expertise in developing, organizing, and administering employment and training services for persons with disabilities at the national, State, and local levels;

"(G) projects to assist public housing authorities that provide to public housing residents job training programs that demonstrate successful job skills upgrading and employment; and

"(H) projects that assist local workforce development areas to develop and implement local self-sufficiency standards to evaluate the degree to which program participants are achieving self-sufficiency.

"(2) GRANTS AND CONTRACTS.—The Secretary may award grants and enter into contracts with entities to carry out this subsection.

"(3) EVALUATION AND EFFECTIVENESS.—Demonstration programs assisted under this subsection shall include a formal, rigorous evaluation component. Pilot programs assisted under this subsection shall include an appropriate evaluation component.

"(4) SPECIAL RULE.—A demonstration program under this subsection may not be assisted under this subsection for a period of more than 7 years. A pilot program under this subsection may not be assisted under this subsection for a period of more than 3 years.

"(e) EVALUATION.—

"(1) ACTIVITIES.—

"(A) JOB TRAINING.—The Secretary shall provide for the continuing evaluation of programs conducted under this Act.

"(B) OTHER PROGRAMS.—The Secretary may conduct evaluations of federally-funded employment-related activities under other provisions of law.

"(2) TECHNIQUES.—

"(A) METHODS.—Evaluations conducted under paragraph (1) shall utilize sound statistical methods and techniques for the behavioral and social sciences, including the use of control groups chosen by scientific random assignment methodologies when feasible.

"(B) EFFECTIVENESS.—The Secretary shall evaluate the effectiveness of programs authorized under this Act with respect to—

"(i) the statutory goals; and

"(ii) the cost effectiveness and return-on-investment of such programs based on the extent to which the programs—

"(I) enhance the employment and earnings of participants;

"(II) reduce income support costs (including the receipt of welfare assistance);

"(III) improve the employment competencies of participants in comparison to comparable persons who did not participate in such programs; and

"(IV) to the extent feasible, increase the level of total employment over the level that would have existed in the absence of such programs.

"(f) TECHNICAL ASSISTANCE, DISSEMINATION, AND REPLICATION ACTIVITIES.—The Secretary shall provide, coordinate, and support the development of, appropriate training, technical assistance, staff development, and other activities, including assistance in replicating programs of demonstrated effectiveness, to States and localities.

"SEC. 452. INCENTIVE GRANTS.

"From amounts authorized to be appropriated pursuant to section 3(a)(3) to carry out this part for a fiscal year, the Secretary is authorized to award incentive grants to States consistent with the requirements of section 156(a).".

SEC. 422. NONTRADITIONAL EMPLOYMENT DEMONSTRATION PROGRAM.

Section 456 of the Job Training Partnership Act (29 U.S.C. 1737) is hereby repealed.

Subtitle D—Repealers

SEC. 451. REPEALERS.

Parts F, G, H, I, and J of title IV of the Job Training Partnership Act (29 U.S.C. 1771 et seq.) are hereby repealed.

TITLE V—AMENDMENTS TO ADULT EDUCATION PROGRAMS

SEC. 501. REPEAL OF JOBS FOR EMPLOYABLE DEPENDENT INDIVIDUALS INCENTIVE BONUS PROGRAM.

Title V of the Job Training Partnership Act (29 U.S.C. 1791 et seq.) is repealed.

SEC. 502. AMENDMENT TO ADULT EDUCATION ACT.

The Adult Education Act (20 U.S.C. 1201 et seq.) is amended to read as follows:

"TITLE III—ADULT EDUCATION AND FAMILY LITERACY PROGRAMS

"SEC. 301. SHORT TITLE.

"This title may be cited as the 'Adult Education and Family Literacy Act'.

"SEC. 302. STATEMENT OF PURPOSE.

"It is the purpose of this title to assist States and outlying areas to provide—

"(1) to adults, the basic educational skills necessary for employment and self-sufficiency; and

"(2) to adults who are parents, the educational skills necessary to be full partners in the educational development of their children.

"SEC. 303. DEFINITION.

"For purposes of this title:

"(1) ADULT EDUCATION.—The term 'adult education' means services or instruction below the postsecondary level for individuals—

"(A) who have attained 16 years of age;

"(B) who are not enrolled or required to be enrolled in secondary school under State law; and

"(C) who—

"(i) lack sufficient mastery of basic educational skills to enable the individuals to function effectively in society;

"(ii) do not have a certificate of graduation from a school providing secondary education and who have not achieved an equivalent level of education; or

"(iii) are unable to speak, read, or write the English language.

"(2) ADULT EDUCATION AND LITERACY ACTIVITIES.—The term 'adult education and literacy activities' has the meaning given such term in section 4 of the Employment, Training, and Literacy Enhancement Act.

"(3) COMMUNITY-BASED ORGANIZATION.—The term 'community-based organization' has the meaning given such term in section 4 of the Employment, Training, and Literacy Enhancement Act.

"(4) DIRECT AND EQUITABLE ACCESS.—The term 'direct and equitable access', when used with respect to the requirement in section 313(c)(2), means that—

"(A) all eligible providers are given the same opportunity to apply for and receive funds under part A; and

"(B) the same announcement and application process is used for all eligible providers.

"(5) ELIGIBLE AGENCY.—The term 'eligible agency' means—

"(A) the individual, entity, or agency in a State or an outlying area responsible for administering or setting policies for adult education and literacy services in such State or outlying area pursuant to the law of the State or outlying area; or

"(B) if no individual, entity, or agency is responsible for administering or setting such policies pursuant to the law of the State or outlying area, the individual, entity, or agency in a State or outlying area responsible for administering or setting policies for adult education and literacy services in such State or outlying area on the date of the enactment of the Employment, Training, and Literacy Enhancement Act of 1997.

"(6) ELIGIBLE PROVIDER.—The term 'eligible provider', used with respect to adult education and literacy activities described in section 314(b), means a provider determined to be eligible for assistance in accordance with section 313.

"(7) ENGLISH LITERACY PROGRAM.—The term 'English literacy program' has the meaning given such term in section 4 of the Employment, Training, and Literacy Enhancement Act.

"(8) FAMILY LITERACY SERVICES.—The term 'family literacy services' has the meaning given such term in section 4 of the Employment, Training, and Literacy Enhancement Act.

"(9) INDIVIDUAL OF LIMITED ENGLISH PROFICIENCY.—The term 'individual of limited English proficiency' has the meaning given such term in section 4 of the Employment, Training, and Literacy Enhancement Act.

"(10) INDIVIDUAL WITH A DISABILITY.—The terms 'individual with a disability' and 'individuals with disabilities' have the meaning given such terms in section 4 of the Employment, Training, and Literacy Enhancement Act.

"(11) LITERACY.—The term 'literacy' has the meaning given such term in section 4 of the Employment, Training, and Literacy Enhancement Act.

"(12) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the meaning given such term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

"(13) OUTLYING AREA.—The term 'outlying area' has the meaning given such term in section 4 of the Employment, Training, and Literacy Enhancement Act.

"(14) POSTSECONDARY EDUCATIONAL INSTITUTION.—The term 'postsecondary educational institution' has the meaning given such term in section 4 of the Employment, Training, and Literacy Enhancement Act.

"(15) SECRETARY.—The term 'Secretary' means the Secretary of Education.

"(16) STATE.—The term 'State' has the meaning given such term in section 4 of the Employment, Training, and Literacy Enhancement Act.

"SEC. 304. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this title such sums as may be necessary for fiscal years 1998 through 2003.

"(b) RESERVATION OF FUNDS FOR NATIONAL LEADERSHIP ACTIVITIES.—For any fiscal year, the Secretary shall reserve—

"(1) 1.5 percent of the amount appropriated under subsection (a) (but not more than $6,500,000) to carry out section 321; and

"(2) 1.5 percent of the amount appropriated under subsection (a) (but not more than $6,500,000) to establish and carry out the program of national leadership and evaluation activities described in section 322.

"PART A—GRANTS TO ELIGIBLE AGENCIES

"SEC. 311. AUTHORITY TO MAKE GRANTS.

"(a) IN GENERAL.—In the case of each eligible agency that in accordance with section 101 of the Employment, Training, and Literacy Enhancement Act submits to the Secretary a plan, the Secretary shall make a grant for each fiscal year for which such plan is in effect to the eligible agency for the purpose specified in subsection (b). The grant shall consist of the initial and additional allotments determined for the eligible agency under section 312.

"(b) PURPOSE OF GRANTS.—The Secretary may make a grant under subsection (a) only if the applicant involved agrees to expend the grant for adult education and literacy activities in accordance with the provisions of this part.

"SEC. 312. ALLOTMENTS.

"(a) INITIAL ALLOTMENTS.—From the sums available for the purpose of making grants under this part for any fiscal year, the Secretary shall allot to each eligible agency that in accordance with section 101 of the Employment, Training, and Literacy Enhancement Act submits to the Secretary a plan for the year an initial amount as follows:

"(1) $100,000, in the case of an eligible agency of the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"(2) $250,000, in the case of any other eligible agency.

"(b) ADDITIONAL ALLOTMENTS.—

"(1) IN GENERAL.—From the remainder available for the purpose of making grants under this part for any fiscal year after the application of subsection (a), the Secretary shall allot to each eligible agency that receives an initial allotment under such subsection an additional amount that bears the same relationship to such remainder as the number of qualifying adults in the State or outlying area of the agency bears to the number of such adults in all States and outlying areas.

"(2) QUALIFYING ADULT.—For purposes of this subsection, the term 'qualifying adult' means an adult who—

"(A) is at least 16 years of age, but less than 61 years of age;

"(B) is beyond the age of compulsory school attendance under the law of the State or outlying area;

"(C) does not have a certificate of graduation from a school providing secondary education and has not achieved an equivalent level of education; and

"(D) is not currently enrolled in secondary school.

"(c) SPECIAL RULE.—

"(1) IN GENERAL.—Using funds not to exceed the amount appropriated and reserved under the Adult Education Act for fiscal year 1997 for the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau, the Secretary shall award grants, from funds made available under subsections (a) and (b), to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau to carry out activities described in this part in accordance with the provisions of this part that the Secretary determines are not inconsistent with this subsection.

"(2) AWARD BASIS.—The Secretary shall award grants pursuant to paragraph (1) on a competitive basis and pursuant to recommendations from the Pacific Region Educational Laboratory in Honolulu, Hawaii.

"(3) TERMINATION OF ELIGIBILITY.—Notwithstanding any other provision of law, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau shall not receive any funds under this part for any fiscal year that begins after September 30, 2001.

"(4) ADMINISTRATIVE COSTS.—The Secretary may provide not more than 5 percent of the funds made available for grants under this subsection to pay the administrative costs of the Pacific Region Educational Laboratory regarding activities assisted under this subsection.

"(d) HOLD-HARMLESS.—

"(1) IN GENERAL.—Notwithstanding subsection (a)—

"(A) for fiscal year 1998, no eligible agency shall receive an allotment that is less than 90 percent of the payments made to the State of the agency for fiscal year 1997 for programs for which funds were authorized to be appropriated under section 313 of the Adult Education Act (as such Act was in effect on the day before the date of the enactment of the Employment, Training, and Literacy Enhancement Act of 1997); and

"(B) for fiscal year 1999 and each succeeding fiscal year, no eligible agency shall receive an allotment that is less than 90 percent of the amount the agency received for the preceding fiscal year for programs under this Act.

"(2) RATABLE REDUCTION.—If for any fiscal year the amount available for allotment under this section is insufficient to satisfy the provisions of paragraph (1), the Secretary shall ratably reduce the payments to all eligible agencies, as necessary.

"(e) REALLOTMENT.—The portion of any eligible agency's allotment under subsection (a) or (b) for a fiscal year that the Secretary determines will not be required for the period such allotment is available for carrying out activities under this part, shall be available for reallotment from time to time, on such dates during such period as the Secretary shall fix, to other eligible agencies in proportion to the original allotments to such agencies under such subsection for such year.

"SEC. 313. USE OF FUNDS.

"(a) IN GENERAL.—Of the sum that is made available under this part to an eligible agency for any program year—

"(1) not less than 85 percent shall be made available to award grants in accordance with this section to carry out adult education and literacy activities; and

"(2) not more than 15 percent shall be made available to carry out activities described in section 314(a), of which not more than 5 percentage points, or $50,000, whichever is greater, shall be made available for administrative expenses at the State level (or the level of the outlying area).

"(b) GRANTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), from the amount made available to an eligible agency for adult education and literacy under subsection (a)(1) for a program year, such agency shall award grants, on a competitive basis, to local educational agencies, correctional education agencies, community-based organizations of demonstrated effectiveness, volunteer literacy organizations, libraries, public or private nonprofit agencies, postsecondary educational institutions, public housing authorities, and other nonprofit institutions, that have the ability to provide literacy services to adults and families, or consortia of agencies, organizations, or institutions described in this subsection, to enable such agencies, organizations, institutions, and consortia to carry out adult education and literacy activities.

"(2) CONSORTIA.—An eligible agency may award a grant under this section to a consortium that includes a provider described in paragraph (1) and a for-profit agency, organization, or institution, if such agency, organization, or institution—

"(A) can make a significant contribution to carrying out the objectives of this title; and

"(B) enters into a contract with such provider to carry out adult education and literacy activities.

"(c) GRANT REQUIREMENTS.—

"(1) REQUIRED LOCAL ACTIVITIES.—An eligible agency shall require that each provider receiving a grant under this section use the grant in accordance with section 314(b).

"(2) EQUITABLE ACCESS.—Each eligible agency awarding a grant under this section for adult education and literacy activities shall ensure that the providers described in subsection (b) will be provided direct and equitable access to all Federal funds provided under this section.

"(3) SPECIAL RULE.—Each eligible agency awarding a grant under this section shall not use any funds made available under this title for adult education and literacy activities for the purpose of supporting or providing programs, services, or activities for individuals who are not individuals described in subparagraphs (A) and (B) of section 303(1), except that such agency may use such funds for such purpose if such programs, services, or activities are related to family literacy services.

"(4) CONSIDERATIONS.—In awarding grants under this section, the eligible agency shall consider—

"(A) the degree to which the provider will establish measurable goals for client outcomes, including the core indicators of performance pertaining to adult education set forth in section 154 of the Employment, Training, and Literacy Enhancement Act, that are tied to challenging State performance standards for literacy proficiency;

"(B) the past effectiveness of a provider in improving the literacy skills of adults and families, and, after the 1-year period beginning with the adoption of a State's core indicators and benchmarks under the Employment, Training, and Literacy Enhancement Act, the success of a provider receiving funding under this Act in meeting or exceeding such benchmarks, especially with respect to those adults with the lowest levels of literacy;

"(C) the degree to which the program is staffed by well-trained instructors and administrators;

"(D) the degree to which the provider will coordinate with other available resources in the community, such as by establishing strong links with elementary and secondary schools, post-secondary educational institutions, full service employment and training delivery centers, job training programs, and other literacy and social service available in the community;

"(E) the commitment of the provider to serve individuals in the community who are most in need of literacy services, including individuals who are low income, who have minimal literacy skills, or both;

"(F) whether or not the program is of sufficient intensity and duration for participants to achieve substantial learning gains; and

"(G) the degree to which the provider will offer flexible schedules and necessary support services (such as child care and transportation) to enable individuals, including individuals with disabilities or other special needs, to participate in adult education and literacy activities.

"(d) LOCAL ADMINISTRATIVE COST LIMITS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), of the funds provided under this section by an eligible agency to a provider described in subsection (b), not less than 95 percent shall be expended for provision of adult education and literacy activities. The remainder shall be used for planning, administration, personnel development, and interagency coordination.

"(2) SPECIAL RULE.—In cases where the cost limits described in paragraph (1) will be too restrictive to allow for adequate planning, administration, personnel development, and interagency coordination supported under this section, the eligible agency shall negotiate with the provider described in subsection (b) in order to determine an adequate level of funds to be used for noninstructional purposes.

"SEC. 314. ADULT EDUCATION AND LITERACY ACTIVITIES.

"(a) PERMISSIBLE AGENCY ACTIVITIES.—An eligible agency may use funds made available to the eligible agency under section 313(a)(2) for activities that may include—

"(1) the establishment or operation of professional development programs to improve the quality of instruction provided pursuant to local activities required under subsection (b), including instruction provided by volunteers or by personnel of a State or outlying area;

"(2) the provision of technical assistance to eligible providers of activities authorized under this section;

"(3) the provision of technology assistance, including staff training, to eligible providers of activities authorized under this section to enable the providers to improve the quality of such activities;

"(4) the support of State or regional networks of literacy resource centers;

"(5) the monitoring and evaluation of the quality of, and the improvement in, activities and services authorized under this section;

"(6) incentives for—

"(A) program coordination and integration; and

"(B) performance awards;

"(7) developing and disseminating curricula;

"(8) other activities of statewide significance that promote the purposes of this title; and

"(9) the provision of support services, such as transportation, child care, and other assistance designed to increase rates of enrollment in, and successful completion of, adult education and literacy activities, to adults enrolled in such activities.

"(b) REQUIRED LOCAL ACTIVITIES.—The eligible agency shall require that each eligible provider receiving a grant under section 313 use the grant to establish or operate 1 or more programs that provide instruction or services in 1 or more of the following categories:

"(1) Adult education and literacy services, including services provided on the work site.

"(2) Family literacy services.

"(3) English literacy programs.

"(c) STATE-IMPOSED REQUIREMENTS.—Whenever a State implements any rule or policy relating to the administration or operation of a program authorized under this title that has the effect of imposing a requirement that is not imposed under Federal law (including any rule or policy based on a State interpretation of a Federal statute, regulation, or guideline), it shall identify, to eligible providers, the rule or policy as being State-imposed.

"SEC. 315. FISCAL REQUIREMENTS AND RESTRICTIONS RELATED TO USE OF FUNDS.

"(a) SUPPLEMENT NOT SUPPLANT.—Funds made available under this part for adult education and literacy activities shall supplement, and may not supplant, other public funds expended to carry out activities described in section 314.

"(b) MAINTENANCE OF EFFORT.—

"(1) IN GENERAL.—

"(A) DETERMINATION.—An eligible agency may receive funds under this Act for any fiscal year if the Secretary finds that the fiscal effort per student or the aggregate expenditures of such eligible agency for adult education and literacy, in the second preceding fiscal year, was not less than 90 percent of the fiscal effort per student or the aggregate expenditures of such eligible agency for adult education and literacy, in the third preceding fiscal year.

"(B) PROPORTIONATE REDUCTION.—Subject to paragraphs (2), (3), and (4), for any program year with respect to which the Secretary determines under subparagraph (A) that the fiscal effort and the aggregate expenditures of an eligible agency for the preceding program year were less than such effort and expenditures for the second preceding program year, the Secretary—

"(i) shall determine the percentage decreases in such effort and in such expenditures; and

"(ii) shall decrease the payment made under this part for such program year to the agency for adult education and literacy activities by the lesser of such percentages.

"(2) COMPUTATION.—In computing the fiscal effort and aggregate expenditures under paragraph (1), the Secretary shall exclude capital expenditures and special one-time project costs.

"(3) DECREASE IN FEDERAL SUPPORT.—If the amount made available for adult education and literacy activities under this part for a fiscal year is less than the amount made available for adult education and literacy activities under this part for the preceding fiscal year, then the fiscal effort per student and the aggregate expenditures of an eligible agency required in order to avoid a reduction under paragraph (1)(B) shall be decreased by the same percentage as the percentage decrease in the amount so made available.

"(4) WAIVER.—The Secretary may waive the requirements of this subsection for 1 fiscal year only, if the Secretary determines that a waiver would be equitable due to exceptional or uncontrollable circumstances, such as a natural disaster or an unforeseen and precipitous decline in the financial resources of the State of the eligible agency. If the Secretary grants a waiver under the preceding sentence for a fiscal year, the level of effort required under paragraph (1) shall not be reduced in the subsequent fiscal year because of the waiver.

"(c) EXPENDITURES OF NON-FEDERAL FUNDS FOR ADULT EDUCATION AND LITERACY ACTIVITIES.—For any program year for which a grant is made to an eligible agency under this part, the eligible agency shall expend, on programs and activities relating to adult education and literacy activities, an amount, derived from sources other than the Federal Government, equal to 25 percent of the amount made available to the eligible agency under this part for adult education and literacy activities.

"PART B—NATIONAL PROGRAMS

"SEC. 321. NATIONAL INSTITUTE FOR LITERACY.

"(a) PURPOSE.—The National Institute for Literacy shall—

"(1) provide national leadership with respect to literacy in the United States;

"(2) coordinate literacy services; and

"(3) serve as a national resource for adult education and family literacy by providing the best and most current information available and supporting the creation of new ways to offer services of proven effectiveness.

"(b) ESTABLISHMENT.—

"(1) IN GENERAL.—There is established the National Institute for Literacy (in this section referred to as the 'Institute'). The Institute shall be administered under the terms of an interagency agreement entered into by the Secretary of Education with the Secretary of Labor and the Secretary of Health and Human Services (in this section referred to as the 'Interagency Group'). The Interagency Group may include in the Institute any research and development center, institute, or clearinghouse established within the Department of Education, the Department of Labor, or the Department of Health and Human Services whose purpose is determined by the Interagency Group to be related to the purpose of the Institute.

"(2) OFFICES.—The Institute shall have offices separate from the offices of the Department of Education, the Department of Labor, and the Department of Health and Human Services.

"(3) BOARD RECOMMENDATIONS.—The Interagency Group shall consider the recommendations of the National Institute for Literacy Advisory Board (in this section referred to as the 'Board') established under subsection (d) in planning the goals of the Institute and in the implementation of any programs to achieve such goals.

"(4) DAILY OPERATIONS.—The daily operations of the Institute shall be carried out by the Director of the Institute appointed under subsection (g).

"(c) DUTIES.—

"(1) IN GENERAL.—In order to provide leadership for the improvement and expansion of the system for delivery of literacy services, the Institute is authorized—

"(A) to establish, and make accessible, a national electronic data base of information that disseminates information to the broadest possible audience within the literacy and basic skills field, and that includes—

"(i) effective practices in the provision of literacy and basic skills instruction, including the integration of such instruction with occupational skills training;

"(ii) public and private literacy and basic skills programs and Federal, State, and local policies affecting the provision of literacy services at the National, State, and local levels;

"(iii) opportunities for technical assistance, meetings, conferences, and other opportunities that lead to the improvement of literacy and basic skills services; and

"(iv) a communication network for literacy programs, providers, social service agencies, and students;

"(B) to coordinate support for the provision of literacy and basic skills services across Federal agencies and at the State and local levels;

"(C) to coordinate the support of research and development on literacy and basic skills in families and adults across Federal agencies, especially with the Office of Educational Research and Improvement in the Department of Education, and to carry out basic and applied research and development on topics that are not being investigated by other organizations or agencies, such as the special literacy needs of individuals with learning disabilities;

"(D) to collect and disseminate information on methods of advancing literacy that show great promise;

"(E) funding a network of State or regional adult literacy resource centers to assist State and local public and private nonprofit efforts to improve literacy by—

"(i) encouraging the coordination of literacy services;

"(ii) carrying out evaluations of the effectiveness of adult education and literacy activities;

"(iii) enhancing the capacity of State and local organizations to provide literacy services; and

"(iv) serving as a reciprocal link between the Institute and providers of adult education and literacy activities for the purpose of sharing information, data, research, expertise, and literacy resources;

"(F) to coordinate and share information with national organizations and associations that are interested in literacy and workforce development;

"(G) to inform the development of policy with respect to literacy and basic skills; and

"(H) to undertake other activities that lead to the improvement of the Nation's literacy delivery system and that complement other such efforts being undertaken by public and private agencies and organizations.

"(2) GRANTS, CONTRACTS, AND AGREEMENTS.—The Institute may make grants to, or enter into contracts or cooperative agreements with, individuals, public or private institutions, agencies, organizations, or consortia of such institutions, agencies, or organizations to carry out the activities of the Institute. Such grants, contracts, or agreements shall be subject to the laws and regulations that generally apply to grants, contracts, or agreements entered into by Federal agencies.

"(d) LITERACY LEADERSHIP.—

"(1) FELLOWSHIPS.—The Institute, in consultation with the Board, may award fellowships, with such stipends and allowances as the Director considers necessary, to outstanding individuals pursuing careers in adult education or literacy in the areas of instruction, management, research, or innovation.

"(2) USE OF FELLOWSHIPS.—Fellowships awarded under this subsection shall be used, under the auspices of the Institute, to engage in research, education, training, technical assistance, or other activities to advance the field of adult education or literacy, including the training of volunteer literacy providers at the national, State, or local level.

"(3) INTERNS AND VOLUNTEERS.—The Institute, in consultation with the Board, may award paid and unpaid internships to individuals seeking to assist the Institute in carrying out its mission. Notwithstanding section 1342 of title 31, United States Code, the Institute may accept and use voluntary and uncompensated services as the Institute determines necessary.

"(e) NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD.—

"(1) ESTABLISHMENT.—

"(A) IN GENERAL.—There is established a National Institute for Literacy Advisory Board. The Board shall consist of 10 individuals, appointed by the Interagency Group, from individuals who—

"(i) are not otherwise officers or employees of the Federal Government; and

"(ii) are representative of entities or groups described in subparagraph (B).

"(B) ENTITIES OR GROUPS DESCRIBED.—The entities or groups referred to in subparagraph (A) are—

"(i) literacy organizations and providers of literacy services, including—

"(I) nonprofit providers of literacy services;

"(II) providers of programs and services involving English language instruction; and

"(III) providers of services receiving assistance under this title;

"(ii) businesses that have demonstrated interest in literacy programs;

"(iii) literacy students;

"(iv) experts in the area of literacy research;

"(v) State and local governments;

"(vi) representatives of employees; and

"(vii) State directors of adult education.

"(2) DUTIES.—The Board—

"(A) shall make recommendations concerning the appointment of the Director and staff of the Institute;

"(B) shall provide independent advice on the operation of the Institute; and

"(C) shall receive reports from the Interagency Group and the Director.

"(3) FEDERAL ADVISORY COMMITTEE ACT.—Except as otherwise provided, the Board established by this subsection shall be subject to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).

"(4) TERMS.—

"(A) IN GENERAL.—Each member of the Board shall be appointed for a term of 3 years, except that the initial terms for members may be 1, 2, or 3 years in order to establish a rotation in which ⅓ of the members are selected each year. Any such member may be appointed for not more than 2 consecutive terms.

"(B) VACANCY APPOINTMENTS.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy in the Board shall be filled in the manner in which the original appointment was made. A vacancy in the Board shall not affect the powers of the Board.

"(5) QUORUM.—A majority of the members of the Board shall constitute a quorum but a lesser number may hold hearings. Any recommendation of the Board may be passed only by a majority of the Board's members present.

"(6) ELECTION OF OFFICERS.—The Chairperson and Vice Chairperson of the Board shall be elected by the members of the Board. The term of office of the Chairperson and Vice Chairperson shall be 2 years.

"(7) MEETINGS.—The Board shall meet at the call of the Chairperson or a majority of the members of the Board.

"(f) GIFTS, BEQUESTS, AND DEVISES.—The Institute may accept, administer, and use gifts or donations of services, money, or property, both real and personal.

"(g) MAILS.—The Board and the Institute may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

"(h) DIRECTOR.—The Interagency Group, after considering recommendations made by the Board, shall appoint and fix the pay of a Director.

"(i) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director and staff of the Institute may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the maximum rate payable under section 5376 of title 5, United States Code.

"(j) EXPERTS AND CONSULTANTS.—The Board and the Institute may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

"(k) REPORT.—The Institute shall submit a report biennially to the committees of the United States House of Representatives and the Senate having jurisdiction over this title. Each report submitted under this subsection shall include—

"(1) a comprehensive and detailed description of the Institute's operations, activities, financial condition, and accomplishments in the field of literacy for the period covered by the report;

"(2) a description of how plans for the operation of the Institute for the succeeding two fiscal years will facilitate achievement of the goals of the Institute and the goals of the literacy programs within the Department of Education, the Department of Labor, and the Department of Health and Human Services; and

"(3) any additional minority, or dissenting views submitted by members of the Board.

"(l) FUNDING.—Any amounts appropriated to the Secretary of Education, the Secretary of Labor, or the Secretary of Health and Human Services for purposes that the Institute is authorized to perform under this section may be provided to the Institute for such purposes.

"SEC. 322. NATIONAL LEADERSHIP ACTIVITIES.

"The Secretary shall establish and carry out a program of national leadership activities to enhance the quality of adult education and family literacy programs nationwide. Such activities may include the following:

"(1) Providing technical assistance to recipients of assistance under part A in developing and using benchmarks and performance measures for improvement of adult education and literacy activities, including family literacy services.

"(2) Awarding grants, on a competitive basis, to a postsecondary educational institution, a public or private organization or agency, or a consortium of such institutions, organizations, or agencies to carry out research and technical assistance—

"(A) for the purpose of developing, improving, and identifying the most successful methods and techniques for addressing the education needs of adults; and

"(B) to increase the effectiveness of, and improve the quality of, adult education and literacy activities, including family literacy services.

"(3) Providing for the conduct of an independent evaluation and assessment of adult education and literacy activities, through studies and analyses conducted independently through grants and contracts awarded on a competitive basis. Such evaluation and assessment shall include descriptions of—

"(A) the effect of benchmarks, performance measures, and other measures of accountability on the delivery of adult education and literacy activities, including family literacy services;

"(B) the extent to which the adult education and literacy activities, including family literacy services, increase the literacy skills of adults (and of children, in the case of family literacy services), lead the participants in such activities to involvement in further education and training, enhance the employment and earnings of such participants, and, if applicable, lead to other positive outcomes, such as reductions in recidivism in the case of prison-based adult education and literacy services;

"(C) the extent to which the provision of support services to adults enrolled in adult education and family literacy programs increases the rates of enrollment in, and successful completion of, such programs; and

"(D) the extent to which eligible agencies have distributed funds under part A to meet the needs of adults through community-based organizations.

"(4) Carrying out demonstration programs, replicating model programs, disseminating best practices information, and providing technical assistance, for the purposes of developing, improving, and identifying the most successful methods and techniques for providing the activities assisted under part A.

"(5) Other activities designed to enhance the quality of adult education and literacy nationwide, such as providing incentive grants to States consistent with section 156 of the Employment, Training, and Literacy Enhancement Act.".

SEC. 503. REPEAL OF NATIONAL LITERACY ACT OF 1991.

The National Literacy Act of 1991 (Public Law 102–73; 105 Stat. 333) is hereby repealed.

SEC. 504. CONFORMING AMENDMENTS.

(a) REFUGEE EDUCATION ASSISTANCE ACT.—Subsection (b) of section 402 of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note) is hereby repealed.

(b) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—

(1) SECTION 1206 OF ESEA.—Section 1206(a)(1)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6366(a)(1)(A)) is amended by striking "an adult basic education program" and inserting "adult education and literacy activities".

(2) SECTION 3113 OF ESEA.—Section 3113(1) of such Act (20 U.S.C. 6813(1)) is amended by striking "section 312 of the Adult Education Act;" and inserting "section 303 of the Adult Education and Family Literacy Act;".

(3) SECTION 9161 OF ESEA.—Section 9161(2) of such Act (20 U.S.C. 7881(2)) is amended by striking "section 312(2) of the Adult Education Act." and inserting "section 303 of the Adult Education and Family Literacy Act.".

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. REPEALERS.

(a) AMENDMENTS TO THE WAGNER-PEYSER ACT.—Section 601 of the Job Training Partnership Act is hereby repealed.

(b) AMENDMENTS TO PART C OF TITLE IV OF THE SOCIAL SECURITY ACT.—Section 602 of the Job Training Partnership Act is hereby repealed.

(c) EARNINGS DISREGARD.—Section 603 of the Job Training Partnership Act is hereby repealed.

(d) SAVINGS PROVISION.—The repeals made by subsections (a), (b), and (c), of any provision of law described in any such subsection that amended or repealed another provision of law does not in any way affect that amendment or repeal.

SEC. 602. CONFORMING AMENDMENTS.

(a) ENFORCEMENT OF MILITARY SELECTIVE SERVICE ACT.—Section 604 of the Job Training Partnership Act (29 U.S.C. 1504) is amended—

(1) by redesignating such section as section 182 of such Act; and

(2) by inserting such section after section 181 of such Act.

(b) STATE JOB BANK SYSTEMS.—Section 605 of such Act (29 U.S.C. 1505) is amended—

(1) by striking subsection (a);

(2) in subsection (b), by striking "shall make such" and inserting "may make";

(3) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively;

(4) by redesignating such section as section 466 of such Act; and

(5) by adding such section after section 465 of such Act.

(c) STATE LABOR MARKET INFORMATION PROGRAMS.—Section 125 of such Act (29 U.S.C. 1535) is amended—

(1) by redesignating such section as section 467; and

(2) by inserting such section after section 466.

TITLE VII—AMENDMENTS TO STATE HUMAN RESOURCE INVESTMENT COUNCIL

SEC. 701. AMENDMENTS TO COUNCIL.

(a) ESTABLISHMENT AND FUNCTIONS.—Section 701 of the Job Training Partnership Act (29 U.S.C. 1792) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "shall review" and inserting "reviews"; and

(ii) by striking "advise" and inserting "advises";

(B) in paragraph (2), by striking "shall advise" and inserting "advises";

(C) in paragraph (3), by striking "shall carry" and inserting "carries";

(D) by striking paragraph (4);

(E) in paragraph (5), by striking "may recommend" and inserting "recommends";

(F) in paragraph (6), to read as follows:

"(6) prepares and recommends to the Governor a strategy to be included as part of the State plan under section 101 that would accomplish the goals developed pursuant to paragraph (4);";

(G) in paragraph (7)—

(i) by striking "may monitor" and inserting "monitors"; and

(ii) by striking the period at the end and inserting "; and";

(H) by adding at the end the following:

"(8) may serve as the collaborative process described in section 102."; and

(I) by redesignating paragraphs (5) through (8) (as amended or added, as the case may be) as paragraphs (4) through (7), respectively; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "(A) Except as provided in subparagraph (B), for purposes" and inserting "For purposes"; and

(ii) by striking subparagraph (B); and

(B) in paragraph (2)—

(i) by striking "applicable Federal human resource programs" and all that follows through "may include" and inserting "applicable Federal human resource programs may include";

(ii) in clause (v), by striking the "and" at the end;

(iii) in clause (vii)—

(I) by adding at the end before the semicolon the following: "and title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996"; and

(II) by redesignating such clause as clause (vi);

(iv) in subparagraph (B)—

(I) by striking "may not include programs authorized under"; and

(II) by redesignating such subparagraph as clause (vii); and

(v) by redesignating clauses (i) through (vii) as subparagraphs (A) through (G), respectively, and moving the margin for each such subparagraph two ems to the left.

(b) COMPOSITION.—Section 702 of such Act (29 U.S.C. 1792a) is amended—

(1) by striking subsections (a), (b), and (c); and

(2) by inserting the following:

"Each State Council shall be composed of the individuals and entities described in section 102(a).".

(c) ADMINISTRATION.—Section 703 of such Act (29 U.S.C. 1792b) is amended—

(1) in subsection (a)(2)—

(A) by inserting "for State administrative expenses" after "funds otherwise available"; and

(B) by striking ", including funds available" and all that follows through "such Act";

(2) by striking subsection (c); and

(3) by redesignating subsection (d) as subsection (c).

SEC. 702. TRANSFER OF COUNCIL.

Title VII of the Job Training Partnership Act (29 U.S.C. 1792 et seq.), as amended by section 701, is transferred to the end of part A of title I of such Act, as amended by section 111 of this Act.

SEC. 703. CONFORMING AMENDMENTS.

(a) IN GENERAL.—Title VII of the Job Training Partnership Act (29 U.S.C. 1792 et seq.), as transferred to the end of part A of title I of such Act by section 702, is amended—

(1) by amending the title heading to read as follows:

"SEC. 103. STATE HUMAN RESOURCE INVESTMENT COUNCIL.";

(2) by redesignating sections 701 through 703 as subsections (a) through (c), respectively, of section 103 (as redesignated by paragraph (1)) and conforming the subsection headings and margins accordingly;

(3) by redesignating each subsection, paragraph, and subparagraph of sections 701 through 703 (as such sections existed immediately prior to the amendments made by paragraph (2)) as a paragraph, subparagraph, and clause, respectively, of section 103 (as redesignated by paragraph (1)) and conforming the headings and margins accordingly; and

(4) in subsection (a)(2)(B) (as redesignated), by striking "paragraph (1)" and inserting "subparagraph (A)".

(b) ADDITIONAL AMENDMENT.—Section 103 of the Job Training Partnership Act, as redesignated by subsection (a)(2), is amended by striking "title" each place it appears (except in subsection (a)(2)(B)(vi) of such section) and inserting "section".

TITLE VIII—AMENDMENTS TO WAGNER-PEYSER ACT

SEC. 801. DEFINITIONS.

Section 2 of the Wagner-Peyser Act (29 U.S.C. 49a) is amended—

(1) in paragraph (1), by striking "Job Training Partnership Act" and inserting "Employment, Training, and Literacy Enhancement Act";

(2) by striking paragraphs (2) and (4);

(3) by redesignating paragraphs (3) and (5) as paragraphs (5) and (6), respectively;

(4) by inserting after paragraph (1) the following:

"(2) the term 'local workforce development area' means a local workforce development area designated under section 121 of the Employment, Training, and Literacy Enhancement Act;

"(3) the term 'local workforce development board' means a local workforce development board established under section 122 of the Employment, Training, and Literacy Enhancement Act;

"(4) the term 'full service employment and training delivery system' means a system established under section 123 of the Employment, Training, and Literacy Enhancement Act;"; and

(5) in paragraph (5) (as redesignated by paragraph (3)), by striking the semicolon and inserting "; and".

SEC. 802. FUNCTIONS.

(a) IN GENERAL.—Section 3(a) of the Wagner-Peyser Act (29 U.S.C. 49b(a)) is amended to read as follows:

"(a) The Secretary of Labor—

"(1) shall assist in the coordination and development of a nationwide system of labor exchange services for the general public, provided as part of the full service employment and training delivery systems of the States;

"(2) shall assist in the development of continuous improvement models for such nationwide system that ensure private sector satisfaction with the system and meet the demands of jobseekers relating to the system; and

"(3) shall ensure, for individuals otherwise eligible to receive unemployment compensation, the continuation of any activities in which the individuals are required to participate to receive the compensation.".

(b) CONFORMING AMENDMENTS.—Section 508(b) of the Unemployment Compensation Amendments of 1976 (42 U.S.C. 603a) is amended—

(1) by striking "the third sentence of section 3(a)" and inserting "section 3(b)"; and

(2) by striking "49b(a)" and inserting "49b(b))".

SEC. 803. DESIGNATION OF STATE AGENCIES.

Section 4 of the Wagner-Peyser Act (29 U.S.C. 49c) is amended—

(1) by striking ", through its legislature," and inserting "pursuant to State statute";

(2) by inserting after "the provisions of this Act and" the following: ", in accordance with such State statute, the Governor shall"; and

(3) by striking "United States Employment Service" and inserting "Secretary".

SEC. 804. APPROPRIATIONS.

Section 5(c) of the Wagner-Peyser Act (29 U.S.C. 49d(c)) is amended by striking paragraph (3).

SEC. 805. DISPOSITION OF ALLOTTED FUNDS.

Section 7 of the Wagner-Peyser Act (29 U.S.C. 49f) is amended—

(1) in subsection (b)(2), by striking "private industry council" and inserting "local workforce development board";

(2) in subsection (c)(2)(B), to read as follows:

"(B) Title III of the Employment, Training, and Literacy Enhancement Act.";

(3) in subsection (d), by striking "Job Training Partnership Act" and inserting "Employment, Training, and Literacy Enhancement Act"; and

(4) by adding at the end the following:

"(e) All job search, placement, recruitment, labor market information, and other labor exchange services authorized under subsections (a) and (b) shall be provided as part of the full service employment and training delivery system established by the State.".

SEC. 806. STATE PLANS.

Section 8 of the Wagner-Peyser Act (29 U.S.C. 49g) is amended—

(1) in subsection (a) to read as follows:

"(a) Any State desiring to receive assistance under this Act shall submit to the Secretary, as part of the State plan submitted under section 101 of the Employment, Training, and Literacy Enhancement Act, detailed plans for carrying out the provisions of this Act within such State.";

(2) by striking subsections (b), (c), and (e); and

(3) by redesignating subsection (d) as subsection (b).

SEC. 807. FEDERAL ADVISORY COUNCIL.

Section 11 of the Wagner-Peyser Act (29 U.S.C. 49j) is hereby repealed.

SEC. 808. REGULATIONS.

Section 12 of the Wagner-Peyser Act (29 U.S.C. 49k) is amended by striking "The Director, with the approval of the Secretary of Labor," and inserting "The Secretary".

SEC. 809. EFFECTIVE DATE.

The amendments made by this title shall take effect on July 1, 1998.

TITLE IX—TECHNICAL AND CONFORMING AMENDMENTS

Subtitle A—Amendments to the Job Training Partnership Act

SEC. 901. SHORT TITLE; TABLE OF CONTENTS.

Section 1 of the Job Training Partnership Act (29 U.S.C. 1501 note) is amended to read as follows:

"SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

"(a) SHORT TITLE.—This Act may be cited as the 'Employment, Training, and Literacy Enhancement Act'.

"(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

"Sec. 1. Short title; table of contents.

"Sec. 2. Statement of purpose.
"Sec. 3. Authorization of appropriations.
"Sec. 4. Definitions.

"TITLE I—STATE AND LOCAL ADMINISTRATIVE PROVISIONS

"PART A—STATE ADMINISTRATIVE PROVISIONS

"Sec. 101. State plan.
"Sec. 102. Collaborative process.
"Sec. 103. State Human Resource Investment Council.

"PART B—LOCAL ADMINISTRATIVE PROVISIONS

"Sec. 121. Local workforce development areas.
"Sec. 122. Local workforce development boards.
"Sec. 123. Full service employment and training delivery system.
"Sec. 124. Identification of training providers.

"PART C—PROGRAM AND FISCAL PROVISIONS

"SUBPART 1—GENERAL PROVISIONS

"Sec. 141. General program requirements.
"Sec. 142. Benefits.
"Sec. 143. Labor standards.
"Sec. 144. Grievance procedure.
"Sec. 145. Prohibition against Federal control of education.
"Sec. 146. Identification of additional imposed requirements.
"Sec. 147. Authority of State legislature.
"Sec. 148. Interstate agreements.

"SUBPART 2—PERFORMANCE ACCOUNTABILITY PROVISIONS

"Sec. 151. Performance accountability system.
"Sec. 152. Indicators of performance.
"Sec. 153. State adjusted benchmarks.
"Sec. 154. Core indicators of performance.
"Sec. 155. Report on performance.
"Sec. 156. Incentive grants and sanctions.

"SUBPART 3—OTHER PROVISIONS

"Sec. 161. Program year.
"Sec. 162. Prompt allocation of funds.
"Sec. 163. Monitoring.
"Sec. 164. Fiscal controls; sanctions.
"Sec. 165. Reports; recordkeeping; investigations.
"Sec. 166. Administrative Adjudication.
"Sec. 167. Nondiscrimination.
"Sec. 168. Administrative provisions.
"Sec. 169. Utilization of services and facilities.
"Sec. 170. Obligational authority.
"Sec. 171. Limitation on certain costs.
"Sec. 172. Buy-American requirements.

"PART D—MISCELLANEOUS PROVISIONS

"Sec. 181. Reference.
"Sec. 182. Enforcement of Military Selective Service Act.

"TITLE II—DISADVANTAGED YOUTH EMPLOYMENT AND TRAINING OPPORTUNITIES GRANTS

"Sec. 201. Statement of purpose.
"Sec. 202. Authorization.
"Sec. 203. Allotment and allocation among States.
"Sec. 204. Allocation within States.
"Sec. 205. Eligibility for services.
"Sec. 206. Use of funds.
"Sec. 207. Selection of service providers.
"Sec. 208. Linkages.

"TITLE III—ADULT EMPLOYMENT AND TRAINING OPPORTUNITIES GRANTS

"Sec. 301. Purpose.

"PART A—ADULT EMPLOYMENT AND TRAINING OPPORTUNITIES GRANTS

"Sec. 311. Authorization.
"Sec. 312. Allotment among States.
"Sec. 313. Allocation within States.
"Sec. 314. Use of amounts.

"PART B—NATIONAL PROGRAMS

"Sec. 321. National emergency grants.

"TITLE IV—FEDERALLY ADMINISTERED PROGRAMS

"PART A—EMPLOYMENT AND TRAINING PROGRAMS FOR NATIVE AMERICANS AND MIGRANT AND SEASONAL FARMWORKERS

"Sec. 401. Native American programs.
"Sec. 402. Migrant and seasonal farmworker program.

"PART B—JOB CORPS

"Sec. 421. Statement of purpose.
"Sec. 422. Establishment of the Job Corps.
"Sec. 423. Individuals eligible for the Job Corps.
"Sec. 424. Screening and selection of applicants: general provisions.
"Sec. 425. Screening and selection: special limitations.
"Sec. 426. Enrollment and assignment.
"Sec. 427. Job Corps centers.
"Sec. 428. Program activities.
"Sec. 429. Allowances and support.
"Sec. 430. Standards of conduct.
"Sec. 431. Community participation.
"Sec. 432. Counseling and job placement.
"Sec. 433. Experimental and developmental projects and coordination with other programs.
"Sec. 433A. Job Corps centers for homeless families.
"Sec. 434. Advisory boards and committees.
"Sec. 435. Participation of the States.
"Sec. 436. Application of provisions of Federal law.
"Sec. 437. Special provisions.
"Sec. 438. General provisions.
"Sec. 439. Donations.

"PART C—VETERANS' EMPLOYMENT PROGRAMS

"Sec. 441. Authorization of programs.

"PART D—NATIONAL ACTIVITIES

"Sec. 451. Research, demonstration, evaluation, and capacity building.
"Sec. 452. Incentive grants.
"Sec. 453. Uniform reporting requirements.

"PART E—LABOR MARKET INFORMATION

"Sec. 461. Labor market information; availability of funds.
"Sec. 462. Cooperative labor market information program.
"Sec. 463. Special federal responsibilities.
"Sec. 464. National Occupational Information Coordinating Committee.
"Sec. 465. Job bank program.
"Sec. 466. State job bank systems.
"Sec. 467. State labor market information programs.".

SEC. 902. DEFINITIONS.

Section 4 of such Act (29 U.S.C. 1503), as amended by section 103, is further amended, as follows:

(1) By striking the heading and the matter preceding paragraph (1) and inserting the following:

"SEC. 4. DEFINITIONS.

"As used in this Act, the following definitions apply:".

(2) In paragraph (3), by striking "The term" and inserting "AREA OF SUBSTANTIAL UNEMPLOYMENT.—The term".

(3) In paragraph (7), by striking "The term" and inserting "ECONOMIC DEVELOPMENT AGENCIES.—The term".

(4) In paragraph (8), by striking "The term" and inserting "ECONOMICALLY DISADVANTAGED.—The term".

(5) In paragraph (9), by striking "The term" and inserting "GOVERNOR.—The term".

(6) In paragraph (12), by striking "The term" and inserting "INSTITUTION OF HIGHER EDUCATION.—The term".

(7) In paragraph (13), by striking "The term" and inserting "LABOR MARKET AREA.—The term".

(8) In paragraph (14), by striking "The term" and inserting "LOCAL EDUCATIONAL AGENCY.—The term".

(9) In paragraph (15), by striking "The term" and inserting "LOW-INCOME LEVEL.—The term".

(10) In paragraph (16), by striking "The term" and inserting "LOWER LIVING STANDARD INCOME LEVEL.—The term".

(11) In paragraph (17), by striking "The term" and inserting "OFFENDER.—The term".

(12) In paragraph (18), by striking "The term" and inserting "POSTSECONDARY INSTITUTION.—The term".

(13) In paragraph (20), by striking "The term" and inserting "PUBLIC ASSISTANCE.—The term".

(14) In paragraph (23), by striking "The term" and inserting "STATE EDUCATIONAL AGENCY.—The term".

(15) In paragraph (25), by striking "The term" and inserting "UNEMPLOYED INDIVIDUALS.—The term".

(16) In paragraph (26), by striking "The term" and inserting "UNIT OF GENERAL LOCAL GOVERNMENT.—The term".

(17) In paragraph (28), by striking "The term" and inserting "VOCATIONAL EDUCATION.—The term".

(18) In paragraph (29), by striking "The term" and inserting "DISPLACED HOMEMAKER.—The term".

(19) In paragraph (30), by striking "The term" and inserting "NONTRADITIONAL EMPLOYMENT.—The term".

(20) In paragraph (31), by striking "The term" and inserting "BASIC SKILLS DEFICIENT.—The term".

(21) In paragraph (32), by striking "The term" and inserting "CASE MANAGEMENT.—The term".

(22) In paragraph (33), by striking "The term" and inserting "CITIZENSHIP SKILLS.—The term".

(23) In paragraph (34), by striking "The term" and inserting "FAMILY.—The term".

(24) In paragraph (37), by striking "The term" and inserting "PARTICIPANT.—The term".

(25) In paragraph (38), by striking "The term" and inserting "SCHOOL DROPOUT.—The term".

(26) In paragraph (39), by striking "The term" and inserting "TERMINATION.—The term".

(27) In paragraph (40), by striking "The term" and inserting "YOUTH CORPS PROGRAM.—The term".

(28) By redesignating paragraphs (31), (32), (4), (33), (5), (6), (29), (7), (8), (41), (42), (34), (43), (44), (9), (45), (46), (10), (12), (13), (47), (48), (49), (14), (50), (15), (16), (30), (17), (51), (52), (37), (18), (20), (53), (54), (38), (21), (55), (22), (57), (56), (23), (58), (24), (39), (25), (26), (27), (28), and (40) as paragraphs (4) through (54), respectively.

SEC. 903. AMENDMENTS TO TITLE I.

(a) HEADING.—The heading of title I of the Job Training Partnership Act (29 U.S.C. 1501 et seq.) is amended to read as follows:

"TITLE I—STATE AND LOCAL ADMINISTRATIVE PROVISIONS".

(b) PART B.—Part B of title I of such Act (29 U.S.C. 1531 et seq.), as amended by this

Act, is further amended in the heading of such part to read as follows:

"PART B—LOCAL ADMINISTRATIVE PROVISIONS".

(c) PART C.—

(1) HEADINGS.—Part C of title I of such Act (29 U.S.C. 1551 et seq.), as amended by this Act, is further amended—

(A) in the heading of such part to read as follows:

"PART C—PROGRAM AND FISCAL PROVISIONS";

(B) by inserting after the heading for such part the following:

"SUBPART 1—GENERAL PROVISIONS";

(C) by inserting after section 148, as amended by this Act, the following:

"SUBPART 2—PERFORMANCE ACCOUNTABILITY PROVISIONS";

and

(D) by inserting after section 156 (as amended by this Act) the following:

"SUBPART 3—OTHER PROVISIONS".

(2) SECTION 141.—Section 141 of such Act (29 U.S.C. 1551), as amended by this Act, is further amended—

(A) in the section heading to read as follows:

"SEC. 141. GENERAL PROGRAM REQUIREMENTS.";

and

(B)(i) by redesignating subsections (a), (b), (c), (e), (g), (h), (j), and (l) through (t) as paragraphs (1) through (16), respectively, and moving the margin for each such paragraph two ems to the right; and

(ii) by redesignating each paragraph and subparagraph of such subsections (a), (b), (c), (e), (g), (h), (j), and (l) through (t) (as such subsections existed before the amendment made by clause (i)) as a subparagraph and clause, respectively.

(3) SECTION 142.—Section 142 of such Act (29 U.S.C. 1552), as amended by this Act, is further amended—

(A) in the section heading to read as follows:

"SEC. 142. BENEFITS.";

(B) in subsection (a)(2) (as redesignated), by striking "References" and inserting "REFERENCES.—References"; and

(C) in subsection (b), by striking "Allowances" and inserting "ADDITIONAL REQUIREMENT.—Allowances".

(4) SECTION 145.—Section 145 of such Act (29 U.S.C. 1555) is amended in the section heading to read as follows:

"SEC. 145. PROHIBITION AGAINST FEDERAL CONTROL OF EDUCATION.".

(5) SECTION 146.—Section 146 of such Act (as redesignated) is amended—

(A) in the section heading to read as follows:

"SEC. 146. IDENTIFICATION OF ADDITIONAL IMPOSED REQUIREMENTS.";

and

(B) by striking "service delivery area" each place it appears and inserting "workforce development area".

(6) SECTION 147.—Section 147 of such Act (as redesignated) is amended in the section heading to read as follows:

"SEC. 147. AUTHORITY OF STATE LEGISLATURE.".

(7) SECTION 148.—Section 148 of such Act (as redesignated) is amended in the section heading to read as follows:

"SEC. 148. INTERSTATE AGREEMENTS.".

(d) PART D.—

(1) HEADING.—Part D of title I of such Act is amended by striking the heading for such part.

(2) SECTION 161.—Section 161 of such Act (29 U.S.C. 1571), as amended by this Act, is further amended—

(A) in the section heading to read as follows:

"SEC. 161. PROGRAM YEAR.";

(B) in subsection (a), by striking "(a)" and inserting the following:

"(a) PROGRAM YEAR.—"; and

(C) in subsection (b), by striking "(b)" and inserting the following:

"(b) AVAILABILITY.—".

(3) SECTION 162.—Section 162 of such Act (29 U.S.C. 1572), as amended by this Act, is further amended—

(A) in the section heading to read as follows:

"SEC. 162. PROMPT ALLOCATION OF FUNDS.";

(B) in subsection (a), by striking "(a)" and inserting "(a) ALLOTMENTS AND ALLOCATIONS BASED ON LATEST AVAILABLE DATA.—";

(C) in subsection (b), by striking "(b)" and inserting "(b) PUBLICATION IN FEDERAL REGISTER RELATING TO MANDATORY FUNDS.—";

(D) in subsection (c), by striking "(c)" and inserting "(c) REQUIREMENT FOR FUNDS DISTRIBUTED BY FORMULA.—";

(E) in subsection (d), by striking "(d)" and inserting "(d) PUBLICATION IN FEDERAL REGISTER RELATING TO DISCRETIONARY FUNDS.—"; and

(F) in subsection (e)—

(i) by striking "(e)" and inserting "(e) AVAILABILITY OF FUNDS.—"; and

(ii) by striking "service delivery area" and inserting "local workforce development area".

(4) SECTION 163.—Section 163 of such Act (29 U.S.C. 1573) is amended—

(A) in the section heading to read as follows:

"SEC. 163. MONITORING.";

(B) in subsection (a), by striking "(a)" and inserting "(a) IN GENERAL.—";

(C) in subsection (b), by striking "(b)" and inserting "(b) INVESTIGATIONS.—"; and

(D) in subsection (c), by striking "(c)" and inserting "(c) ADDITIONAL REQUIREMENT.—".

(5) SECTION 164.—Section 164 of such Act (29 U.S.C. 1574) is amended—

(A) in the section heading to read as follows:

"SEC. 164. FISCAL CONTROLS; SANCTIONS.";

(B) in subsection (a)—

(i) by striking "(a)(1)" and inserting the following:

"(a) ESTABLISHMENT OF FISCAL CONTROLS BY STATES.—

"(1) IN GENERAL.—"; and

(ii) in paragraph (2), by striking "(2)" and inserting "(2) REGULATIONS.—" and moving such paragraph two ems to the right;

(C) in subsection (e)—

(i) by striking "(e)(1)" and inserting the following:

"(e) REPAYMENT OF AMOUNTS.—

"(1) IN GENERAL.—";

(ii) in paragraph (2), by striking "(2)" and inserting "(2) FACTORS IN IMPOSING SANCTIONS.—" and moving such paragraph two ems to the right; and

(iii) in paragraph (3), by striking "(3)" and inserting "(3) WAIVER.—" and moving such paragraph two ems to the right;

(D) in subsection (f), by striking "(f)" and inserting "(f) IMMEDIATE TERMINATION OR SUSPENSION OF ASSISTANCE IN EMERGENCY SITUATIONS.—";

(E) in subsection (g), by striking "(g)" and inserting "(g) DISCRIMINATION AGAINST PARTICIPANTS.—"; and

(F) by redesignating subsections (d), (e), (f), (g) as subsections (c), (d), (e), and (f), respectively.

(6) SECTION 165.—Section 165 of such Act (29 U.S.C. 1575) is amended—

(A) in the section heading to read as follows:

"SEC. 165. REPORTS; RECORDKEEPING; INVESTIGATIONS.";

(B) in subsection (a)—

(i) by striking "(a)(1)" and inserting the following:

"(a) REPORTS.—

"(1) IN GENERAL.—";

(ii) in paragraph (2), by striking "(2)" and inserting "(2) SUBMISSION TO THE SECRETARY.—" and moving such paragraph two ems to the right; and

(iii) in paragraph (3), by striking "(3)" and inserting "(3) MAINTENANCE OF STANDARDIZED RECORDS.—" and moving such paragraph two ems to the right; and

(iv) in paragraph (4)—

(I) by striking "(4)(A)" and inserting "(4) AVAILABILITY TO THE PUBLIC.—(A)" and moving such paragraph two ems to the right;

(II) in subparagraph (B), by striking "(B)" and inserting "(B) EXCEPTION.—" and moving such subparagraph two ems to the right; and

(III) in subparagraph (C), by striking "(C)" and inserting "(C) FEES TO RECOVER COSTS.—" and moving such subparagraph two ems to the right;

(C) in subsection (b)—

(i) by striking "(b)(1)(A)" and inserting the following:

"(b) INVESTIGATIONS OF USE OF FUNDS.—

"(1) IN GENERAL.—(A)";

(ii) in subparagraph (B) of paragraph (1), by moving such subparagraph two ems to the right;

(iii) in paragraph (2), by striking "(2)" and inserting "(2) PROHIBITION.—" and moving such paragraph two ems to the right; and

(iv) in paragraph (3)—

(I) by striking "(3)(A)" and inserting the following:

"(3) AUDITS.—

"(A) IN GENERAL.—";

(II) in subparagraph (B), by striking "(B)" and inserting "(B) NOTIFICATION REQUIREMENT.—" and moving such subparagraph two ems to the right;

(III) in subparagraph (C), by striking "(C)" and inserting "(C) ADDITIONAL REQUIREMENT.—" and moving such subparagraph two ems to the right; and

(IV) in subparagraph (D), by striking "(D)" and inserting "(D) RULE OF CONSTRUCTION.—" and moving such subparagraph two ems to the right;

(D) in subsection (c)—

(i) by striking "(c)" and inserting "(c) ACCESSIBILITY OF REPORTS.—"; and

(ii) in paragraph (2), by striking "service delivery area" and inserting "local workforce development area";

(E) in subsection (d)—

(i) by striking "(d)(1)" and inserting the following:

"(d) INFORMATION TO BE INCLUDED IN REPORTS.—

"(1) IN GENERAL.—"; and

(ii) in paragraph (2), by striking "(2)" and inserting "(2) ADDITIONAL REQUIREMENT.—" and moving such paragraph two ems to the right;

(F) in subsection (e), by striking "(e)" and inserting "(e) RETENTION OF RECORDS.—";

(G) in subsection (f)—

(i) by striking "(f)(1)" and inserting the following:

"(f) QUARTERLY FINANCIAL REPORTS.—

"(1) IN GENERAL.—";

(ii) by striking "service delivery area" and inserting "local workforce development area"; and

(iii) in paragraph (2), by striking "(2)" and inserting "(2) ADDITIONAL REQUIREMENT.—"

and moving such paragraph two ems to the right; and

(H) in subsection (g), by striking "(g)" and inserting "(g) MAINTENANCE OF ADDITIONAL RECORDS.—".

(7) SECTION 166.—Section 166 of such Act (29 U.S.C. 1576) is amended—

(A) in the section heading to read as follows:

"SEC. 166. ADMINISTRATIVE ADJUDICATION.";

(B) in subsection (a), by striking "(a)" and inserting the following:

"(a) IN GENERAL.—";

(C) in subsection (b), by striking "(b)" and inserting the following:

"(b) APPEAL.—";

(D) in subsection (c), by striking "(c)" and inserting the following:

"(c) TIME LIMIT.—"; and

(E) in subsection (d), by striking "(d)" and inserting the following:

"(d) ADDITIONAL REQUIREMENT.—";

(8) SECTION 169.—Section 169 of such Act (29 U.S.C. 1579) is amended—

(A) in the section heading to read as follows:

"SEC. 169. ADMINISTRATIVE PROVISIONS.";

(B) in subsection (a), by striking "(a)" and inserting "(a) IN GENERAL.—";

(C) in subsection (b), by striking "(b)" and inserting "(b) ACQUISITION OF CERTAIN PROPERTY AND SERVICES.—";

(D) in subsection (c), by striking "(c)" and inserting "(c) AUTHORITY TO ENTER INTO CERTAIN AGREEMENTS AND TO MAKE CERTAIN EXPENDITURES.—"; and

(E) in subsection (d), by striking "(d)" and inserting "(d) ANNUAL REPORT.—".

(9) SECTION 170.—Section 170 of such Act (29 U.S.C. 1580) is amended—

(A) in the section heading to read as follows:

"SEC. 170. UTILIZATION OF SERVICES AND FACILITIES.";

and

(B) in the first sentence, by striking "section 169(c)" and inserting "section 168(c)".

(10) SECTION 171.—Section 171 of such Act (29 U.S.C. 1581) is amended in the section heading to read as follows:

"SEC. 171. OBLIGATIONAL AUTHORITY.".

(11) REDESIGNATION.—Sections 169, 170, 171, 172, and 173 of the Job Training Partnership Act (29 U.S.C. 1579, 1580, and 1581), as amended or added by this Act, as the case may be, are further amended by redesignating such sections as sections 168, 169, 170, 171, and 172 of such Act, respectively.

(e) PART E.—

(1) HEADING.—The heading for part E of title I of such Act is amended by redesignating such heading as the heading for part D of title I of such Act (and conforming the typeface for such heading in a manner similar to the typeface for the heading for part C of title I of such Act (as amended by subsection (b)(1)(A)).

(2) SECTION 183.—Section 183 of such Act (29 U.S.C. 1592), as amended by this Act, is further amended by redesignating such section as section 181.

SEC. 904. AMENDMENTS TO TITLE IV.

(a) PART HEADINGS.—The following part headings of title IV of the Job Training Partnership Act (29 U.S.C. 1671 et seq.) are amended as follows:

(1) The heading for part A of title IV of such Act is amended to read as follows:

"PART A—EMPLOYMENT AND TRAINING PROGRAMS FOR NATIVE AMERICANS AND MIGRANT AND SEASONAL FARMWORKERS".

(2) The heading for part B of title IV of such Act is amended to read as follows:

"PART B—JOB CORPS".

(3) The heading for part C of title IV of such Act is amended to read as follows:

"PART C—VETERANS' EMPLOYMENT PROGRAMS".

(4) The heading for part D of title IV of such Act is amended to read as follows:

"PART D—NATIONAL ACTIVITIES".

(5) The heading for part E of title IV of such Act is amended to read as follows:

"PART E—LABOR MARKET INFORMATION".

(b) SECTION 441.—Section 441 of such Act (29 U.S.C. 1721) is amended—

(1) in the section heading to read as follows:

"SEC. 441. AUTHORIZATION OF PROGRAMS.";

(2) in subsection (a)—

(A) by striking "(a)(1)" and inserting the following:

"(a) AUTHORIZATION.—

"(1) IN GENERAL.—";

(B) in paragraph (2), by striking "(2)" and inserting "(2) CONDUCT OF PROGRAMS.—" and moving such paragraph two ems to the right; and

(C) in paragraph (3), by striking "(3)" and inserting "(3) REQUIRED ACTIVITIES.—" and moving such paragraph two ems to the right; and

(3) in subsection (b)—

(A) by striking "(b)(1)" and inserting the following:

"(b) ADMINISTRATION OF PROGRAMS.—

"(1) IN GENERAL.—"; and

(B) in paragraph (2), by striking "(2)" and inserting "(2) ADDITIONAL RESPONSIBILITIES.—" and moving such paragraph two ems to the right.

(c) SECTION 455.—Section 455 of such Act (29 U.S.C. 1735) is amended—

(1) in the section heading to read as follows:

"SEC. 455. UNIFORM REPORTING REQUIREMENTS.";

and

(2) by redesignating such section as section 453.

(d) SECTION 461.—Section 461 of such Act (29 U.S.C. 1751) is amended—

(1) in the section heading to read as follows:

"SEC. 461. LABOR MARKET INFORMATION; AVAILABILITY OF FUNDS.";

(2) in subsection (a), by striking "(a)" and inserting "(a) SET-ASIDE OF FUNDS.—";

(3) in subsection (b)—

(A) by striking "(b)" and inserting "(b) AVAILABILITY FOR ADDITIONAL PURPOSE.—"; and

(B) by striking "section 125" and inserting "section 467"; and

(4) in subsection (c), by striking "(c)" and inserting "(c) AVAILABILITY OF OTHER FUNDS.—".

(e) SECTION 462.—Section 462 of such Act (29 U.S.C. 1752) is amended—

(1) in the section heading to read as follows:

"SEC. 462. COOPERATIVE LABOR MARKET INFORMATION PROGRAM.";

(2) in subsection (a), by striking "(a)" and inserting "(a) DATA ON CURRENT EMPLOYMENT.—";

(3) in subsection (b), by striking "(b)" and inserting "(b) MAINTENANCE OF DESCRIPTIONS OF JOB DUTIES AND RELATED INFORMATION.—";

(4) in subsection (c), by striking "(c)" and inserting "(c) ADDITIONAL REQUIREMENTS.—";

(5) in subsection (d)—

(A) by striking "(d)(1)" and inserting the following:

"(d) DATA FOR ANNUAL STATISTICAL MEASURE OF LABOR MARKET RELATED ECONOMIC HARDSHIP.—

"(1) IN GENERAL.—";

(B) in paragraph (2), by striking "(2)" and inserting "(2) HOUSEHOLD BUDGET DATA.—" and moving such paragraph two ems to the right; and

(C) in paragraph (3), by striking "(3)" and inserting "(3) REPORT.—" and moving such paragraph two ems to the right;

(6) in subsection (e), by striking "(e)" and inserting "(e) STATISTICAL DATA RELATING TO PERMANENT LAY-OFFS AND PLANT CLOSINGS.—"

(7) in subsection (f)—

(A) by striking "(f)(1)" and inserting the following:

"(f) DATA RELATING TO PERMANENT DISLOCATION OF FARMERS AND RANCHERS.—

"(1) IN GENERAL.—";

(B) in paragraph (1), by moving subparagraphs (A) through (E) two ems to the right; and

(C) in paragraph (2), by striking "(2)" and inserting "(2) REPORT.—" and moving such paragraph two ems to the right; and

(8) by striking subsection (g).

(f) SECTION 463.—Section 463 of such Act (29 U.S.C. 1753) is amended—

(1) in the section heading to read as follows:

"SEC. 463. SPECIAL FEDERAL RESPONSIBILITIES.";

(2) in subsection (a), by striking "(a)" and inserting "(a) REVIEW AND APPLICATION OF LABOR MARKET INFORMATION.—";

(3) in subsection (b), by striking "(b)" and inserting "(b) INTEGRATED OCCUPATIONAL SUPPLY AND DEMAND INFORMATION SYSTEM.—"; and

(4) in subsection (c), by striking "(c)" and inserting "(c) SUFFICIENT FUNDS FOR STAFFING.—".

(g) SECTION 464.—Section 464 of such Act (29 U.S.C. 1754) is amended—

(1) in the section heading to read as follows:

"SEC. 464. NATIONAL OCCUPATIONAL INFORMATION COORDINATING COMMITTEE.";

(2) in subsection (a)—

(A) by striking "(a)(1)" and inserting the following:

"(a) RESERVATION.—

"(1) IN GENERAL.—";

(B) in paragraph (2), by striking "(2)" and inserting "(2) ADDITIONAL MEMBERS.—" and moving such paragraph two ems to the right; and

(C) in paragraph (3), by striking "(3)" and inserting "(3) ADDITIONAL REQUIREMENT.—" and moving such paragraph two ems to the right;

(3) in subsection (b), by striking "(b)" and inserting "(b) ADDITIONAL RESPONSIBILITIES.—"; and

(4) in subsection (c), by striking "(c)" and inserting "(c) USE OF FUNDS.—".

(h) SECTION 465.—Section 465 of such Act (29 U.S.C. 1755) is amended in the section heading to read as follows:

"SEC. 465. JOB BANK PROGRAM.".

(i) SECTION 466.—Section 466 of such Act (as redesignated) is amended—

(1) in the section heading to read as follows:

"SEC. 466. STATE JOB BANK SYSTEMS.";

(2) in subsection (a) (as redesignated), by striking "(a)" and inserting "(a) IN GENERAL.—"; and

(3) in subsection (b) (as redesignated), by striking "(b)" and inserting "(b) COMPUTERIZED DATA SYSTEMS.—".

(j) SECTION 467.—Section 467 of such Act (as redesignated) is amended—

(1) in the section heading to read as follows:

"SEC. 467. STATE LABOR MARKET INFORMATION PROGRAMS.";

(2) in subsection (a), by striking "(a)" and inserting the following:

"(a) IN GENERAL.—";

(3) in subsection (b), by striking "(b)" and inserting the following:

"(b) ADDITIONAL REQUIREMENTS.—";

(4) in subsection (c), by striking "(c)" and inserting the following:

"(c) REIMBURSEMENTS.—"; and

(5) in subsection (d), by striking "(d)" and inserting the following:

"(d) COMBINATION OR CONSOLIDATION OF CERTAIN REPORTING REQUIREMENTS.—".

SEC. 905. AMENDMENTS TO TITLE VI.

The Job Training Partnership Act (29 U.S.C. 1501 et seq.) is amended by striking the heading for title VI of such Act.

SEC. 906. CLARIFICATION.

Nothing in this Act, the amendments made by this Act, or any law amended by this Act shall be construed to supplant or modify the requirements for registration of an apprenticeship program under the National Apprenticeship Act.

Subtitle B—Amendments to Other Acts

SEC. 911. AMENDMENTS TO OTHER ACTS.

The following Acts are amended as follows:

(1) TITLE 5, UNITED STATES CODE.—Section 3502(d) of title 5, United States Code, is amended—

(A) in paragraph (3)—

(i) in subparagraph (A)(i), by striking "or units (referred to in section 311(b)(2) of the Job Training Partnership Act)" and inserting "referred to in section 313(a)(2)(B)(i) of the Employment, Training, and Literacy Enhancement Act"; and

(ii) in subparagraph (B)(iii), by striking "Job Training Partnership Act" and inserting "Employment, Training, and Literacy Enhancement Act"; and

(B) in paragraph (4), in the second sentence, by striking "Job Training Partnership Act" and inserting "Employment, Training, and Literacy Enhancement Act".

(2) FOOD STAMP ACT OF 1977.—

(A) SECTION 5.—Section 5(l) of the Food Stamp Act of 1977 (7 U.S.C. 2014(l)) is amended by striking "section 142(b) of the Job Training Partnership Act (29 U.S.C. 1552(b))" and inserting "title II, III, or IV of the Employment, Training, and Literacy Enhancement Act".

(B) SECTION 6.—Section 6 of the Food Stamp Act of 1977 (7 U.S.C. 2015) is amended—

(i) in subsection (d)(4)(M), by striking "Job Training Partnership Act" and inserting "Employment, Training, and Literacy Enhancement Act"; and

(ii) in subsection (e)(3), by striking subparagraph (A) and inserting the following:

"(A) a program under title II, III, or IV of the Employment, Training, and Literacy Enhancement Act;".

(C) SECTION 17.—The second sentence of section 17(b)(2) of the Food Stamp Act of 1977 (7 U.S.C. 2026(b)(2)) is amended—

(i) by striking "to accept an offer of employment from a political subdivision or a prime sponsor pursuant to the Comprehensive Employment and Training Act of 1973, as amended (29 U.S.C. 812)," and inserting "to accept an offer of employment from a service provider carrying out employment and training activities through a program carried out under title II, III, or IV of the Employment, Training, and Literacy Enhancement Act,"; and

(ii) by striking ": *Provided*, That all of the political subdivision's" and all that follows and inserting ", if all of the jobs supported under the program have been made available to participants in the program before the service provider providing the jobs extends an offer of employment under this paragraph, and if the service provider, in employing the person, complies with the requirements of Federal law that relate to the program.".

(3) IMMIGRATION AND NATIONALITY ACT.—Section 245A(h)(4)(F) of the Immigration and Nationality Act (8 U.S.C. 1255a(h)(4)(F)) is amended by striking "The Job Training Partnership Act." and inserting "The Employment, Training, and Literacy Enhancement Act.".

(4) REFUGEE EDUCATION ASSISTANCE ACT OF 1980.—Section 402(a)(4) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note) is amended by striking "the Comprehensive Employment and Training Act of 1973" and inserting "the Employment, Training, and Literacy Enhancement Act".

(5) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993.—

(A) SECTION 3161.—Section 3161(c)(6) of the National Defense Authorization Act for Fiscal Year 1993 (42 U.S.C. 7274h(c)(6)) is amended by striking "Job Training Partnership Act (29 U.S.C. 1501 et seq.)" and inserting "title II, III, or IV of the Employment, Training, and Literacy Enhancement Act".

(B) SECTION 4461.—Section 4461(1) of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 1143 note) is amended by striking "The Job Training Partnership Act (29 U.S.C. 1501 et seq.)." and inserting "The Employment, Training, and Literacy Enhancement Act.".

(C) SECTION 4471.—Section 4471 of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 2501 note) is amended—

(i) in subsection (c)(2), by striking "section 311(b)(2) of the Job Training Partnership Act (29 U.S.C. 1661(b)(2))" and inserting "313(a)(2)(B)(i) of the Employment, Training, and Literacy Enhancement Act";

(ii) in subsection (d)—

(I) in the first sentence, by striking "for training, adjustment assistance, and employment services" and all that follows through "except where" and inserting "to participate in employment and training activities carried out under the Employment, Training, and Literacy Enhancement Act, except in a case in which"; and

(II) by striking the second sentence; and

(iii) in subsection (e), by striking "for training," and all that follows through "beginning" and inserting "to participate in employment and training activities under the Employment, Training, and Literacy Enhancement Act beginning".

(6) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1991.—Section 4003(5)(C) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2391 note) is amended by inserting before the period the following: ", as in effect on the day before the date of the enactment of the Employment, Training, and Literacy Enhancement Act of 1997".

(7) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994.—Section 1333(c)(2)(B) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2701 note) is amended by striking "Private industry councils (as described in section 102 of the Job Training Partnership Act (29 U.S.C. 1512))." and inserting "Local workforce development boards established under section 122 of the Employment, Training, and Literacy Enhancement Act.".

(8) SMALL BUSINESS ACT.—The fourth sentence of section 7(j)(13)(E) of the Small Business Act (15 U.S.C. 636(j)(13)(E)) is amended by striking "under the Job Training Partnership Act (29 U.S.C. 1501 et seq.)" and inserting "under section 124 of the Employment, Training, and Literacy Enhancement Act".

(9) EMPLOYMENT ACT OF 1946.—Section 4(f)(2)(B) of the Employment Act of 1946 (15 U.S.C. 1022a(f)(2)(B)) is amended by striking "and include these in the annual Employment and Training Report of the President required under section 705(a) of the Comprehensive Employment and Training Act of 1973 (hereinafter in this Act referred to as 'CETA')" and inserting "and prepare and submit to the President an annual report containing the recommendations".

(10) FULL EMPLOYMENT AND BALANCED GROWTH ACT OF 1978.—

(A) SECTION 206.—Section 206 of the Full Employment and Balanced Growth Act of 1978 (15 U.S.C. 3116) is amended—

(i) in subsection (b)—

(I) in the matter preceding paragraph (1), by striking "CETA" and inserting "the Employment, Training, and Literacy Enhancement Act"; and

(II) in paragraph (1), by striking "(including use of section 110 of CETA when necessary)"; and

(ii) in subsection (c)(1), by striking "through the expansion of CETA and other".

(B) SECTION 401.—Section 401(d) of the Full Employment and Balanced Growth Act of 1978 (15 U.S.C. 3151(d)) is amended by striking "include, in the annual Employment and Training Report of the President provided under section 705(a) of CETA," and inserting "include, in the annual report referred to in section 4(f)(2)(B) of the Employment Act of 1946 (15 U.S.C. 1022a(f)(2)(B)),".

(11) TITLE 18, UNITED STATES CODE.—Subsections (a), (b), and (c) of section 665 of title 18, United States Code are amended by striking "or the Job Training Partnership Act" and inserting "the Job Training Partnership Act, or the Employment, Training, and Literacy Enhancement Act".

(12) TRADE ACT OF 1974.—Section 239(e) of the Trade Act of 1974 (19 U.S.C. 2311(e)) is amended by striking "Job Training Partnership Act" and inserting "Employment, Training, and Literacy Enhancement Act".

(13) HIGHER EDUCATION ACT OF 1965.—Section 480(b)(14) of the Higher Education Act of 1965 (20 U.S.C. 1087vv(b)(14)) is amended by striking "Job Training Partnership Act" and inserting "received through participation under title II, III, or IV of the Employment, Training, and Literacy Enhancement Act".

(14) INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Section 626 of the Individuals with Disabilities Education Act (20 U.S.C. 1425) is amended—

(A) in the first sentence of subsection (a), by striking "(including the State job training coordinating councils and service delivery area administrative entities established under the Job Training Partnership Act)" and inserting "(including the State collaborative process under of section 102 of the Employment, Training, and Literacy Enhancement Act and local workforce development boards established under section 122 of such Act)";

(B) in subsection (e)—

(i) in paragraph (3)(C), by striking "local Private Industry Councils (PICS) authorized by the Job Training Partnership Act (JTPA)," and inserting "local workforce development boards established under section 122 of the Employment, Training, and Literacy Enhancement Act,";

(ii) in paragraph (4)(A)(iii), by striking "local Private Industry Councils (PICS) authorized by the JTPA," and inserting "local workforce development boards established under section 122 of the Employment, Training, and Literacy Enhancement Act,"; and

(iii) in clauses (iii), (iv), (v), and (vii) of paragraph (4)(B), by striking "PICS authorized by the JTPA" and inserting "local workforce development boards established under section 122 of the Employment, Training, and Literacy Enhancement Act"; and

(C) in subsection (g), by striking "the Job Training Partnership Act (JTPA)," and inserting "the Employment, Training, and Literacy Enhancement Act,".

(15) DEPARTMENT OF EDUCATION ORGANIZATION ACT.—Subsection (a) of section 302 of the Department of Education Organization Act (20 U.S.C. 3443(a)) (as redesignated in section 271(a)(2) of the Improving America's Schools Act of 1994) is amended by striking "under section 303(c)(2) of the Comprehensive Employment and Training Act" and inserting "relating to such education".

(16) NATIONAL SKILL STANDARDS ACT OF 1994.—

(A) SECTION 504.—Section 504(c)(3) of the National Skill Standards Act of 1994 (20 U.S.C. 5934(c)(3)) is amended by striking "the Capacity Building and Information and Dissemination Network established under section 453(b) of the Job Training Partnership Act (29 U.S.C. 1733(b)) and".

(B) SECTION 508.—Section 508(1) of the National Skill Standards Act of 1994 (20 U.S.C. 5938(1)) is amended to read as follows:

"(1) COMMUNITY-BASED ORGANIZATION.—The term 'community-based organization' means a private nonprofit organization of demonstrated effectiveness that is representative of a community or a significant segment of a community and that provides workforce and career development activities, as defined in section 4 of the Employment, Training, and Literacy Enhancement Act.".

(17) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—

(A) SECTION 1205.—Section 1205(8)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6365(8)(B)) is amended by striking ", the Adult Education Act, the Individuals with Disabilities Education Act, and the Job Training Partnership Act" and inserting "the Individuals with Disabilities Education Act, and the Employment, Training, and Literacy Enhancement Act".

(B) SECTION 1414.—Section 1414(c)(8) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6434(c)(8)) is amended by striking "programs under the Job Training Partnership Act," and inserting "activities under the Employment, Training, and Literacy Enhancement Act,".

(C) SECTION 1423.—Section 1423(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6453(9)) is amended by striking "programs under the Job Training and Partnership Act" and inserting "activities under the Employment, Training, and Literacy Enhancement Act".

(D) SECTION 1425.—Section 1425(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6455(9)) is amended by striking ", such as funds under the Job Training Partnership Act," and inserting ", such as funds made available under the Employment, Training, and Literacy Enhancement Act,".

(18) FREEDOM SUPPORT ACT.—The last sentence of section 505 of the FREEDOM Support Act (22 U.S.C. 5855) is amended by striking ", through the Defense Conversion" and all that follows through "or through" and inserting "or through".

(19) EMERGENCY JOBS AND UNEMPLOYMENT ASSISTANCE ACT OF 1974.—

(A) SECTION 204.—Section 204(b) of the Emergency Jobs and Unemployment Assistance Act of 1974 (26 U.S.C. 3304 note) is amended by striking "designate as an area" and all that follows and inserting "designate as an area under this section an area that is a local workforce development area under the Employment, Training, and Literacy Enhancement Act.".

(B) SECTION 223.—Section 223 of the Emergency Jobs and Unemployment Assistance Act of 1974 (26 U.S.C. 3304 note) is amended—

(i) in paragraph (3), by striking "assistance provided" and all that follows and inserting "assistance provided under the Employment, Training, and Literacy Enhancement Act;"; and

(ii) in paragraph (4), by striking "funds provided" and all that follows and inserting "funds provided under the Employment, Training, and Literacy Enhancement Act;".

(20) JOB TRAINING REFORM AMENDMENTS OF 1992.—Section 701 of the Job Training Reform Amendments of 1992 (29 U.S.C. 1501 note) is repealed.

(21) PUBLIC LAW 98-524.—Section 7 of Public Law 98-524 (29 U.S.C. 1551 note) is repealed.

(22) VETERANS' BENEFITS AND PROGRAMS IMPROVEMENT ACT OF 1988.—Section 402 of the Veterans' Benefits and Programs Improvement Act of 1988 (29 U.S.C. 1721 note) is amended—

(A) in subsection (a), by striking "title III of the Job Training Partnership Act (29 U.S.C. 1651 et seq.)" and inserting "the Employment, Training, and Literacy Enhancement Act";

(B) in subsection (c), by striking "Training, in consultation with the office designated or created under section 322(b) of the Job Training Partnership Act," and inserting "Training"; and

(C) in subsection (d)—

(i) in paragraph (1), by striking "under—" and all that follows through "the Veterans'" and inserting "under the Veterans'"; and

(ii) in paragraph (2), by striking "Employment and training" and all that follows and inserting "Employment, training, and literacy activities under the Employment, Training, and Literacy Enhancement Act.".

(23) VETERANS' JOB TRAINING ACT.—

(A) SECTION 13.—Section 13(b) of the Veterans' Job Training Act (29 U.S.C. 1721 note) is amended by striking "assistance under the Job Training Partnership Act (29 U.S.C. 1501 et seq.)" and inserting "assistance under the Employment, Training, and Literacy Enhancement Act".

(B) SECTION 14.—Section 14(b)(3)(B)(i)(II) of the Veterans' Job Training Act (29 U.S.C. 1721 note) is amended by striking "under part C of title IV of the Job Training Partnership Act (29 U.S.C. 1501 et seq.)" and inserting "under the Employment, Training, and Literacy Enhancement Act".

(C) SECTION 15.—Section 15(c)(2) of the Veterans' Job Training Act (29 U.S.C. 1721 note) is amended—

(i) in the second sentence, by striking "part C of title IV of the Job Training Partnership Act (29 U.S.C. 1501 et seq.)" and inserting "the Employment, Training, and Literacy Enhancement Act"; and

(ii) in the third sentence, by striking "title III of".

(24) WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT.—Section 3(a)(2) of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2102(a)(2)) is amended by striking "title III of the Job Training Partnership Act" and inserting "title II, III, or IV of the Employment, Training, and Literacy Enhancement Act".

(25) TITLE 31, UNITED STATES CODE.—Section 6703(a) of title 31, United States Code, is amended by striking paragraph (4) and inserting the following:

"(4) Programs under title III or IV of the Employment, Training, and Literacy Enhancement Act.".

(26) VETERANS' REHABILITATION AND EDUCATION AMENDMENTS OF 1980.—Section 512 of the Veterans' Rehabilitation and Education Amendments of 1980 (38 U.S.C. 4101 note) is amended by striking "the Comprehensive Employment and Training Act (29 U.S.C. et seq.)," and inserting "the Employment, Training, and Literacy Enhancement Act,".

(27) TITLE 38, UNITED STATES CODE.—

(A) SECTION 4102A.—Section 4102A(d) of title 38, United States Code, is amended by striking "the Job Training Partnership Act" and inserting "the Employment, Training, and Literacy Enhancement Act".

(B) SECTION 4103A.—Section 4103A(c)(4) of title 38, United States Code, is amended by striking "Job Training Partnership Act (29 U.S.C. 1501 et seq.))" and inserting "Employment, Training, and Literacy Enhancement Act)".

(C) SECTION 4213.—Section 4213 of title 38, United States Code, is amended by striking "Job Training Partnership Act (29 U.S.C. 1501 et seq.)," and inserting "Employment, Training, and Literacy Enhancement Act,".

(28) UNITED STATES HOUSING ACT OF 1937.—Section 23 of the United States Housing Act of 1937 (42 U.S.C. 1437u) is amended—

(A) in subsection (b)(2)(A), by striking "the Job Training" and all that follows through "or the" and inserting "the Employment, Training, and Literacy Enhancement Act or the";

(B) in the first sentence of subsection (f)(2), by striking "programs under the" and all that follows through "and the" and inserting "programs under title II, III, or IV of the Employment, Training, and Literacy Enhancement Act and the"; and

(C) in subsection (g)—

(i) in paragraph (2), by striking "programs under the" and all that follows through "and the" and inserting "programs under title II, III, or IV of the Employment, Training, and Literacy Enhancement Act and the"; and

(ii) in paragraph (3)(H), by striking "program under" and all that follows through "and any other" and inserting "program under title II, III, or IV of the Employment, Training, and Literacy Enhancement Act and any other".

(29) HOUSING ACT OF 1949.—Section 504(c)(3) of the Housing Act of 1949 (42 U.S.C. 1474(c)(3)) is amended by striking "pursuant to" and all that follows through "or the" and inserting "pursuant to the Employment, Training, and Literacy Enhancement Act or the".

(30) OLDER AMERICANS ACT OF 1965.—

(A) SECTION 203.—Section 203 of the Older Americans Act of 1965 (42 U.S.C. 3013) is amended—

(i) in subsection (a)(2), by striking the last sentence and inserting the following: "In particular, the Secretary of Labor and the Secretary of Education shall consult and cooperate with the Assistant Secretary in carrying out the Employment, Training, and Literacy Enhancement Act of 1997."; and

(ii) in subsection (b), by striking paragraph (1) and inserting the following:

"(1) the Employment, Training, and Literacy Enhancement Act,".

(B) SECTION 502.—Section 502 of the Older Americans Act of 1965 (42 U.S.C. 3056) is amended—

(i) in subsection (b)(1)(N)(i), by striking "the Job Training Partnership Act (29 U.S.C. 1501 et seq.)" and inserting "the Employment, Training, and Literacy Enhancement Act"; and

(ii) in subsection (e)(2)(C), by striking "programs carried out under section 124 of the Job Training Partnership Act (29 U.S.C. 1534)" and inserting "employment and training activities carried out under title III of the Employment, Training, and Literacy Enhancement Act".

(C) SECTION 503.—Section 503(b)(1) of the Older Americans Act of 1965 (42 U.S.C. 3056a(b)(1)) is amended by striking "the Job Training Partnership Act," each place it appears and inserting "the Employment, Training, and Literacy Enhancement Act,".

(31) OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.—Section 1801(b)(3) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ee(b)(3)) is amended by striking "Job Training Partnership Act (relating to Job Corps) (29 U.S.C. 1691 et seq.)" and inserting "Employment, Training, and Literacy Enhancement Act".

(32) ENVIRONMENTAL PROGRAMS ASSISTANCE ACT OF 1984.—The second sentence of section 2(a) of the Environmental Programs Assistance Act of 1984 (42 U.S.C. 4368a(a)) is amended by striking "Job Training Partnership Act" and inserting "Employment, Training, and Literacy Enhancement Act".

(33) DOMESTIC VOLUNTEER SERVICE ACT OF 1973.—

(A) SECTION 103.—Section 103(d) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4953(d)) is amended in the second sentence to read as follows: "Whenever feasible, such efforts shall be coordinated with a local workforce development board established under section 122 of the Employment, Training, and Literacy Enhancement Act.".

(B) SECTION 109.—Subsections (c)(2) and (d)(2) of section 109 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4959) is amended by striking "Job Training Partnership Act" and inserting "Employment, Training, and Literacy Enhancement Act".

(34) AGE DISCRIMINATION ACT OF 1975.—Section 304(c)(1) of the Age Discrimination Act of 1975 (42 U.S.C. 6103(c)(1)) is amended by striking "the Comprehensive Employment and Training Act of 1974 (29 U.S.C. 801, et seq.), as amended," and inserting "the Employment, Training, and Literacy Enhancement Act".

(35) ENERGY CONSERVATION AND PRODUCTION ACT.—Section 414(b)(3) of the Energy Conservation and Production Act (42 U.S.C. 6864(b)(3)) is amended by striking "the Comprehensive Employment and Training Act of 1973" and inserting "the Employment, Training, and Literacy Enhancement Act".

(36) NATIONAL ENERGY CONSERVATION POLICY ACT.—Section 233 of the National Energy Conservation Policy Act (42 U.S.C. 6873) is amended, in the matter preceding paragraph (1), by striking "the Comprehensive Employment and Training Act of 1973" and inserting "the Employment, Training, and Literacy Enhancement Act".

(37) COMMUNITY ECONOMIC DEVELOPMENT ACT OF 1981.—Section 617(a)(3) of the Community Economic Development Act of 1981 (42 U.S.C. 9806(a)(3)) is amended by striking "activities such as those described in the Comprehensive Employment and Training Act" and inserting "employment and training activities described in the Employment, Training, and Literacy Enhancement Act".

(38) STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT.—Section 103(b)(2) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302(b)(2)) is amended by striking "the Job Training Partnership Act" and inserting "the Employment, Training, and Literacy Enhancement Act".

(39) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—

(A) SECTION 177.—Section 177(d) of the National and Community Service Act of 1990 (42 U.S.C. 12637(d)) is amended by striking "Job Training Partnership Act" each place it appears and inserting "Employment, Training, and Literacy Enhancement Act".

(B) SECTION 198C.—Section 198C of the National and Community Service Act of 1990 (42 U.S.C. 12653c) is amended—

(i) in subsection (b)(1), by striking "a military installation described in section 325(e)(1) of the Job Training Partnership Act (29 U.S.C. 1662d(e)(1))." and inserting "a military installation being closed or realigned under—

"(A) the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note); and

"(B) title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).."; and

(ii) in subsection (e)(1)(B)(iii), by striking "Job Training Partnership Act (29 U.S.C. 1693)" and inserting "Employment, Training, and Literacy Enhancement Act".

(C) SECTION 199L.—Section 199L(a) of the National and Community Service Act of 1990 (42 U.S.C. 12655m(a)) is amended by striking "the Job Training Partnership Act (29 U.S.C. 1501 et seq.)" and inserting "the Employment, Training, and Literacy Enhancement Act".

(40) CRANSTON-GONZALEZ NATIONAL AFFORDABLE HOUSING ACT.—

(A) SECTION 454.—Subparagraphs (H) and (M) of subsection (c)(2), and subsection (d)(7), of section 454 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12899c) are amended by striking "the Job Training Partnership Act" and inserting "the Employment, Training, and Literacy Enhancement Act".

(B) SECTION 456.—The first sentence of section 456(e) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12899e(e)) is amended by striking "the Job Training Partnership Act" each place it appears and inserting "the Employment, Training, and Literacy Enhancement Act".

(41) VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994.—Section 31113(a)(4)(C) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13823(a)(4)(C)) is amended by inserting after "the Job Training Partnership Act (29 U.S.C. 1501 et seq.)" the following: ", title II, III, or IV of the Employment, Training, and Literacy Enhancement Act,".

(42) PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996.—Section 403(c)(2)(K) and section 423(d)(11) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(c)(2)(K) and 1138a note) are amended by striking "Job Training Partnership Act" each place it appears and inserting "Employment, Training, and Literacy Enhancement Act".

TITLE X—EFFECTIVE DATE AND TRANSITION PROVISIONS

SEC. 1001. EFFECTIVE DATE.

This division and the amendments made by this division shall take effect on July 1, 1998.

SEC. 1002. TRANSITION PROVISIONS.

"(a) IN GENERAL.—The Secretary of Education and the Secretary of Labor, as appropriate, shall take such steps as such Secretaries determine to be appropriate to provide for the orderly transition from any authority under provisions of law amended or repealed by this division or any related authority under the provisions of this division.

(b) EXTENDED TRANSITION PERIOD.—

(1) IN GENERAL.—If, on or before July 1, 1997, a State has enacted a State statute that provides for the establishment or conduct of three or more of the programs, projects, or activities described in subparagraphs (A) through (E) or paragraph (2), the State shall not be required to comply with provisions of this Act that conflict with such State statute for the period ending three years after the date of enactment of this Act.

(2) PROGRAMS, PROJECTS, AND ACTIVITIES DESCRIBED.—The programs, projects, and activities described in this paragraph are the following:

(A) Establishment of human resource investment councils or substate councils.

(B) Reorganization or consolidation of State agencies with responsibility for State employment and training programs.

(C) Reorganization or consolidation of State employment and training programs.

(D) Restructuring of local delivery systems for State employment and training programs.

(E) Development or restructuring of State accountability or oversight systems to focus on performance.

AMENDMENT NO. 2 OFFERED BY MR. GRAHAM

Mr. GRAHAM. Mr. Chairman, I offer amendment No. 2, printed in the RECORD.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. GRAHAM:

Page 15, line 18, after "services" insert "provided to participants on a voluntary basis".

Page 15, line 20, after "family" insert "(such as eliminating or reducing welfare dependency)".

Page 16, strike lines 1 through 3 and insert the following:

"(B) Equipping parents to partner with their children in learning."

Page 16, strike lines 6 through 8 and insert the following:

"(D) Appropriate instruction for children of parents receiving parent literacy services."

Page 28, line 11, after "award" insert "not less than 1".

Page 28, line 11, strike "grants" and insert "grant".

Page 52, after line 12, add the following:

"(7) LIMITATION.—Nothing in this Act shall be construed to provide local workforce development boards with the authority to mandate curriculum for schools."

Page 179, line 10, after "adults," insert "on a voluntary basis,".

Page 179, line 12, after "parents," insert "on a voluntary basis,".

Page 184, after line 5, insert the following:

"SEC. 305. HOME SCHOOLS.

"Nothing in this title shall be construed to affect home schools, nor to compel a parent engaged in home schooling to participate in an English literacy program, family literacy services, or adult education."

Page 192, line 6, strike ", such as" and all that follows through line 11 and insert a semicolon.

Page 192, line 19, strike "gains;" and insert "gains and uses instructional practices, such as phonemic awareness and systematic phonics, that research has proven to be effective in teaching individuals to read,".

Page 194, line 11, after "including" insert "instruction incorporation phonemic awareness and systematic phonics and".

Page 195, line 5, strike "curricula;" and insert "curricula, including curricula incorporating phonemic awareness and systematic phonics;".

Page 199, line 10, strike "available" and insert "available, including the work of the National Institute of Child Health and Human Development in the area of phonemic awareness and systematic phonics,".

Page 201, beginning on line 4, after "including" insert "instruction" in phonemic awareness and systematic phonics and".

Page 201, line 5, strike "such" and insert "literacy and basic skills".

Page 201, line 22, before "research" insert "reliable and replicable".

Page 202, line 8, strike "promise;" and insert "promise, including phonemic awareness and systematic phonics based on the work of the National Institute of Child Health and Human Development;".

Page 204, line 3, before "research" insert "reliable and replicable".

Page 210, line 9, strike "adults;" and insert "adults, including instructional practices using phonemic awareness and systematic phonics based on the work of the National Institute of Child Health and Human Development;".

Page 211, line 24, strike "A" and insert "A, and based on scientific evidence, where available.".

Mr. GRAHAM. Mr. Chairman, to begin with, I, too, would like to thank Chairman GOODLING and Chairman MCKEON and the gentleman from Michigan, Mr. KILDEE, for putting together a bill that has been a very difficult task, but I think most of all for the good.

The committee has come together in a bipartisan fashion to address some problems long overdue to be addressed, and to rescind duplication and get local control for the 21st century, something I think most Americans agree with.

I have some amendments, I think, that are very appropriate, and I hope we can agree upon them. There are things about the bill that I would like to have changed that we cannot get an agreement upon.

Federal school-to-work, I would like that to cease now, because I believe that program, the school-to-work program, should be run at the local level. But under the program that we have today, Federal school-to-work will terminate in 2 years, and given our current situation, that is something that I will have to live with. On balance, the bill is very good.

The amendment that I offer today addresses concerns of family groups that I think are very legitimate, and to understand where people are coming from, a lot of folks are concerned that when we do things in Washington and when we do things at the State level, that does limit choices. Any time the government gets involved in an area, to me we need to do so as cautiously as possible, and allow people choices that are good for their community and their family.

One thing that we have done with this amendment is we have clearly stated that nothing in this bill should be construed to affect home schoolers, or compel a parent engaged in home schooling to participate in the literacy program, family literacy services, or adult education.

What we are trying to do here is to preserve the right to home school and make this program truly voluntary, and if a parent who is a home schooler does not want to participate, they certainly do not have to.

When we talk about teaching reading and how to bring about literacy, one of the things that is important to me is that we have a full menu, and that phonics, I think a tried and true method of teaching literacy, be included. This amendment ensures that phonics will have a systematic approach and a place in the literacy program, something I believe that is very necessary and very appropriate.

The last thing is that the gentleman from Texas [Mr. PAUL] talked about local work force development boards. If you had to pick between Washington and home, I pick home. The local work force development boards are going to be made up of local official business leaders, who I think have the best chance of telling us what the job market is like a lot better than we do here in Washington. We are going to allow them unprecedented flexibility and ability to shape a work force so people, when they get out of school, are ready to go to work, and hopefully we can reduce the welfare rolls early on by giving the people the skills they need to be competitive in the 21st century.

One thing we do not want to do is we do not want to mix job training with setting curriculum. Curriculum should be set by local educators and parents. I have offered an amendment that clearly says that the local work force development boards do not have any authority to mandate school curriculum. I think that is an amendment that clarifies and clearly limits and defines the roll of the work force development board, to make sure that parents and teachers control curriculum and not some other group we set up in the area of job training.

On balance, the bill moves the ball forward. I am very proud to have been a part of it. Any time we make major changes, we do not make everybody happy. That is democracy. I think we have brought some common sense to bear on programs that lack common sense, and local people are more empowered today to affect the job training and education of their children than they were before this bill began.

In my district we have lost 40 percent work force at the Savannah River site, the largest Department of Energy facility in the Nation. The reforms in this bill will allow more flexibility, more assets to be used in the local community to make sure that those people in my district and other districts who are losing their jobs have a chance to get retrained and go back into the work force.

On balance, I believe this is a good bill, and the amendments I offer I think will strengthen the bill.

Mr. MCKEON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the gentleman from South Carolina [Mr. GRAHAM] serves as the vice chairman of the subcommittee, and has been very diligent in working to make this bill better. We would have no objection to this amendment.

Mr. KILDEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we learned of this amendment late yesterday afternoon, and had only a brief opportunity to go over it. However, we were able to work to make some changes in it. I believe the amendment now is acceptable. I believe it is important, however, that we reserve the right to look at it again in conference with the Senate.

Mr. HILLEARY. Mr. Chairman, I rise in support of the amendment offered by my good friend Mr. GRAHAM because it makes some necessary improvements to H.R. 1385 in the areas of adult education and literacy.

First, this amendment makes clear that all participation in adult education and family literacy programs is strictly voluntary. It also stipulates that this legislation has no impact on homeschools, nor can it compel homeschooling parents to participate in these programs.

Second, the amendment clarifies that the intent of the programs is to strengthen the literacy skills of parents and their children. This will help equip parents to work with their children effectively in the learning process.

Most importantly, this amendment clarifies that local work force development boards do not have any authority to mandate school curriculum. Workforce development boards are only authorized to manage training programs, not usurp the authority of local elected officials and school administrators. I encourage my colleagues to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina [Mr. GRAHAM].

The amendment was agreed to.

AMENDMENTS OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I have three amendments spread over this bill. They are all the same. But to cover the bill with the Buy-American Act, I ask unanimous consent to consider en bloc these three amendments.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. TRAFICANT:

Page 104, line 22, strike the closed quotation marks and the second period.

Page 104, after line 22, add the following:

"SEC. 173. BUY-AMERICAN REQUIREMENTS.

"(a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

"(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

"(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

"(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

"(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a 'Made in America' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.".

Page 212, line 5, strike the closed quotation marks and the second period.

Page 212, after line 5, insert the following:

"SEC. 323. BUY-AMERICAN REQUIREMENTS.

"(a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

"(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

"(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

"(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

"(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a 'Made in America' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.".

Page 225, after the item relating to section 171 add the following:

"Sec. 172. Buy-American requirements.

Page 243, line 3, strike "and 172" and insert "172, and 173".

Page 243, line 7, strike "and 171" and insert "171, and 172".

Page 279, after line 17, insert the following (and conform the table of contents of the bill accordingly):

SEC. 2104. BUY-AMERICAN REQUIREMENTS.

(a) IN GENERAL.—The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) is amended by inserting after section 21 the following:

"SEC. 22. BUY-AMERICAN REQUIREMENTS.

"(a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

"(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

"(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

"(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

"(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a 'Made in America' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.".

(b) CONFORMING AMENDMENT.—The table of contents of such Act (29 U.S.C. 701 note) is amended by inserting after the item relating to section 21 the following:

"Sec. 172. Buy-American requirements.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Chairman. Is there objection to the original request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, these are Buy American amendments. They simply say that all the money expended under this bill shall comply with the Buy American Act, and hopefully also a sense of the Congress that anyone expending these monies should, wherever possible, try and attempt to buy American-made goods and products; also, that there be a notice to recipients of grants or utilization money under this act that the Congress encourages them to, wherever possible, try and buy American-made goods.

Finally, it prohibits contracts to any person who in fact supplies supposedly made-in-America products that are not made in America.

The last provision is basically this. If someone who is doing business with one of our groups under this bill sells us supposedly made-in-America products, and we find it is a fraudulent, not made-in-America product, then they are prohibited from any more business covered under this act. That is the third provision.

□ 1045

That explains the three provisions.

Mr. Chairman, I yield to the gentleman from California [Mr. MCKEON].

Mr. MCKEON. Mr. Chairman, we have no objection to the gentleman's amendment. We agree with what he is trying to do, and we will make sure we will work that out in accordance with his wishes.

Mr. TRAFICANT. Mr. Chairman, I appreciate the gentleman's good work and also the gentleman from Pennsylvania [Mr. GOODLING] for working with me on the issue.

Mr. KILDEE. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Michigan.

Mr. KILDEE. Mr. Chairman, I certainly support the amendment and urge its adoption.

Mr. TRAFICANT. Mr. Chairman, I urge an "aye" vote.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendments were agreed to.

Mr. HINOJOSA. Mr. Chairman, I move to strike the last word. I do not wish to speak to the present amendment, Mr. Chairman.

I rise in support of H.R. 1385 and the manager's amendment. Had I been here earlier, I would have spoken to this, and this is what I wanted to get into the record. I am particularly gratified by the willingness of the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from California [Mr. MCKEON] to work with Members from our side in producing a bipartisan bill that includes accountability. My thanks also go to the gentleman from Missouri [Mr. CLAY] and the gentleman from Michigan [Mr. KILDEE], the ranking members, for their leadership.

The addition of the provision that work force boards should make available to the public upon request the

minutes of their meetings encourages me in the belief that the work force board process will be fair and open.

The CHAIRMAN. Are there further amendments to division A?

AMENDMENT NO. 4 OFFERED BY MR. OWENS

Mr. OWENS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. OWENS: PAGE 8, LINE 8, STRIKE "SUCH SUMS" AND INSERT "(A) EXCEPT AS PROVIDED IN SUBPARAGRAPH (B), SUCH SUMS".

Page 8, after line 10, add the following:

"(B)(i) Such sums as may be necessary for each of the fiscal years 1999 through 2003 to provide amounts to local workforce development areas under title II to carry out summer youth employment programs under such title in accordance with this subparagraph.

"(ii) Such amounts—

"(I) shall be used in accordance with the requirements otherwise applicable to programs under title II, except that such amounts shall be allocated to local workforce development areas in accordance with the requirements described in section 262(b) of the Job Training Partnership Act (29 U.S.C. 1642(b)) (as such section was in effect on the day before the date of the enactment of the Employment, Training, and Literacy Enhancement Act of 1997); and

"(II) shall be used to provide summer youth employment opportunities suitably linked to academic, occupational, and work-based learning opportunities.

Page 124, strike line 4 and all that follows through line 10.

Page 124, line 11, strike "(IV)" and insert "(III)".

Page 124, line 18, strike "(V)" and insert "(IV)".

Page 125, line 1, strike "(VI)" and insert "(V)".

Mr. OWENS. Mr. Chairman, this is an amendment on the Summer Youth Employment Program. The committee's work has been repeatedly congratulated. I hope that it is as good as we think it is because, in this closing of this century, jobs and employment will become a No. 1 issue. With workfare and downsizing and various other activities under way, jobs are going to be critical for those who now have jobs. They will not have them, a lot of them in the future. And for those who are being driven from the welfare rolls, all of it is going to come together.

The way we handle our jobs will be critical. The fact that we are handing over this power primarily to the Governors of the States is applauded by many but I find it a bit alarming.

I wanted to talk about one aspect of the jobs program, that is the part that deals with disadvantaged youth. I have a chart in front of me which shows that programs for disadvantaged youth have been treated with great hostility over the last 4 or 5 years, certainly the last 3 years. Among the programs for youth, disadvantaged youth, the Summer Youth Employment Program has been zeroed out of the budget a couple of times, and we have had to fight like mad to get it back into the budget. We have to appeal to the voters out there, public opinion to come to our aid, because we seem to have no aid here on Capitol Hill anywhere. This is basically an appeal that I make to the common sense of the Members of Congress, and I am asking Members of Congress to listen to their constituencies, Summer Youth Employment Programs are very important. If we fold them into a category called disadvantaged youth programs and that is all there is, no mandate which drives the summer youth employment programming funding, then we are likely to have a fading away of the Summer Youth Employment Programs.

What is happening with overall disadvantaged youth programs is they have gone from $676 million in 1993 to $608 million in 1994, down to $126 million in 1995, and now we are proposing $126.7 million for programs for disadvantaged youth other than summer youth employment.

The essence of the amendment is to keep current language in the bill which first clearly delineates the Summer Youth Employment Program as a separate program and, second, applies the same formula that exists now which drives the allocation of the formula within the State. Within the State they must follow the criteria of the amount of unemployment, the amount of poverty. This drives it down to the areas where the greatest need exists. If we do not do that, we leave it to the discretion of the Governors. I think the proposal in the en bloc amendments is to give the Governors 30 percent off the top for their discretion, which means we are reducing the amount of money for summer youth employment by giving that discretion to the Governors. The Governors already have discretion in the handling of other funds in this particular bill.

I wanted to maintain the level of Summer Youth Employment Programs that we have now. I wanted to not only maintain the level of funding but maintain the application allocation of that funding to the poorest children in the urban areas which are not highly regarded usually by Governors in most States. That is what this amendment does.

It is important to understand the background is that hostilities toward youth programs is such that they have been drastically reduced. In this very bill, the one exception made in the consolidation process is dislocated workers. Programs for dislocated workers are given a separate line. If they can make that exception for dislocated workers because those are most favored programs, for whatever reason, that is the program that has been increased the most in the last 3 years, they went from $571.6 million to $1.2 billion, so we know that there is a set of political policies operating here. We do not wait a minute to have disadvantaged youths in the cities in the summer to be the victims of their own politics. I urge that this amendment be adopted and save the Summer Youth Program.

Mr. Chairman, I rise in tacit support of this legislative effort to streamline the nation's Federal adult and youth job training system. The debate concerning H.R. 1385, the Employment, Training and Literacy Enhancement Act, is not nearly as contentious and radical as the debacle that characterizes last year's "CAREERS" legislation. In the spirit of bipartisanship, the Chair of both the Committee on Education and the Workforce and the Subcommittee on Post Secondary Education and Lifelong Learning have worked extremely hard with my colleague, Ranking Member DALE KILDEE, to move this bill in the right direction. In fact, as late as last night, efforts were being made to modify the bill to address some outstanding concerns of Members on both sides of the aisle, including myself. However, my colleagues in the Congressional Black Caucus, the progressive caucus, and the urban caucus have great reservations about the fate of the Summer Youth Employment Program—a highly successful program that has come to be relied upon by the nation's cities who welcome an opportunity to put disadvantaged young people to work. The Owens-Martinez amendment would address such concerns.

Job training funds must be distributed on the basis of economic need not political clout. As a result of the manager's en bloc amendment that was passed earlier, H.R. 1385 would grant the governors a good deal of discretion in determining the within-State formula which sets the amount that cities, that is, local work force development boards, receive. The Owens-Martinez amendment would maintain current law which ensures that those cities which are the poorest and have the highest unemployment rates receive the funds, rather than those cities that exert the most political clout. This amendment would not abdicate the Federal Government's prescribed within-state formula. Current law requires States to distribute funds to local areas based on a three-part formula: the number of unemployed, the number of excess unemployed, and the number of economically disadvantaged. This Federal formula ensures that funds get filtered down to those local areas that are the poorest, with the highest rates of unemployment. Thus, the Governor would not have the power to establish a formula that may have more to do with politics rather than economic need.

The manager's en bloc amendment would require that State distribute 70 percent of applicable funds to the localities according to the current formula. The other 30 percent would be distributed to localities according to a formula determined by the Governor. It is my understanding that this represents a compromise that was reached among the Nation's Governors, mayors, county executives and State legislatures. While this agreement is an accomplishment, it is not the best formula for those cities in dire economic straits. Congress should not be giving the Governor the authority to distribute 30 percent of the funds as he or she very well pleases.

The manager's en bloc amendment also included a clause that would make the Summer Youth Program a required activity, rather than an allowable activity as under the Committee-reported bill. This too, is a substantial improvement that could go further. The Owens-Martinez amendment would separate the Summer Youth Employment Program from its block grant and create a separate funding stream. Therefore, Congress would be required to pass an appropriation for the Summer Youth Employment Program, as in current law. Members would be able to ascertain exactly what money is being provided for the Summer Youth Employment Program. Under the bill, the Dislocated Workers Program is separated into a special category. Similar provisions must be made for the Summer Youth Employment Program.

Some of my colleagues may question the need for a separate appropriation and a federally driven within-State funding formula. History is the answer: repeatedly, the Summer Youth Employment Program has been a target of elimination by the majority.

In 1995, the House-passed Fiscal Year 1996 Labor-HHS-Appropriations Act (H.R. 2127) would have eliminated the program. $0 was appropriated for a program that is needed by 4 million young disadvantaged people, but only able to accommodate nearly 600,000. For this reason and various others, this bill was deadlocked in the Senate. Six months after the start of fiscal year 1996, after 2 Government shutdowns, and after more than 10 continuing resolutions, the Fiscal Year 1996 Omnibus Appropriations Act (H.R. 3019/PL104-) was enacted and provided $625 million to the summer program—thus supporting the same number of jobs as in 1995.

In 1996, the House-passed Fiscal Year 1997 Labor-HHS-Appropriations Act, would have frozen funding for the summer program at the 1995 level—thus supporting a record low of more than 440,000 youth, although nearly 800,000 youth were supported in the summer of 1992. Fortunately, the Fiscal Year 1997 Omnibus Appropriations Act (H.R. 3610/PL 104–208) was passed and enacted which granted an additional $246 million—for a total of $871 million—for the program—the same amount that the President requested.

The threat to the Summer Youth Employment Program continues—now to attack the program through the authorization process. The program must remain a Federal priority; this means from the intrastate funding formula to the interstate funding formula. Congress must reestablish its commitment to preserve the Summer Youth Employment Program and to target funds to those areas that are most in need. Fiscal constraints preclude 100 percent participation in the program; at the very least we ought to ensure that children in those areas that exhibit the greatest need are protected. The Ownes-Martinez amendment accomplishes just this. I urge my colleagues to vote for this amendment.

Mr. MCKEON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from New York [Mr. OWENS]. It would continue the Summer Youth Employment Program as a stand-alone program.

Our bill, H.R. 1385, consolidates the Summer Youth Employment Program and the year-round youth program under the Job Training Partnership Act. The bill continues to allow funds to be spent on summer employment activities. In fact, summer employment that is linked to academic and occupational learning opportunities is now an essential element of the disadvantaged youth block grant.

But this legislation does not continue it as a separate program. The main purpose of the bill pertaining to disadvantaged youth programs is that we should not require stand-alone summer employment programs anymore that do not target the hardest to serve youth at the expense of more comprehensive disadvantaged youth programs.

This bill assumes a consolidation of the summer and the year-round programs, and it assumes the consolidation of funding for these programs as well. It does not repeal the summer program. It just makes it part of a more comprehensive effort at serving our hardest-to-serve, disadvantaged youth.

The bill refocuses disadvantaged youth programs on providing academic and occupational learning opportunities, on getting kids back into school, in addition to providing employment experiences.

The bill leaves the decision to localities on how to provide services. This is the main purpose of the bill, is getting the authority down to the local governments where they are best suited to handle and make these decisions.

In the en bloc package of amendments we have added language clarifying that summer employment opportunities will be an essential element, that was part of our en bloc amendment earlier this morning, in disadvantaged youth programs. Local work force development areas have sole discretion on determining the proportion of funds that will go for summer employment and for year round disadvantaged youth services, from funds made available under the substate formula; and at a minimum, 70 percent of the funds going to local areas under the youth opportunity employment training grant be allocated within the State through the existing formula under JTPA.

As I said, this is part of the agreement that has been reached with the Governors, the counties, the local boards, the local people that will be making this decision.

Acceptance of the Owens amendment would totally undo consolidation in our bill for disadvantaged youth programs and would result in hurting the hardest-to-serve youth, particularly school dropouts who are in need of a comprehensive mix of services.

In addition, this amendment goes against this agreement that we made earlier with the Governors, the State legislatures and the counties who supported this approach in the bill.

In summary, this amendment is the exact opposite of what we are all attempting to do here today. That is, consolidate the job training and employment programs, provide increased flexibility to States and localities in determining what programs work best for them.

I urge a "no" vote on this amendment.

Mr. OWENS. Mr. Chairman, will the gentleman yield?

Mr. MCKEON. I yield to the gentleman from New York.

Mr. OWENS. Mr. Chairman, do the Governors get 30 percent off the top for administrative expenses?

Mr. MCKEON. Mr. Chairman, the Governors get 30 percent to use where they find the need is greatest throughout the State.

Mr. OWENS. Mr. Chairman, if the gentleman will continue to yield, which means that summer youth will be reduced from the amount that it was last year?

Mr. MCKEON. No, Mr. Chairman, they just have more flexibility at the State level to determine the use rather than we making the decision here in Washington.

Mr. OWENS. Mr. Chairman, when the gentleman uses State and local synonymously, the Governors have the discretion but the local levels will have——

Mr. MCKEON. Mr. Chairman, the States arrive at that formula through the collaborative process working with the State legislatures.

Mr. OWENS. In some states?

Mr. MCKEON. In all States, Mr. Chairman. It is required in the bill.

Mr. OWENS. Mr. Chairman, I thank the gentleman.

Mr. MARTINEZ. Mr. Chairman, I move to strike the requisite number of words.

It is interesting in the colloquy that just took place between the chairman and my friend, the gentleman from New York [Mr. OWENS], in that the point that the gentleman from New York [Mr. OWENS] was trying to make is that 30 percent right off the top, unlike today with the way the law is, goes to the Governor for his use whatever he deems to use it for.

The problem with block grants is that often many of the very important programs that were developed for specific reasons, the reason gets lost and the program gets lost, because at any particular time a Governor may have a different priority. Even local boards may have a different priority.

Let us go back to the beginning and remember why we created the summer youth program. Because in the summer, when it is hot, there is apt to be a lot more problems than there is in other times of the year. And when

young people are out of school and they have a lot of free time on their hands, they are more apt to be involved in problems whether they want to or not.

The idea was that this was going to be a program that not necessarily created employment for a long period of time for young people but just for that short summer period, in which they would learn some marketable skills and learn the value of a job and develop some work ethic. That is the reason.

Now, the way the funding is now, it is driven to the areas of the greatest unemployment and the pockets of poverty. This is something that we have to realize in a program like this, designed the way this program really was, that the only way it would be able to fulfill its mission is to continue the way it is.

I am for the consolidation. In fact, whether this amendment passes or not, I will support the bill because I think it has been a good compromise.

Let me take a minute to commend the chairman and the ranking member, the gentleman from Missouri [Mr. CLAY] and the ranking member, the gentleman from Michigan [Mr. KILDEE] for the good work that they have done with all the Members that had input. This is truly a bipartisan bill. But I really feel very firmly, like many of my friends do on that side of the aisle, that if we talk about local control, it means local control.

Local control may be to the Governor to the Federal Government local control. But when these programs come on, the local control is right in that community. And that is where the decision should be made.

I have heard Members on that side of the aisle continually say, the citizen knows best what to do with his dollars. Why do we reverse it in this particular situation?

This program here provides jobs to young people between the ages of 14 and 21, and often these young people may have never worked before. Many have parents who are unemployed. These low-income youth can bring home to that needy family anywhere from between $1,100 and $1,400 through that summer.

□ 1100

The other thing I mentioned earlier is that it does provide them with job skills and job experience, which is very important. They do perform challenging work in offices and parks and recreation facilities, hospitals, nursing homes, and day care centers.

During the 104th Congress, Members on the other side of the aisle finally came around to recognizing these values and the values of the summer youth employment program after initial efforts to eliminate it. They funded the program at the President's request of $871 million for the fiscal year.

Understand this, that that amount of money still only reaches about 15 percent of the 4 million eligible to be served. That means that this is very valuable money and it should be targeted because it does not fulfill the entire need, and we should make absolutely sure that it goes to the areas of greatest need, like I said before, in unemployment areas and in areas of poverty.

The reason that we ought to ensure this and support the Owens amendment is because these are limited funds and they need to be targeted where they can do the most good.

Like I said before, I applaud the bipartisan effort on this piece of legislation. As one of the speakers said earlier, this is the third piece of legislation that comes out of our committee in a bipartisan fashion, which proves that we can work together for the benefit of the people. And while I applaud that, I still would like to see the Owens amendment accepted because I believe that it is the way we should be conducting this program.

There are no guarantees in the bill that this program will continue at a local level, as presently written into law at its current level, or even continue at all if a higher priority is determined by the people making those decisions. The amendment that the gentleman from New York and I offer today provides for a separate stream of funding similar to that provided, and there is precedent for it, for dislocated workers in the adult employment, training, and opportunities block grant. We should not let these summer funds be subject to the whims of State politics, which often they are.

Therefore, I ask and urge the Members to support the Owens amendment.

Mr. GOODLING. Mr. Chairman, I move to strike the requisite number of words.

First, I want to make sure that everybody understands what we are doing here is a very delicately put together program with State legislators, local legislators, and Governors, and we have to be very, very careful that we do not mess up that agreement.

More importantly, the bill is written to make sure that the most disadvantaged are served. That is what the bill is about. We are not taking away summer youth programs at all. The 25 percent that the State has discretion over, 10 percent of that has to be used in incentive grants for dropouts. Again, most in need; those are the people we are trying to serve. And 75 percent goes local, 70 percent on a Federal formula with total local discretion.

We believe that if we can combine the youth programs we will better serve those most in need. But, again, it is put together in a very delicate fashion trying to deal with Governors, State legislators, and local government elected officials, and that is not easy to do.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I appreciate the delicate balance and the negotiations that may have taken place in order to put forth a very creative piece of legislation that the gentleman refers to.

Let me just simply inquire. That is a delicate balance between leaders of government. In actuality, however, the need is on the local city government level where youngsters are, and it is extremely difficult to translate that delicate balance between the leaders of government, county and State legislators and the Governor's office, to prioritize summer youth jobs, which are constantly under attack, to be able to translate to where those needs are with our youth. That should have been the first priority.

Mr. GOODLING. Mr. Chairman, reclaiming my time, I believe we have considered that in the collaborative process on the State level which gets all of those people together. They have to agree. The collaborative process then on the local level, again, all of those must agree.

And the whole idea is to make sure that the local level has most to say about this whole program, because we believe that we have failed prior to that, and that is why we have written it in this fashion.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, just this last week, we, in this Congress, decided to prioritize our concerns about youth by passing the juvenile crime bill. Our solution to the youth of America was to incarcerate them at the age of 13 with adults. We were so prominent and so progressive in this decision that it was discussed on the very renowned show "Politically Incorrect."

This amendment by the gentleman from New York, MAJOR OWENS, is correct and it responds to the true sense of our respect for the future workers of America, the youth of this country, emphasizing the importance of dealing with youth.

Let me applaud the leadership of the Committee on Economic and Educational Opportunities for a creative piece of legislation. Let me thank the gentleman from New York [Mr. OWENS] and the gentleman from California [Mr. MARTINEZ] for understanding what education and training is all about.

I am a new Member, but for 2 years of my time here, every single year we had to fight for the saving and implementation of summer youth jobs moneys. Every year it was cut, every single year. What comfort do I get in this very delicate balance between the Governor, the State legislature, and the county government, all well intended, to be able to prioritize for very needed summer youth jobs?

As a member of the city council in the city of Houston, I know firsthand what summer youth jobs do for our community. I have gone to the intake centers when we have had thousands of youth standing around corners, blocks, with parents begging for employment. I know what it is when a youngster comes and says, "I have gotten an opportunity to work in your office, but I am not coming because I have no clothes to wear." I know what it is in rural communities with unemployment where decisions are made where we will not have a summer youth program.

Governors would have 100 percent authority to distribute job training funds. This would be an allowable activity; it would not be a required activity. Who gets the last attention that we can give our youth?

As I look to convene the Congressional Children's Caucus, one of the things we wanted to say to America is that we believe in our children and we will do more than mild words and pass legislation that incarcerates young people with adults; we will prioritize funding activities for our youth.

Mr. McKEON. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from California.

Mr. McKEON. Mr. Chairman, maybe I misunderstood the gentlewoman, but I thought she said the Governors have 100 percent jurisdiction. They do not.

In this area, 70 percent passes through on existing formula. They have 30 percent that they are able to use through the collaborative process to reach severely disadvantaged youth.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, I appreciate the gentleman's clarification. However, I will stand with my comment, because what I am suggesting to the gentleman is that out of that combined authority, out of that combined authority, it is my position that the overall control over those dollars will not disseminate down to a summer youth job program. It will be a discretionary decision; it will not be mandatory.

Yes, they have the authority over percentages, but it is a total of 100 percent. And I disagree that it will come down to the summer youth program, because let me just humbly say to the gentleman, we have had a battle to preserve summer youth jobs in this Congress over the last two Congresses.

Let me now just say that the gentleman from New York is correct, that the formula is a vital formula that will no longer be used. Current law has been useful. It means that we go right into a community and we assess the relative unemployment, we assess the poverty level, and, therefore, we make the determination.

I would like it to be maintained as current law. And if the gentleman is going to say that current law is going to prevail, that is fine, but I want it to be a separate line item so that we can prioritize for our youth in a positive sense.

I hope we have seen what it does to a young person to get a summer job and be exposed to a business, a government office, for the first time in their life. I can tell my colleagues that when the choices are being made, somebody will say we better appeal to those dislocated workers because they vote. Children do not vote. We will have a clamoring in the Statehouses across this Nation taking moneys from our youth.

This is a good amendment if we believe that the Summer Youth Job Program creates the workers of the 21st century. The workers of the 21st century are our youth. Why should we not have the opportunity to provide summer youth employment rather than put it at a discretionary level?

So I would simply say that I would rather be known not as the Congress who passed a juvenile crime bill that locked up 13-year-olds with adults, I would rather be known as the Congress who focused on giving young people who will work in the future jobs and that we did not leave it to the discretion of a delicate balance between Governors and legislatures and counties.

And might I add, I did not hear "cities." So I think it is appropriate that this amendment be passed, and I would certainly ask my colleagues to give it their consideration.

Mr. Chairman, I rise in support of my colleague from New York who is a tireless champion of our Nation's present and future labor force.

I am strongly committed to the Summer Youth Employment Program and would like to insure that it serves the needs of communities throughout our Nation.

Prior to my election to the U.S. House of Representatives, I worked to create the Summer Youth Employment Program in the city of Houston which is managed by Houston Works.

I know from personal experience that a summer job for those young people enrolled by the Job Training Partnership Act's Summer Youth Employment Program-sponsored projects around this country are more than just an opportunity to have money for the next school year, it is an opportunity to learn, live, and experience the work environment and culture which in many cases is outside of their limited life experiences.

In 1997, Houston Works Summer Youth Program served 6,500 young people ages 14–21.

This year Houston Works plans to serve 5,396 jobs to youth ages 14–21 years. The target population of disadvantaged youth is 43,000 potential applicants.

Those 39,604 youth who were turned away last summer are only a tiny fraction of the 4 million youth who would qualify for this summer jobs program if the funds were available.

Today, only about 600,000 youth can be served nationally.

This program has made a significant difference in the lives and fortunes of the young people who were fortunate enough to have their application accepted.

I would like to stress the need to look at summer youth employment as an extension of the learning experience.

This amendment would protect funding for summer youth employment by creating a separate funding stream for this significant program. The block grant approach is detrimental to summer youth employment.

The Owens' amendment for summer youth employment would restore the current formula allocations which direct Summer Youth Employment Program funds to those areas are most in need according to a 100 percent federally driven interstate and intrastate formula.

I would like to thank my colleagues for their support of this program and I would ask that the program be further strengthened by supporting Mr. OWENS' amendment.

Mrs. ROUKEMA. Mr. Chairman, I move to strike the requisite number of words and rise in opposition to the amendment of my friend and colleague, the gentleman from New York [Mr. OWENS].

First, I want to say, as I said in my opening statement in the debate, that that is a good bipartisan effort and one we should all be proud of. And I commend the gentleman from New York because I know his is a sincerely felt and sincerely discrete evaluation of the way these block grants have been put together.

I want to point out also to my colleagues that in my opening statement in the debate I said that these block grants give appropriate safeguards between the relationships between the States and the Federal Government, and I sincerely believe that block grants should not be open to anybody's discretion to use as they will.

But I think in this bill we have put those appropriate safeguards into place and it will bring us an efficient working relationship, a cooperative relationship between the Federal, State, and local governments. I believe that sincerely. I think we have done it better in this bill than we have done it in many cases.

Let me just relate that to some of the specifics in this bill, and then I will yield to the gentleman from New York.

As has already been stated by both the chairman and the chairman of the subcommittee, the language that was put in this morning in the amendment said that summer employment is an essential component of the block grant. I think that was quite carefully added.

Now, in my judgment, and again I suppose this is judgment, but I have to say I have looked at this quite carefully. In my judgment, the gentleman's amendment, I am afraid, would totally undo the important consolidation in the bill for the disadvantaged youth programs because it would result, in my opinion, in hurting the hardest-to-serve youths, particularly the school dropouts.

This is an issue that we have to look at, and I come down on the side of what the committee has done. And I am afraid that, inadvertently, the gentleman would be undermining that particular part of the program. I know the gentleman from Pennsylvania [Mr. GOODLING], addressed this with respect to a 10-percent component of that part of the bill, if I am correct. And I think that is very good. Again, it is a matter of judgment, but I think we have protected the hardest-to-serve youth, and those are the dropouts.

Finally, I would like to say that it is totally incorrect, in my opinion, to say that we are killing the summer youth employment program. I think that what we are doing here is providing discretion to local communities to provide summer youth employment opportunities that are directly linked, and this is important, to academic and occupational learning. I think that is important.

Mr. GOODLING. Mr. Chairman, will the gentlewoman yield?

Mrs. ROUKEMA. I yield to the gentleman from Pennsylvania, and then I will yield to the gentleman from New York.

Mr. GOODLING. Mr. Chairman, I thank the gentlewoman for yielding, and I would like to assure the gentlewoman from Texas that our committee also deals with juvenile justice and we deal with juvenile justice differently. The gentleman from California [Mr. RIGGS], is at the present time working with the gentleman from Virginia [Mr. SCOTT], to make sure that we deal with it properly.

But, again, I have to indicate that what we are doing here is giving that local community so much more discretion on how they use their youth money so that that gets to those most disadvantaged, and that is the attempt of the bill.

Mrs. ROUKEMA. Reclaiming my time, Mr. Chairman, let me ask the gentleman, am I not correct that it gives 100 percent discretion to that proportion of the funds that are devoted to the summer employment?

Mr. GOODLING. At the local community.

Mrs. ROUKEMA. Discretion for 100 percent at the local level.

□ 1115

Mr. OWENS. Mr. Chairman, will the gentleman yield?

Mrs. ROUKEMA. I yield to the gentleman from New York.

Mr. OWENS. The gentlewoman is a member of the committee so she is aware of the fact that this precious consolidation mode of operation has been dropped for the dislocated workers. We have a line which mandates funding for dislocated workers. What we ask is a mandate for summer youth employment.

Mrs. ROUKEMA. That is not my understanding.

Mr. OWENS. I hear language, and a central program is not the same as a mandate. We have tricks here of the trade which all of us who have been legislators understand very well. It leaves it wide open for the strangling. The summer youth program will not die in one summer. It will be strangled slowly because it is in there with other disadvantaged youth programs which have not been treated in any favorable manner. They will be transferring funds from the summer youth program into the other programs until there will be little left.

Mrs. ROUKEMA. That is not my interpretation of the funding streams.

The CHAIRMAN. The time of the gentlewoman from New Jersey [Mrs. ROUKEMA] has expired.

(By unanimous consent, Mrs. ROUKEMA was allowed to proceed for 1 additional minute.)

Mrs. ROUKEMA. Mr. Chairman, I yield to the gentleman from Pennsylvania, the chairman of the committee.

Mr. GOODLING. First of all we should not get dislocated workers into this discussion because they are protected in the legislation. We made very, very sure of that. Again I say the total discretion is left to that local community for the use of that fund better than they have ever had it before, because we usually tie the hands of local people because we have always had the idea that we know what works best from Washington, that one size fits all. We are saying that is a mistake. Let us let the local communities make those decisions and deal with those most in need. I thank the gentlewoman for yielding.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York [Mr. OWENS]. But before I debate that, let me thank those people who were on the floor earlier giving praise to an amendment that had been incorporated or provisions in a bill that had been incorporated into this legislation that the gentleman from Texas [Mr. SMITH] and I supported, and others. It is so infrequent that I get any praise on this floor, I always stop to take the time to acknowledge that and to thank people on both sides of the aisle for issuing words of praise.

With regard to the bill in general, let me say to the chairman and the ranking member on both sides that I have followed this discussion and it is my intention to vote for this bill, although I have some serious reservations about the entire block granting process; reservations which are a product of historical realities in the South about how block grants have historically been used when they were in vogue at earlier times in our history; reservations about consolidation of programs, although I think it is a good idea; reservations about giving more and more control to State entities when a lot of these problems are in fact problems that are dealt with at the local level and should be dealt with at the local level; reservations which have to do with the fact that some of our State legislatures are still controlled by more rural interests, and those interests tend to get taken into account even in a collaborative process which the chairman of the subcommittee and the chairman of the committee have talked about, to the disadvantage of major urban communities and cities.

All of those leave me a little concerned about the block grant approach and lead me to say that this is an experiment of sorts, as I understand it. We are trying to move to a balance that restores control to more local and State bases and moves it back away from the Federal Government. I am prepared as a general proposition to take that experiment and hope, like everybody else does, that it is going to work out.

With respect to the summer youth employment program, however, I do believe that we have got to protect it, even though this discussion really is a discussion about separating summer youth from the other disadvantaged youth block grant programs. In a sense we are kind of debating the possibility of pitting those two things against each other when both of them are needed. But understand that the disadvantaged youth block grant programs tend to address youth who have already dropped out of the system, who have already had adverse impacts, and in my estimation the summer youth employment programs, at least in the communities that I am familiar with, have often been used to address the front end of the process, to provide employment to some kids who may end up dropping out if we do not intervene with them earlier in the process.

The importance of having a summer youth program that is separate and distinct in funding from the general disadvantaged youth block grant program, it seems to me, still is important. It is for that reason, although I do not want to sound like I am trying to say anything negative about the disadvantaged youth block grant program, it is for that reason that I am rising in support of the Owens amendment and would encourage its adoption.

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. WATT] has expired.

(By unanimous consent, Mr. WATT of North Carolina was allowed to proceed for 1 additional minute.)

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, I just want to assure the gentleman that this

is not revenue sharing, as those block grants he was talking about were. There is very specific language how these block grants must be used, including, for instance, the State collaborative process has to represent diverse regions of the State, including urban, rural and suburban areas. We spell out that we do not revenue share, and I made that clear to the governors from day one, that we are not interested in revenue sharing.

Mr. WATT of North Carolina. Reclaiming my time, I appreciate the gentleman's clarification on that. I was aware of the collaborative process. I still think even in that collaborative process in a number of States, rural interests tend to be overrepresented, and it is not something that I can scientifically prove to the gentleman. I can just tell the gentleman that in a number of Southern States, rural interests typically dominate over urban interests. I understand that the gentleman has worked hard to try to work out this balance, and I am going to vote for the bill regardless of whether this amendment passes or not, but I would feel more comfortable if we had this amendment passed.

Mr. MICA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if ever in the history of this Congress a program of this Federal Government that needs reform cried out for more reform, it is this whole area of job training and education, employment training and literacy enhancement.

First I want to salute the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from California [Mr. MCKEON] for their work in crafting this proposal. Our purpose is really to help those without job and without opportunity, particularly those youth. I want to first speak about the bill itself and then oppose the Owens amendment that has been presented here today.

First of all, let me just give my colleagues an example from my State of Florida. This is an article that appeared a year ago in February and it talks about job training programs. It said, with all the job training programs in Florida, my State, that we spent $1 billion, Federal and local money. "Job Training Programs Not Making the Grade" is the headline of this article. We spent $1 billion and less than 20 percent of those who entered a program completed the program. Of that, 19 percent got a job and most of those, the majority of those, who got a job got a job at minimum or just above minimum wage. A total failure if we are trying to employ people in this country.

Then just a month ago in the Washington Post, the city spent $11 million it has received through Federal job training programs. They also raised $7.3 million in local tax dollars designated for job training programs without a single person being trained.

This is a program that cries out for reform. What would the Owens amendment do in the area of summer job employment? It would maintain the status quo, the record of failure.

The main purpose of this bill in the area of summer job employment is to refocus the programs on providing comprehensive academic and occupational learning opportunities for our disadvantaged youth. I am for getting kids back into school and in addition into providing employment opportunities. That is what this bill is all about. What are those who have had experience saying about this?

The National Governors Association, the Conference of State Legislatures, and the National Association of Counties support the agreement reached on this issue that is contained in this bill and oppose a separate stand-alone summer program. They have tried it. It does not work. This is the record of failure. When this Congress asks people on welfare or disadvantaged people to go to work, we want them to have the opportunity to find a job, to learn a skill, and the Federal Government should be helping with a program that works, not with a program that is a failure. This is a record of failure, and this record cannot continue.

I urge my colleagues to defeat the Owens amendment. It destroys the intent, the purpose and the experience that we have seen that is a record of failure, and then pass this bill and give our disadvantaged, give our youth, and give the people without a job in this country the opportunity to learn a skill and to earn a living wage and to have the Government be a helping hand rather than a partner that has failed.

Mr. RIGGS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me first address the comparison that some have made with the dedicated funding stream for dislocated adult workers to what the gentleman from New York [Mr. OWENS] is trying to do in his amendment. It is important, I think, to understand that yes, we do have a dedicated funding stream in the adult block grant for dislocated workers. That is certainly in keeping with the whole concept behind the Job Training Partnership Act that State and local communities be able to respond rapidly to a plant closure or to massive, large-scale type of layoffs. However, that is still part of one system, the overall adult block grant, the overall adult job training and reemployment system.

What the gentleman from New York [Mr. OWENS] is talking about doing here is creating a separate stand-alone program that is really contrary to the overall philosophy of the bill with respect to creating a single block grant for youth. What we are trying to do in the area of youth is to encourage young people, particularly those who are at risk of dropping out of school, so let us call them the dropout prone, we are trying to encourage them to stay in school or if they drop out from school to return to school. Therefore, with respect to emphasis on schooling, with the emphasis on academics, it is very important, in my view, to link summer youth employment to the school-based program for at-risk youth. That is why it is again all part of the same system.

□ 1130

The overall philosophy with respect to adults, and I will be happy to yield to my friend in just a moment, but the overall philosophy with adults of course is to take a work force or employment first approach, try to get those adults who can be readily reemployed in the work force back into that work force at the earliest possible date and then target intensified services to the hard to employ. Those are the folks who perhaps are welfare recipients, chronically unemployed or underemployed folks, and they are the ones who need intensive services.

So that is kind of the over arching philosophy behind our bill.

Second, let me address the concern that many of my colleagues and friends on the Democratic side of the aisle have expressed, and that is that this Congress is not going to take aggressive action in the area of juvenile crime prevention and delinquency prevention. Let me assure my colleagues that we are hard at work in our Subcommittee on Early Childhood, Youth and Families and trying to craft a bipartisan bill dealing with juvenile crime prevention, and in that regard I am working very closely with my good friend and colleague, the ranking member of the subcommittee, the gentleman from California [Mr. MARTINEZ] and the gentleman from Virginia [Mr. SCOTT] and others who have expressed a keen interest in this area, and we hope we can bring a bill that the House can favorably consider here to the floor in the next few weeks. That is going to be in tandem with our bill reauthorizing the Perkins Vocational Educational Act, and that, the Perkins Vocational Education Act, is going to be targeted at again those young people who are educationally disadvantaged or who are at risk of dropping out from school, and that bill is going to take an emphasis, take an approach, that combines an emphasis on strong academics with expanded vocation and technical educational opportunity for those young people.

The other point I want to make to my good friend, the gentleman from New York [Mr. OWENS] before yielding is that by putting all these funds in a block grant, driving them down locally, the local communities will have 100 percent discretion on the proportion of funds that are devoted to summer employment and to year-round

services respectively, and that could result in those local communities spending even more, again at their sole discretion, on the Summer Youth Employment Program than they are currently spending.

So I wanted to make that point, and I am going to yield to the gentleman from New York [Mr. OWENS], my colleague and friend, and perhaps he could respond to the point I just made, which is again, if possible, under our bill for local communities to spend even more on summer youth employment than they are currently spending.

Mr. Chairman, I yield to the gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Chairman, I want to ask the gentleman if he was aware of the fact that the CRS figures which show the funding pattern for the youth training programs other than summer youth, which we were talking about before, which was badly needed, and the gentleman said they were badly needed, and I agree. But they have been reduced by almost three-quarters, from 676.7 million in 1993 to the present proposed funding of 126.7 million. They have been reduced steadily.

At the same time, because we came on this floor and we fought for the Summer Youth Employment Program, even though people in government, State governments, did not consider it important, they have raised the amount of funding for some youth employment. So what we are going to have is the unpopularity of the summer youth training programs year-round, resulting in not having adequate funding. So they will take the funding away from summer youth. That is the simple problem we worried about, that they are going to drain the funds from the summer youth because the discretion is going to be in the hands of people. We do not care about summer youth in our cities; they will find somewhere else to spend them in the States.

Mr. RIGGS. Reclaiming my time, Mr. Chairman, I certainly care.

The CHAIRMAN. The time of the gentleman from California [Mr. RIGGS] has expired.

(By unanimous consent, Mr. RIGGS was allowed to proceed for 1 additional minute.)

Mr. RIGGS. Mr. Chairman, let me just point out to my colleagues, and I really in this regard extend a hand across the aisle; I personally believe we cannot afford to lose, as a country, another generation of urban school-aged children. So all of our efforts, I think, should be focused on those young people again who live in the most economically disadvantaged circumstances, who are surrounded many times by a sea of poverty and joblessness, and, as my colleagues know, the other symptoms of social decay.

So I want to work with the gentleman, but I would be happy to tell the gentleman from New York [Mr. OWENS] that we should go together to the appropriators and make the argument that they need to look at this particular block grant, the youth opportunity employment and training grant, that is created under our bill and make that a priority for funding as they deliberate the appropriations.

Mr. OWENS. I agree with the gentleman.

Mr. RIGGS. I do not believe that we should be creating a separate program. We have to provide discretion to local communities to provide summer employment opportunities that are directly linked to academic and occupational learning, as other speakers have mentioned, and local communities should be making these decisions, not the Federal Government.

Ms. VELÁZQUEZ. Mr. Chairman, I rise today to add my voice and the voice of thousands of young people from my district in support of the Owens amendment to safeguard the Summer Youth Employment Program.

For several weeks each summer, SYEP provides jobs to over 600,000 disadvantaged youth across the country, many of them in my district. Yet, H.R. 1385 jeopardizes this program and the future of our young people. Passage of the Owens amendment will provide hope to so many of our at-risk children.

I recently received a letter from Vashia Rhone, a young constituent of mine. Vashia's letter shows us the kind of impact programs like this have. She writes:

Growing up, I often felt trapped and like I had no place to go. However, something that helped me was, as I became older, I discovered places to go and things to do such as after-school programs and STEP. Believe it or not, it's true. If young people are working, they will be off the streets. If young people are working, their esteem level goes up. They begin to feel good about themselves, and they learn independence. Please consider this and represent the youth of New York City and protect their future.

My colleagues, this program does work. I urge all of you to support the Owens amendment and support SYEP. We owe it to our kids. We owe it to their future.

Ms. PELOSI. Mr. Chairman, I rise in strong support of the Owens-Martinez amendment to H.R. 1385 to separate the summer youth employment program from the disadvantaged youth block grant contained in this legislation.

Summer youth employment is a critical program in my district in San Francisco and in communities across the Nation. This program is often the first opportunity at-risk youth have to gain exposure to the ethic, the structure and the value of work. Currently, only 50 percent of the youth eligible for this program participate. If this program is included in the consolidated block grant, it is most likely less than that number would be reached by this successful program.

This is a program that works and that teaches. The welfare law makes it imperative for us to help people find and maintain work with a living wage. It is critical for young people to learn the skills necessary to be successfully employed. The Summer Youth Program reaches out to at-risk young people to teach them this and more.

For these reasons, it is essential that the Summer Youth Employment Program be maintained as a separate program, maintained as a required rather than allowable activity and receive a separate appropriation consistent with current funding.

I urge my colleagues to support the Owens-Martinez amendment and show your commitment to a successful job training opportunity for at-risk youth.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. OWENS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. OWENS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 168, noes 238, not voting 27, as follows:

[Roll No. 137]

AYES—168

Abercrombie
Allen
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Brown (CA)
Brown (FL)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Ensign
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gonzalez
Gordon
Green
Hall (OH)
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Jackson (IL)
Jackson-Lee (TX)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kingston
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
LaTourette
Levin
Lewis (GA)
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Mink
Moakley
Mollohan
Moran (VA)
Nadler
Neal
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne
Pelosi
Pickett
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sanchez
Sanders
Sandlin
Sawyer
Scott
Serrano
Skaggs
Slaughter
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tauscher
Thompson
Thurman
Tierney
Torres
Traficant
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—238

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Barr
Barrett (NE)
Bartlett

Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Boucher
Boyd
Brady
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
Lofgren
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Minge
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Oxley
Packard
Pappas
Parker
Pascrell
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Sabo
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Turner
Upton
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wolf
Young (AK)

NOT VOTING—27

Ackerman
Andrews
Ballenger
Boehlert
Brown (OH)
Buyer
DeGette
Flake
Gephardt
Gillmor
Gutierrez
Hefner
Jefferson
LoBiondo
Manton
Miller (CA)
Molinari
Murtha
Quinn
Schiff
Schumer
Skelton
Towns
Watkins
Watts (OK)
Wicker
Young (FL)

□ 1157

The Clerk announced the following pairs:

On this vote:

Mr. Quinn for, with Mr. Watts of Oklahoma against.

Mr. Towns for, with Mr. Wicker against.

Messrs. BOEHNER and BEREUTER changed their vote from "aye" to "no."

Ms. McCARTHY of Missouri and Mr. HINCHEY changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

(Mr. SOLOMON asked and was given permission to speak out of order for 1 minute.)

PROCEDURE FOR CONSIDERATION OF AMENDMENTS TO CONCURRENT RESOLUTION ON THE BUDGET

Mr. SOLOMON. Mr. Chairman, I have asked to address the House for the purposes of making an announcement about next week's budget debate which concerns every Member of the House.

Mr. Chairman, the Committee on the Budget expects to order the budget resolution reported later today, and copies of that resolution approved by that committee will be available for review in the office of the Committee on the Budget.

The Committee on Rules is planning to meet on Monday, May 19, to grant a rule which will limit the kind of amendments offered to the concurrent resolution on the budget for fiscal year 1998. Members are advised, strongly advised to submit only amendments in the nature of a substitute which provide for a balanced budget no later than 2002. If they are not balanced, they will not be made in order on this floor.

Any Member who is contemplating an amendment to the budget resolution should file 55 copies and an explanation by noon on Monday, May 19, to the office of the Committee on Rules in room 312, up above. In addition, Members should also print their amendments in the amendment section of the CONGRESSIONAL RECORD on Monday, May 19.

I am informed that we will have pro forma sessions on both Saturday and Sunday so that the budget will be available to those of my colleagues that want to work on it over the weekend.

□ 1200

Mr. MOAKLEY. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. Mr. Chairman, I thank the chairman of the Committee on Rules for yielding to me.

Mr. Chairman, I am very happy that the gentleman made the announcement. Am I clear that only amendments in the nature of a substitute will be honored by the Committee on Rules?

Mr. SOLOMON. That is correct. All of the amendments must be in the nature of a substitute, and they must be balanced by the year 2002.

Mr. MOAKLEY. Right. And I hope the chairman is going to give adequate time for these amendments in the nature of a substitute to be debated on the floor of the House.

Mr. SOLOMON. The gentleman is one of my closest advisers, and I will consult with him and we will work this out, I am sure.

Mr. MOAKLEY. Mr. Chairman, also, I would ask the gentleman, would the CBO be able to score all these amendments in the nature of a substitute in time?

Mr. SOLOMON. Yes, they would. The CBO is available, and they will be working overtime to assist the Members in making sure that their substitutes are scored by CBO.

Mr. MOAKLEY. Mr. Chairman, I thank the chairman of the Committee on Rules.

The CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. LATHAM) assumed the Chair.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its Clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1469. An act making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 1469) "An act making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. GORTON, Mr. MCCONNELL, Mr. BURNS, Mr. SHELBY, Mr. GREGG, Mr. BENNETT, Mr. CAMPBELL, Mr. CRAIG, Mr. FAIRCLOTH, Mrs. HUTCHISON, Mr. BYRD, Mr. INOUYE, Mr. HOLLINGS, Mr. LEAHY, Mr. BUMPERS, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mr. REID, Mr. KOHL, Mrs. MURRAY, Mr. DORGAN, and Mrs. BOXER to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 476. An act to provide for the establishment of not less than 2,500 Boys and Girls Clubs of America facilities by the year 2000.

The message also announced that pursuant to sections 276h–276k, of title 22, United States Code, as amended, the

Chair, on behalf of the Vice President, appoints the Senator from Utah [Mr. HATCH], the Senator from Alabama [Mr. SHELBY], and the Senator from Arizona [Mr. MCCAIN] as members of the Senate delegation to the Mexico-United States Interparliamentary Group meeting to be held in Santa Fe, New Mexico, May 16–18, 1997.

The SPEAKER pro tempore. The Committee will resume its sitting.

EMPLOYMENT, TRAINING, AND LITERACY ENHANCEMENT ACT OF 1997

The Committee resumed its sitting.

The CHAIRMAN. Are there further amendments to division A?

AMENDMENT OFFERED BY MS. MILLENDER-MCDONALD

Ms. MILLENDER-McDONALD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. MILLENDER-McDONALD:

Page 205, beginning on line 3, strike "or employees".

Page 205, line 20, strike "interest" and insert "success".

Page 205, line 21, after "students" insert "and graduates of literacy programs living in areas with a population census tract having a poverty rate of at least 15 percent (using the most recent decennial census data))".

Page 205, line 24, after "governments" insert ", including State directors of adult education".

Page 205, line 24, insert "and" at the end.

Page 205, line 25, strike "; and" and insert a period.

Page 206, strike lines 1 and 2.

Ms. MILLENDER-McDONALD. Mr. Chairman, I offer today an amendment that will amend section 321 regarding qualifications for membership on the National Institute for Literacy Advisory Board.

Mr. Chairman, the amendment permits Federal employees to serve on the literacy board. It also requires that businesses not simply have an interest, but rather a demonstration of success in literacy programs. Most importantly, this amendment creates the opportunity for those who have graduated from a literacy program and live in the areas of the country with a poverty level of at least 15 percent to serve on the board.

Mr. Chairman, I do ask that I engage in a colloquy with the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Chairman, will the gentlewoman yield?

Ms. MILLENDER-McDONALD. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, when we got the gentlewoman's amendment last evening, we called the executive director of the National Institute for Literacy, and he assured us that he will be very happy to work with the gentlewoman's staff and our staff so that by the time we are finished with conference, we will have incorporated the idea that the gentlewoman has into the legislation.

Ms. MILLENDER-McDONALD. I thank the gentleman. Therefore, I do not need to present this amendment.

Mr. Chairman, for that reason, I ask unanimous consent to withdraw this amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

The CHAIRMAN. Are there other amendments to division A?

AMENDMENT OFFERED BY MR. KENNEDY OF MASSACHUSETTS

Mr. KENNEDY of Massachusetts. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KENNEDY of Massachusetts:

Page 116, line 4, strike "and".

Page 116, line 8, strike the period and insert "; and".

Page 116, after line 8, add the following:

"(F) support for a workforce development coordinator on site at the secondary or post-secondary educational institution.

Mr. KENNEDY of Massachusetts (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. KENNEDY of Massachusetts. Mr. Chairman, first of all, I want to acknowledge the fine work done by the chairman of the committee, the gentleman from Pennsylvania [Mr. GOODLING], as well as my friend, the gentleman from Michigan [Mr. KILDEE], in their efforts to improve the quality of our education and job training programs for the people of our country.

I do believe that there is a wonderful opportunity for our country to prepare our youngsters for the jobs of the future by recognizing that while we have the highest number of college-educated individuals of any nation in the world, we still have around 50 percent of all of our adults in America that have a high school education or less.

We have greater opportunities in America to grow our job force into the high-wage jobs of the future by making certain that we in fact have trained workers that understand and are competently trained in the jobs that are going to be made available to some country that is going to be able to attract the companies of the future.

In Massachusetts, as a for instance, we are losing literally tens of thousands of jobs each year because we simply do not have a trained work force that is competently prepared to accept the jobs in the high-technology industry. There is a program in the city of Boston called Pro-Tech run by Neal Sullivan at the Private Industry Council which has linked up between high schools and the high-technology industry not only after-school training programs and summer youth jobs, but really working with the high schools to develop a curriculum that can then prepare those youngsters for the jobs of the future.

That same model can be used, as I saw just last week at Massasoit Community College, where Cummings Diesel Engine Co. has actually provided wonderful high-technology diesel equipment and training for the people that go to Massasoit, where there are 20,000 jobs in that company alone that need to be filled in the future. Mr. Chairman, 50,000 jobs in the diesel industry alone nationwide need to be filled. Yet, we are simply not training enough diesel engineers, diesel mechanics, to be able to handle the job opportunities of the future.

Mr. Chairman, this proposal would allow for a job training coordinator to be assigned to high schools and community colleges throughout the country to coordinate with the various companies that surround that particular high school or community college, and allow that high school and community college to develop a curriculum that would be coordinated with the job market in that specific geographic area, or in the field that that company would like to work in.

I know that this is something that both the gentleman from Michigan [Mr. KILDEE] and the gentleman from Pennsylvania [Mr. GOODLING] have worked on in the past, and perhaps the gentleman from Pennsylvania would be willing to enter into a colloquy that would suggest how he sees this initiative moving forward on the fastest possible track.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, I thank the gentleman for yielding to me. As he knows, we have tried to be very, very careful that we did not get involved in K through 12 in this legislation, and in fact, in the Graham en bloc amendments today it was made very, very clear that we would not get involved.

Vocational education is the area where what the gentleman is talking about would be more applicable. I would appreciate it if the gentleman would withdraw the amendment, and work with us between now and the time we bring vocational education to the floor.

Mr. KENNEDY of Massachusetts. Mr. Chairman, with the understanding that the chairman of the committee would support the general concept that we are trying to advocate here, and with

the recognition that this would be something that could be done not only in the high school years but also in terms of community college, and his commitment to working together on this issue in the vocational education bill that would be coming forward later this year, I would be happy to withdraw for the purposes of continuing this effort.

Mr. GOODLING. Mr. Chairman, I would be happy to work with the gentleman.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. PAUL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this bill is an attempt to improve the Federal jobs training program. We now have over 700 different programs, and quite literally, it is a mess. This bill is a well-intentioned piece of legislation that does make some token changes and some improvement. They may work, they may not.

I would like to address another subject, which is, should we be involved at all? If we have tried it for 30 years and it is not working, when will we ask ourselves, should we be in the business of job training? Quite frankly, I am not very confident that we here in the Congress are smart enough to do it.

Always the argument is that if this is a slightly better approach to last year's approach, this is a movement in the right direction. But some day we have to ask the question whether or not endorsing the same philosophic principle of a bad program is really going to solve our problems. We have no evidence that this approach will work. Most likely this will become just a bureaucratic adjustment. There will be a cost in the adjustment, but ultimately Government will once again fail in its attempt to do something that it was not designed to do. This idea of local control and block grants is something that sounds good, it sounds like they are moving in the right direction, but the odds of it really benefiting are very, very slim.

Government really is not smart enough to do what is intended in a program like job training. We are not, here in the Congress, smart enough to know what the future is and to make business decisions. It is rather sad to see our business leaders advocating a piece of legislation like this, rather than them understanding and resorting to the market to decide when and how to train workers.

Instead, they use their energies to come and transfer funds from one group to another in the pretense that they are able, in partnership with the Government, to design a program that will fit the marketplace. There is no sign, there is no evidence that a program like this has been permitted under the Constitution. But better yet, under today's circumstances, and eventually this will prevail, do we really have the funds to do something that is not working? The funds are not there, and any time we deal with a program like this, we have to think that it is a contribution to the high deficits that we are running.

Mr. Chairman, H.R. 1385 is flawed in that it endorses the very same principles that have been used for 30 years, arguing that the Federal Government and government bureaucrats know more than what the market knows.

I would like to list a few mandates of the bill. No. 1, it mandates that States submit a 35-year plan for adult job training and literacy on the approval of the Secretaries of Education and Labor. It mandates that States establish local work force development boards whose functions and composition are determined by Federal law.

It mandates that the local work force board meet Federal core indicators. It mandates that local work force boards be dominated by representatives of the business community. That does not give me a whole lot of encouragement, another step toward replacing the free enterprise system with corporatism.

If Members like mandates, they certainly will be pleased with this piece of legislation. It spends taxpayers' dollars, the victims, for skill upgrading for incumbent workers. Those who are still working are required to pay for those who think they are going to get trained, thus creating a new entitlement program for already-employed workers.

It spends taxpayers' dollars on grants to business and unions for demonstration projects. It spends taxpayers' dollars on family literacy services. It spends taxpayers' dollars on the National Institute for Literacy, the type of bureaucracy this Congress should be shutting down, not expanding. It spends taxpayers' dollars on job training services which the business community and individual workers should be paying for themselves.

Incidentally, Mr. Chairman, and I know this would be of the least amount of interest to so many here, but the truth of the matter is, Congress has no constitutional authority to mandate or operate any job training programs.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. PAUL. I yield to the gentleman from Illinois.

□ 1215

Mr. HYDE. Mr. Chairman, I thank the gentleman for yielding to me. I wanted to associate myself with the thrust of his remarks. I may feel a little more benignly toward the uses of government than he, but essentially his critique of this bill I share.

The CHAIRMAN. The time of the gentleman from Texas [Mr. PAUL] has expired.

Mr. HYDE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to preface my remarks by saying that I have the maximum high regard for the gentleman from Pennsylvania [Mr. GOODLING], the gentleman from California [Mr. MCKEON] and the gentleman from Michigan [Mr. KILDEE]. They are splendid Members, they are honorable and they do marvelous work. I hope that those words will be taken seriously because I do not want to impair friendships over my dissent of their bill. I know how territorial chairmen can get over their bills. But I just cannot support this bill. I think it only fair to give a couple of reasons for my feeling.

First of all, family literacy services, on page 15 and 16, really troubles me. Page 16, subparagraph B, training for parents on how to be the primary teacher for their children and full partners in the education of their children; I think that goes awfully far, beyond job training, to teach parents how to be parents. That is exactly moving in the wrong direction from having the government less intrusive, less influential on our lives. And who is the other partner, a full partner means the other partner has as much to say as you have to say. Those are troubling words and they trouble me.

Another problem, and there are many with this bill, there is a migratory workers program. Funds made available under this section shall be used to carry out comprehensive work force and career development activities and related services for migrant farm workers, seasonal farm workers, which may include employment, training, educational assistance, literacy assistance and English literacy program, worker safety training, housing, so we have a housing program here, supportive services and the continuation of the case management database.

Now, supportive services in this bill consists of transportation, child care, dependent care, and needs-based payments.

I wondered what needs-based payments were and I found that it is money. If a worker, an *X* worker, a displaced worker, meaning an unemployed worker, has run out of unemployment benefits and has no other income, he is entitled to needs-based payments.

So we are going to pay, provide child care and all these things and that is wonderful. Oh, if we could only afford it. But there is no requirement in this migratory workers program that they be in the country legally. Far be it from asking that they be citizens but that they even have a green card or be in the country legally. I wonder if this would invite illegal immigration. I just wonder.

Now, we have a bureaucracy run amok. Instead of launching the 747, I think this is a dirigible.

National partnership and special training; the secretary, not a political person, we can be sure, may award special grants to eligible entities. Guess who they are? Labor, industry, public interest groups, community-based organizations, et cetera, et cetera.

So the grantsmanship that is possible under this is awesome.

So for these reasons, it is too much government. It moves in the opposite direction. We promised to downsize government, to save money, to keep it out of our lives. This moves in the opposite direction.

I cannot support it, and I thank the chairman for giving me the time.

Mr. GOODLING. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would agree with the Congressman from Texas that existing programs do not work. I would also have to inform him that if we do not make an attempt to revise and reform those programs, those existing programs will go on and on and on as they have in the past. He does not have the votes to do anything about that. I do not have the votes to do anything about that. So the attempt is to try to do something to make the programs work by getting them back to the States and back to the local government where that decisionmaking may be more productive than it has been coming from Washington.

I want to make sure that everyone understands that the training part and the literacy part are two separate parts. The part dealing with parenting is in the adult education section, not in the training section. The partners are the parents and the child.

Now, when I left eighth grade in a two-room school and went to a city junior high school, a farm boy, who thought, this is 60 years ago, who thought that every child had loving parents, every child had literate parents and every child had wonderful grandparents living on either side. That is the way it was in little Loganville in the farm community. And what a shock when I got to the junior high school in center city and discovered that I was unusual. I was not the norm.

That was many, many years ago, when an illiterate parent or a functionally illiterate parent could get a job, could support a family and, above all, they did not want anyone to know that they could not read or write. But that is not the world we are living in today. The world we are living in today requires not only that someone is functionally literate but somebody that can read and write and comprehend, it will be by the year 2000, on the 12th grade level. It is a totally different world we are dealing with. We are dealing with many, many children that are being born to 13, 14, 15-year-olds.

I wish I had a magic wand and could put the wonderful American family back together as we think we remember it. I cannot do that. But what I can do is make sure that those children have an opportunity to get a piece of the American dream. They cannot get a piece of the American dream unless their parents can help them get a piece of the American dream. Parenting skills, literacy skills are very, very important to center city America, to rural poor America, to many other areas throughout America. They want their children to succeed. They want to be participants. They want to make sure that their children have an opportunity to get the best, but they do not have that opportunity at the present time.

So when we talk about the National Institute for Literacy, just a few of the statistics, 51 percent of those who have participated in those programs have gone on and got their GED's or their high school diploma. Thirteen percent of them went on to a form of higher education; about 50 percent of those have dropped off the welfare rolls.

That is what it is all about. We are trying to help those most in need. We are trying to make our program that we passed last year, a program from welfare to work, successful. It will not happen overnight. I ask all to support the opportunity to take 160 programs, get rid of many that should not be there in the first place, consolidate the others into three block grants, get them back to local and State government. And they are going to be responsible for making the welfare reform bill work. We are just offering a helping hand. I ask that all support the legislation. The alternative is disastrous.

Mr. SOUDER. Mr. Chairman, I move to strike the last word.

I wanted to respond to two of my good friends, first my distinguished colleague, the gentleman from Texas [Mr. PAUL]. He is one of the most consistent Members I have ever met in Congress. As a Libertarian he does not believe in Federal job training or most Federal anything, and in that he has been consistent and logical. I appreciate that, and I support him and vote with him most of the time. But I am not a Libertarian and so sometimes we are going to disagree.

The gentleman from Illinois [Mr. HYDE] has been one of my personal heroes. He has been a champion of human values and of conservative principles. On this I believe he is wrong.

One question that he had asked is, are we smart enough at the Federal level? The answer is, we are not; that is why we are doing this bill and trying to change it.

I want to point out to my conservative friends and people listening across the country that a critical part of helping Americans when we do welfare reform is making sure that when we cut them off the welfare rolls, there are some options out there in helping, particularly targeting to, the most needy.

We do not need job training programs that pick the people who are going to get a job anyway. Most of them move in or out of welfare within 2 years. That is why we need some general direction down to the States where we expect, because we are going to be held accountable by the taxpayers of this country for the money that we take from them and then spend, we are held accountable, not Governor, not the State legislature, not the local mayor. We are held accountable to give them direction as to who we want served and what results we expect. What we should not be doing is micromanaging their lives.

This bill is not perfect, but it is a dramatic improvement on the current law. I did not hear any objections that are not true now; in other words, that is not a reason to defeat this bill. We are giving more power to States and local communities, more likely to result in people being trained for work through greater involvement of the business community.

Do I believe all these programs work? No. Do I believe some work a little bit? Yes. And some work dramatically. But they are doing more than nothing and we are about to be crushed. We are going to wind up spending more on homeless spending, more on welfare spending, more on health care, if we do not actually follow through on our welfare programs.

This bill includes private sector providers; that is an innovation. We are involving employers in the design and implementation of job training programs. We are transferring responsibility for design and implementation. We are eliminating many Federal programs to focus funding on things that people at local communities and States and people who work with people and training them to employ can make those decisions.

We are making the program more trainee friendly so they can figure out where to go. A lot of the problems are that we do not even know where to go to try to get the job training.

We are preserving local boards. I believe having local boards is an important thing. I know that has been an internal battle as well, but I want to have people in Fort Wayne and around the country in their communities having an impact.

We set out some guidelines. I participated in setting some of those guidelines and saying how to target some responsibilities, not micromanaging but setting guidelines.

We have worked with conservative groups now for nearly two years to try to address some of their concerns. We have made many internal amendments, many improvements.

Some, for example, a number of the things that were in the Graham amendment today were not needed. In fact, most of the things were not needed, but we put extra protections in to make sure that we said voluntary, to make sure that we double and triple made sure that home schoolers were not included, that things were only considerations, that there was not doubling, that we did not get into areas that we were not supposed to be in.

The question is, what else are we supposed to do other than eliminate job training? It gets frustrating after awhile when we have tried to do that.

Two major things I heard for two years was we were going to take little elementary school kids who are from middle and upper class families, not just at risk kids, and make everybody at risk. And we were going to take over the education system. The truth is, now we have separated vocational education. That eliminated the biggest thing last year that was supposedly bad with the bill. We are going to deal with vocational education. It was never our intent anyway.

We are only going to deal with at risk kids and, there is not enough money to draw everybody in even if we wanted to, which we do not.

The second thing was my distinguished colleague from Colorado offered an amendment to make sure that State legislators were not cut out of the process so those who want to fight this can raise at the State level.

Now it does not have to even come through and be accepted by a State. They can look at that.

I think those are two huge changes. I really do not understand much of the opposition. I clearly understand the opposition of the gentleman from Texas [Mr. PAUL]. He stated it clearly and succinctly. The opposition of the gentleman from Illinois [Mr. HYDE] though well intended, I believe, is incorrect. Everything he said is also true of current law.

And lastly let me say this: Not every conservative believes, in fact, I would say most conservatives do not believe that we do not have any role for somebody who cannot read and write. As I worked and have worked over time with people who have been out of work and they cannot read or write, it is devastating. We do have to get into literacy programs in a lot of these things.

□ 1230

Mr. RIGGS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I know that we are anxious to conclude the debate, but I simply could not allow, in good conscience, the gentleman from Illinois [Mr. HYDE] and the gentleman from Texas [Mr. PAUL] to mischaracterize this bill.

Let me preface my remarks by saying that the gentleman from Illinois has a very well-deserved reputation for being one of the most respected, even revered Members of Congress, and the gentleman from Texas, as the gentleman from Indiana [Mr. SOUDER], pointed out, has been absolutely consistent and constant in his views both as a private citizen and as a political leader in the country. But, Mr. Chairman, this bill empowers individuals, not government. Yes, it is based on the premise that the Federal Government, in partnership with State and local government, and the private sector, and that Federal taxpayers have a very legitimate role in helping to educate and train the most disadvantaged youth and adults and to help prepare them for the real world of work.

I say again, as other speakers before me have said, this legislation consolidates over 60 separate Federal categorical education and job training programs into three block grants. And in that regard, the gentleman from Pennsylvania, Chairman GOODLING, and the gentleman from California, Subcommittee Chairman MCKEON, in particular, and the ranking member, the gentleman from Michigan, Mr. KILDEE, deserve a tremendous amount of credit.

This bill will make a very positive impact on adults as they prepare for the jobs of the future, and it is going to help workers get the retraining necessary to compete, whether we like it or not, Mr. Chairman, in an increasingly complex and global economy. Because if the economy of today is the size of a beach ball, that economy of the 21st century, right around the corner, is going to be the size of a golf ball. I do not want to retreat from that reality.

Let me also point out that this bill provides services to adult job training recipients through a voucher which we call a skill grant. What can be more Republican and more conservative a philosophy than that idea? We empower individuals. We let them decide the training that is appropriate for them and we let them seek out the job training provider in their community who is going to provide that training.

Now, some of the naysayers say this approach will encourage the fly-by-night companies, the so-called proprietary schools, to deceive the job-seeking public. But this bill has a number of protections in the form of requirements that providers must meet in order to receive the funds. That provider must either be an accredited eligible postsecondary education program or be recognized by the local, emphasis again on the word "local," work force development board which will determine if the provider meets acceptable locally established performance standards.

So, again, this is all about empowering individuals, giving them a say in the training and education that is right for them.

As I pointed out earlier today, it takes a work-first approach to training, driving resources for intensive training services to welfare recipients and other individuals with multiple barriers to employment. It amends current adult education programs, encouraging literacy and other educational programs to really, again, try to tie the real world of work to education.

And again I want to say one more time, particularly to our more conservative colleagues on this side of the aisle, that this legislation promotes individual responsibility through vouchers. It encourages competition in the marketplace among training providers and it drives resources and authority out of Washington to States and localities.

So do not be misled or deceived by the mischaracterization of this bill. By decreasing the size and the scope of the Federal Government's control, this is truly a work-first bill for adults and it will also, as we debated earlier, help get economically disadvantaged youth back to school. It is a bill that is going to give Americans the tools they need for the 21st century. It is worthy of our support.

The CHAIRMAN. Are there any other amendments to division A?

If not, the Clerk will designate division B.

The text of division B is as follows:

DIVISION B—VOCATIONAL REHABILITATION PROGRAMS

TITLE XXI—AMENDMENTS TO GENERAL PROVISIONS

SEC. 2101. REHABILITATION SERVICES ADMINISTRATION.

Section 3 of the Rehabilitation Act of 1973 (29 U.S.C. 702) is amended—

(1) in subsection (b), by striking ", as well as unexpended appropriations for carrying out the Vocational Rehabilitation Act (29 U.S.C. 31–42),"; and

(2) by striking subsection (c).

SEC. 2102. DEFINITIONS.

Section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 706) is amended—

(1) by striking paragraph (12);

(2) in paragraph (15)(A), by inserting a comma after "subparagraph (B) or (C)";

(3) by adding at the end the following:

"(36) The term 'administrative costs' means—

"(A) expenditures not incurred by the State unit for—

"(i) rehabilitation counselors;

"(ii) rehabilitation case coordinators; or

"(iii) other direct service personnel; and

"(B) notwithstanding subparagraph (A) includes expenditures incurred by the State unit in the performance of administrative functions under the vocational rehabilitation program, including expenses related to program planning, development, monitoring, and evaluation, including—

"(i) quality assurance;

"(ii) budgeting, accounting, financial management, information systems, and related data processing;

"(iii) providing information about the program to the public;

"(iv) technical assistance to other State agencies, private nonprofit organizations, and businesses and industries;

"(v) the State Rehabilitation Advisory Council and other advisory committees;

"(vi) professional organization membership dues for State unit employees;

"(vii) the removal architectural barriers in State vocational rehabilitation agency offices and State operated rehabilitation facilities;

"(viii) operating and maintaining State unit facilities, equipment, and grounds;

"(ix) supplies;

"(x) administration of the comprehensive system of personnel development, including personnel administration, administration of affirmative action plans, and training and staff development, administrative salaries, including clerical and other support staff salaries, in support of these functions;

"(xi) travel costs related to carrying out the program, other than travel costs related to the provision of services;

"(xii) costs incurred in conducting reviews of rehabilitation counselor or coordinator determinations; and

"(xiii) legal expenses required in the administration of the program."; and

(4) by redesignating paragraphs (36), (22), (23), (24), (25), (1), (2), (3), (26), (4), (5), (6), (27), (7), (28), (29), (30), (20), (21), (8), (31), (15), (32), (9), (10), (33), (11), (19), (13), (14), (16), (18), (34), (35), and (17) as paragraphs (1) through (35), respectively.

SEC. 2103. REPORTS.

Section 13 of the Rehabilitation Act of 1973 (29 U.S.C. 712) is amended by inserting after the third sentence "The Commissioner shall also annually collect information with respect to the title I, vocational rehabilitation services program, on administrative costs and other expenditures under the program.".

TITLE XXII—AMENDMENTS TO VOCATIONAL REHABILITATION SERVICES

SUBTITLE A—GENERAL PROVISIONS

SEC. 2201. DECLARATION OF POLICY; AUTHORIZATION OF APPROPRIATIONS.

Section 100(b) of the Rehabilitation Act of 1973 (29 U.S.C. 720(b)) is amended in each of paragraphs (1) and (2) by striking "fiscal years 1993 through 1997" and inserting "fiscal years 1998, 1999, and 2000".

SEC. 2202. STATE PLANS.

Section 101(a) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)) is amended—

(1) in paragraph (4)—

(A) by striking ", except that in the case" and inserting ", except that—

"(A) in the case";

(B) by striking "to the extent permitted by such regulations,";

(C) by inserting "and" after the semicolon; and

(D) by adding at the end the following:

"(B) in the case of earmarked funds used as the State match for Federal funds, where such funds are earmarked for particular geographic areas within a State;";

(2) in paragraph (7)(A)—

(A) by striking clause (i)(II) and all that follows;

(B) by striking "which shall include—

"(i) a description" and inserting "which shall include a description";

(C) b striking "on an annual basis—

"(I) the number and type" and inserting "on an annual basis the number and type"; and

(D) by striking "counselors to clients; and" and inserting "counselors to clients;";

(3) in paragraph (11)(A)—

(A) by striking "(20 U.S.C. 2301 et seq.), and" and inserting "(20 U.S.C. 2301 et seq.),"; and

(B) by inserting after "(41 U.S.C. 46 et seq.)" the following: ", and State use contracting programs";

(4) by striking paragraph (13);

(5) by striking paragraph (17);

(6) in paragraph (24)—

(A) in the matter preceding subparagraph (A), by striking "students who are individuals" and inserting "students"; and

(B) in subparagraph (B), by striking "individualized written rehabilitation program" and inserting "individualized education program";

(7) in paragraph (25), by striking "Secretary" and inserting "Commissioner";

(8) in paragraph (28), by adding at the end before the semicolon the following: "and State use contracting programs";

(9) by striking paragraph (30);

(10) in paragraph (33), by striking "and working relationships";

(11) in paragraph (36)—

(A) in subparagraph (B)(i), by moving the margin two ems to the left;

(B) in clauses (i), (ii), and (iii) of subparagraph (C) (including subclause (II) of each of such clauses (ii) and (iii)), by moving the margin two ems to the left; and

(12) by redesignating paragraphs (14), (15), (16), (18) through (22), (24) through (29), and (31) through (36) as paragraphs (13) through (32), respectively.

SEC. 2203. SCOPE OF VOCATIONAL REHABILITATION SERVICES.

Section 103(a) of the Rehabilitation Act of 1973 (29 U.S.C. 723(a)) is amended—

(1) by striking paragraph (7); and

(2) by redesignating paragraphs (8) through (16) as paragraphs (7) through (15), respectively.

SEC. 2204. STATE REHABILITATION ADVISORY COUNCIL.

Section 105 of the Rehabilitation Act of 1973 (29 U.S.C. 725) is amended by striking subsection (i).

SEC. 2205. EVALUATION STANDARDS AND PERFORMANCE INDICATORS.

Section 106(a) of the Rehabilitation Act of 1973 (29 U.S.C. 726(a)) is amended in paragraph (1) by adding at the end the following: "After such date, the Commissioner shall review and, if necessary, revise the evaluation standards and performance indicators every three years. Any necessary revisions shall be developed with input from State vocational rehabilitation agencies, related professional and consumer organizations, recipients of vocational rehabilitation services, and other interested parties. Any proposed revisions shall be subject to the notice, publication, and comment provisions described in paragraph (3).".

SEC. 2206. MONITORING AND REVIEW.

Section 107(a) of the Rehabilitation Act of 1973 (29 U.S.C. 727(a)) is amended by adding at the end the following:

"(5) MONITORING AND REVIEW REPORTS.—Any reports detailing the findings of the annual reviews and periodic on-site monitoring visits shall be made available to the State Rehabilitation Advisory Council for use in the development and modification of the State plan.".

SUBTITLE B—BASIC VOCATIONAL REHABILITATION SERVICES

SEC. 2211. STATE ALLOTMENTS.

Section 110(d)(2) of the Rehabilitation Act of 1973 (29 U.S.C. 730(d)(2)) is amended—

(1) by striking "the Secretary—" and all that follows through "(B) not less than" and inserting "the Secretary, not less than"; and

(2) by striking "fiscal years 1995, 1996, and 1997" and inserting "fiscal years 1998, 1999, and 2000".

SEC. 2212. PAYMENTS TO STATES.

Section 111(a)(2)(B) of the Rehabilitation Act of 1973 (29 U.S.C. 731(a)(2)(B)) is amended—

(1) by striking clause (i); and

(2) by striking "(ii)".

SEC. 2213. CLIENT ASSISTANCE PROGRAM.

Section 112(h) of the Rehabilitation Act of 1973 (29 U.S.C. 732(h)) is amended by striking "fiscal years 1993 through 1997" and inserting "fiscal years 1998, 1999, and 2000".

TITLE XXIII—AMENDMENTS TO RESEARCH AND TRAINING

SEC. 2221. AUTHORIZATION OF APPROPRIATIONS.

Section 201(a) of the Rehabilitation Act of 1973 (29 U.S.C. 761(a)) is amended—

(1) in paragraph (1), by striking "each of fiscal years 1993 through 1997" and inserting "fiscal years 1998, 1999, and 2000"; and

(2) in paragraph (2), by striking "each of fiscal years 1993 through 1997" and inserting "fiscal years 1998, 1999, and 2000".

SEC. 2222. NATIONAL INSTITUTE ON DISABILITY AND REHABILITATION RESEARCH.

Section 202(c) of the Rehabilitation Act of 1973 (29 U.S.C. 761a(c)) is amended—

(1) by striking ", except that" and all that follows through "regular technical and professional employees of the Institute"; and

(2) by redesignating paragraph (4) as paragraph (2).

TITLE XXIV—AMENDMENTS TO TRAINING AND DEMONSTRATION PROJECTS

Subtitle A—Training Programs and Community Rehabilitation Programs

SEC. 2231. TRAINING.

Section 302 of the Rehabilitation Act of 1973 (29 U.S.C. 771a) is amended—

(1) in subsection (a)(1)(B)(iv), by moving the margin two ems to the left;

(2) by striking subsection (e);

(4) in subsection (g)(3)(A)—

(A) in clause (ii), by adding "and" at the end;

(B) in clause (iii), by striking "; and" and inserting a period; and

(C) by striking clause (iv); and

(4) in subsection (h), by striking "fiscal years 1993 through 1997" and inserting "fiscal years 1998, 1999, and 2000"; and

(5) by redesignating subsections (f) through (i) as subsections (e) through (h), respectively.

SEC. 2232. REPEALERS.

(a) IN GENERAL.—Sections 303, 304, 305, and 306 of the Rehabilitation Act of 1973 (29 U.S.C. 772, 773, 775, and 776) are hereby repealed.

(b) CONFORMING AMENDMENT.—The table of contents of such Act (29 U.S.C. 701 note) is amended by striking the items relating to sections 303, 304, 305, and 306.

SEC. 2233. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 310 of the Rehabilitation Act of 1973 (29 U.S.C. 777) is amended—

(1) by striking "each of fiscal years 1993 through 1997" and inserting "fiscal years 1998, 1999, and 2000";

(2) by redesignating such section as section 303; and

(3) by inserting such section after section 302.

(b) CONFORMING AMENDMENT.—The table of contents of such Act (29 U.S.C. 701 note) is amended—

(1) by striking the item relating to section 310 (as such section was in effect prior to the redesignation of such section under subsection (a)(2)); and

(2) by inserting after the item relating to section 302 the following:

"Sec. 303. Authorization of appropriations.".

Subtitle B—Special Projects and Supplementary Services

SEC. 2241. SPECIAL DEMONSTRATION PROGRAMS.

Section 311 of the Rehabilitation Act of 1973 (29 U.S.C. 777a) is amended—

(1) in subsection (a), by striking "Subject to the provisions of section 306, the" and inserting "The";

(2) by striking subsection (b);

(3) in subsections (c) and (d), by striking "fiscal years 1993 through 1997" each place it appears and inserting "fiscal years 1998, 1999, and 2000"

(4) by striking subsection (e); and

(5) by redesignating subsections (c), (d), and (f) as subsections (b), (c), and (d), respectively.

SEC. 2242. MIGRATORY WORKERS.

Section 312(b) of the Rehabilitation Act of 1973 (29 U.S.C. 777b(b)) is amended by striking "fiscal years 1993 through 1997" and inserting "fiscal years 1998, 1999, and 2000".

SEC. 2243. REPEALERS.

(a) IN GENERAL.—Sections 314 and 315 of the Rehabilitation Act of 1973 (29 U.S.C. 777d and 777e) are hereby repealed.

(b) CONFORMING AMENDMENT.—The table of contents of such Act (29 U.S.C. 701 note) is amended by striking the items relating to sections 314 and 315.

SEC. 2244. SPECIAL RECREATIONAL PROGRAMS.

(a) IN GENERAL.—Section 316 of the Rehabilitation Act of 1973 (29 U.S.C. 777f) is amended—

(1) in subsection (b), by striking "fiscal years 1993 through 1997" and inserting "fiscal years 1998, 1999, and 2000";

(2) by redesignating such section as section 313; and

(3) by inserting such section after section 312, as amended by this Act.

(b) CONFORMING AMENDMENT.—The table of contents of such Act (29 U.S.C. 701 note) is amended—

(1) by striking the item relating to section 316 (as such section was in effect prior to the redesignation of such section under subsection (a)(2)); and

(2) by inserting after the item relating to section 312 the following:

"Sec. 313. Special recreational programs.".

TITLE XXV—AMENDMENTS TO NATIONAL COUNCIL ON DISABILITY

SEC. 2251. AUTHORIZATION OF APPROPRIATIONS.

Section 405 of the Rehabilitation Act of 1973 (29 U.S.C. 785) is amended by striking "fiscal years 1993 through 1997" and inserting "fiscal years 1998, 1999, and 2000".

TITLE XXVI—AMENDMENTS TO RIGHTS AND ADVOCACY

SEC. 2261. EMPLOYMENT OF INDIVIDUALS WITH DISABILITIES.

Section 501(a) of the Rehabilitation Act of 1973 (29 U.S.C. 791(a)) is amended in the third sentence by striking "the Handicapped" and inserting "People With Disabilities".

SEC. 2262. ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD.

Section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792) is amended—

(1) in subsection (a), by striking "Chairperson" and inserting "chairperson"; and

(2) in subsection (g)(2), by striking "Committee on Education and Labor" and inserting "Committee on Education and the Workforce".

SEC. 2263. PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS.

Section 509 of the Rehabilitation Act of 1973 (29 U.S.C. 794e) is amended—

(1) by redesignating subsection (n) as subsection (i);

(2) in subsection (l), by striking "Committee on Education and Labor" and inserting "Committee on Education and the Workforce"; and

(3) in subsection (m), by striking "each of the fiscal years 1993, 1994, 1995, 1996, and 1997" and inserting "each of the fiscal years 1998, 1999, and 2000".

TITLE XXVII—AMENDMENTS TO EMPLOYMENT OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES

SEC. 2271. AUTHORIZATION OF APPROPRIATIONS.

Sections 622 and 638 of the Rehabilitation Act of 1973 (29 U.S.C. 795i and 795q) are each amended by striking "each of fiscal years 1993 through 1997" and inserting "each of the fiscal years 1998, 1999, and 2000".

SEC. 2272. REPEALERS.

(a) IN GENERAL.—Parts A and D of title VI of the Rehabilitation Act of 1973 (29 U.S.C. 795 et seq. and 795r) are hereby repealed.

(b) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Parts B and C of title VI of such Act (29 U.S.C. 795g et seq. and 795k et seq.) are redesignated as parts A and B of title VI of such Act, respectively.

(2) TABLE OF CONTENTS.—The table of contents of such Act (29 U.S.C. 701 note) is amended—

(A) by striking the items relating to parts A and D of title VI (as such parts were in effect prior to the repeal of such parts under subsection (a)); and

(B) by redesignating the items relating to parts B and C of title VI (as such parts were in effect prior to the redesignation of such parts under paragraph (1)) as items relating to parts A and B of title VI of such Act, respectively.

TITLE XXVIII—AMENDMENTS TO INDEPENDENT LIVING SERVICES AND CENTERS FOR INDEPENDENT LIVING

SEC. 2281. AUTHORIZATION OF APPROPRIATIONS.

(a) SECTIONS 714 AND 727.—Sections 714 and 727 of the Rehabilitation Act of 1973 (29 U.S.C. 796e–3 and 796f–6) are amended by striking "each of the fiscal years 1993, 1994, 1995, 1996, and 1997" and inserting "each of the fiscal years 1998, 1999, and 2000".

(b) SECTION 753.—Section 753 of such Act (29 U.S.C. 796l) is amended by striking "each of the fiscal years 1993 through 1997" and inserting "each of the fiscal years 1998, 1999, and 2000".

SEC. 2282. PROGRAM AUTHORIZATION FOR CENTERS FOR INDEPENDENT LIVING.

Section 721(c)(1)(A) of the Rehabilitation Act of 1973 (29 U.S.C. 796f(c)(1)(A)) is amended by striking ",," and inserting a comma.

TITLE XXIX—AMENDMENTS TO SPECIAL DEMONSTRATIONS AND TRAINING PROJECTS

SEC. 2291. AUTHORIZATION OF APPROPRIATIONS.

Section 801 of the Rehabilitation Act of 1973 (29 U.S.C. 797) is amended by striking "1993 through 1997." each place such term appears and inserting "1998 through 2000.".

SEC. 2292. DEMONSTRATION ACTIVITIES.

Section 802 of the Rehabilitation Act of 1973 (29 U.S.C. 797a) is amended to read as follows:

"SEC. 802. DEMONSTRATION PROJECTS TO INCREASE CLIENT CHOICE.

"(a) GRANTS.—The Commissioner may make grants to States and public or nonprofit agencies and organizations to pay all or part of the costs of projects to demonstrate ways to increase client choice in the rehabilitation process, including the selection of providers of vocational rehabilitation services.

"(b) USE OF FUNDS.—An entity that receives a grant under this section shall use the grant only—

"(1) for activities that are directly related to planning, operating, and evaluating the demonstration projects; and

"(2) to supplement, and not supplant, funds made available from Federal and non-Federal sources for such projects.

"(c) APPLICATION.—Any eligible entity that desires to receive a grant under this section shall submit an application at such time, in such manner, and containing such information and assurances as the Commissioner may require, including—

"(1) a description of—

"(A) how the applicant intends to promote increased client choice in the rehabilitation process, including a description, if appropriate, of how an applicant will determine the cost of any service or product offered to an eligible client;

"(B) how the applicant intends to ensure that any vocational rehabilitation service or related service is provided by a qualified provider who is accredited or meets such other quality assurance and cost-control criteria as the State may establish; and

"(C) the outreach activities to be conducted by the applicant to obtain eligible clients; and

"(2) assurances that a written plan will be established with the full participation of the client, which plan shall, at a minimum, include—

"(A) a statement of the vocational rehabilitation goals to be achieved;

"(B) a statement of the specific vocational rehabilitation services to be provided, the projected dates for their initiation, and the anticipated duration of each such service; and

"(C) objective criteria, an evaluation procedure, and a schedule, for determining whether such goals are being achieved.

"(d) AWARD OF GRANTS.—In selecting entities to receive grants under subsection (a), the Commissioner shall take into consideration the—

"(1) diversity of strategies used to increase client choice, including selection among qualified service providers;

"(2) geographic distribution of projects; and

"(3) diversity of clients to be served.

"(e) RECORDS.—Entities that receive grants under subsection (a) shall maintain such records as the Commissioner may require and comply with any request from the Commissioner for such records.

"(f) DIRECT SERVICES.—At least 80 percent of the funds awarded for any project under this section shall be used for direct services, as specifically chosen by eligible clients.

"(g) EVALUATION.—The Commissioner shall conduct an evaluation of the demonstration projects with respect to the services provided, clients served, client outcomes obtained, implementation issues addressed, the cost effectiveness of the project, and the effects of increased choice on clients and service providers. The Commissioner may reserve funds for the evaluation for a fiscal year from the amounts appropriated to carry out projects under this section for the fiscal year.

"(h) DEFINITIONS.—For the purposes of this section:

"(1) DIRECT SERVICES.—The term 'direct services' means vocational rehabilitation services, as described in section 103(a).

"(2) ELIGIBLE CLIENT.—The term 'eligible client' means an individual with a disability, as defined in section 7(8)(A), who is not currently receiving services under an individualized written rehabilitation program established through a designated State unit.".

SEC. 2293. TRAINING ACTIVITIES.

(a) IN GENERAL.—Section 803 of the Rehabilitation Act of 1973 (29 U.S.C. 797b) is amended—

(1) by striking subsections (d) and (e) and redesignating subsection (f) as subsection (d);

(2) in subsection (d) (as so redesignated by paragraph (1))—

(A) by striking "(g)" and inserting "(f)"; and

(B) by striking the last sentence; and

(3) by striking subsection (a) and redesignating subsections (b) through (d) (as so redesignated by paragraph (1)) as subsections (a) through (c).

(b) EFFECTIVE DATES.—

(1) PARAGRAPHS (1) AND (2).—The amendments made by paragraphs (1) and (2) of subsection (a) shall take effect on October 1, 1997.

(2) SUBSECTION (a)(3).—The amendment made by paragraph (3) of subsection (a) shall take effect on October 1, 1998.

TITLE XXX—AMENDMENTS TO THE HELEN KELLER NATIONAL CENTER ACT

SEC. 2295. AUTHORIZATION OF APPROPRIATIONS.

Section 205(a) of the Helen Keller National Center Act (29 U.S.C. 1904(a)) and section 208(h) of such Act (29 U.S.C. 1907(h)) are each amended by striking "1993 through 1997" and inserting "1998, 1999, and 2000".

TITLE XXXI—EFFECTIVE DATE

SEC. 2297. EFFECTIVE DATE.

Except as provided in section 2293, this division and the amendments made by this division shall take effect on October 1, 1997.

The CHAIRMAN. Are there any amendments to division B?

AMENDMENT NO. 3 OFFERED BY MR. MCKEON

Mr. McKEON. Mr. Chairman, I offer amendment No. 3.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. McKEON:

Page 6, after the item relating to section 2263, insert the following:

Sec. 2264. Requirement that Federal agencies provide certification of compliance with electronic and information technology accessibility guidelines.

Page 277, after line 3, insert the following:

(1) in paragraph (5), by inserting after "supported employment" the following: "and self-employment or business ownership";

Page 277, line 4, strike "(1)" and insert "(2)".

Page 277, line 5, strike "(2)" and insert "(3)".

Page 277, line 7, strike "(3)" and insert "(4)".

Page 279, line 6, strike "(4)" and insert "(5)".

Page 279, after line 23, insert the following:

(a) DECLARATION OF POLICY.—Section 100(a)(3)(C) of the Rehabilitation Act of 1973 (29 U.S.C. 720(a)(3)(C)) is amended to read as follows:

"(C) Applicants and eligible individuals must be active and full partners in the vocational rehabilitation process, making meaningful and informed choices—

"(i) during assessments to determine eligibility and vocational rehabilitation needs; and

"(ii) in the selection of the employment goal, services needed to achieve the goal, entities providing such services, and the methods used to procure such services.".

Page 279, line 24, strike "Section 100(b)" and insert "(b) AUTHORIZATION OF APPROPRIATIONS.—Section 100(b)".

Page 280, strike line 19 and all that follows through line 4 on page 281 and insert the following:

(2) in paragraph (7)(A) to read as follows:

"(A) include a description, consistent with the purposes of this Act, of a comprehensive system of personnel development, which, at a minimum, shall consist of—

"(i) a description of the procedures and activities the State agency will undertake to address the current and projected training needs of all personnel in the designated State unit to ensure that they are adequately trained and prepared;

"(ii) a plan to coordinate and facilitate efforts between the designated State unit and institutions of higher education and professional institutions to recruit, prepare, and retain qualified personnel, including personnel from minority backgrounds and personnel who are individuals with disabilities; and

"(iii) the development and maintenance of a system for determining on an annual basis the number and type of personnel that are employed by the State agency in the provision of vocational rehabilitation services, including ratios of counselors to clients;";

Page 281, after line 5, insert the following:

(A) by inserting "the Rural Development Administration of the Department of Agriculture," after "the Department of Veterans Affairs,";

Page 281, line 6, strike "(A)" and insert "(B)".

Page 281, line 9, strike "(B)" and insert "(C)".

Page 282, after line 3, insert the following:

(11) in paragraph (35), by striking "and" at the end;

Page 282, strike lines 4 through 10 and insert the following:

(12) in paragraph (36)—

(A) in subparagraph (b)(i), by moving the margin two ems to the left;

(B) in clauses (i), (ii), and (iii) of subparagraph (C) (including subclause (II) of each of such clauses (ii) and (iii)), by moving the margin two ems to the left; and

(C) by striking the period at the end and inserting "; and";

(13) by adding at the end the following:

"(37) provide assurances that the State, or any recipient of funds made available to the State under this title, will comply with the guidelines established under section 508(a) of this Act."; and

Page 282, line 11, strike "(12)" and insert "(14)".

Page 282, line 13, strike "(36)" and insert "(37)".

Page 282, line 13, strike "(32)," and insert "(33),".

Page 282, after line 14, add line 14, add the following (and conform the table of contents of the bill accordingly):

SEC. 2203. INDIVIDUALIZED PLAN FOR EMPLOYMENT.

(a) SECTION HEADING.—Section 102 of the Rehabilitation Act of 1973 (29 U.S.C. 722) is amended in the section heading by striking "**INDIVIDUALIZED WRITTEN REHABILITATION PROGRAM**" and inserting "**INDIVIDUALIZED PLAN FOR EMPLOYMENT**".

(B) ASSESSMENT.—Section 102(b) of such Act (29 U.S.C. 722(b)) is amended to read as follows:

"(b)(1) As soon as a determination has been made that an individual is eligible for vocational rehabilitation services, the designated State unit shall complete the assessment described in subparagraphs (B) and (C) of section 7(2), if such assessment is necessary, and ensure that an individualized plan for employment is—

"(A) either—

"(i) at the request of the individual, developed by the individual or, as appropriate, the eligible individual's representative and approved by the vocational rehabilitation counselor; or

"(ii) developed and approved by the individual or, as appropriate, by a parent, a family member, a guardian, an advocate, or an authorized representative of such individual (hereafter referred to in this subsection as the 'eligible individual's representative') and the vocational rehabilitation counselor;

"(B) based on the findings of the assessment to determine the individual's eligibility and vocational rehabilitation needs described in section 7(2);

"(C) written, and, as appropriate, otherwise documented, and provided to the individual or, as appropriate, to the eligible individual's representative in the native language or mode of communication of the individual or, as appropriate, of the eligible individual's representative;

"(D) implemented in a timely manner;

"(E) reviewed at least annually by the vocational rehabilitation counselor and the individual or, as appropriate, the eligible individual's representative; and

"(F) amended, as necessary, by the individual or, as appropriate, the eligible individual's representative, in collaboration with the counselor, when there are substantive changes in the employment goal, the services to be provided, or the service providers (such revisions or amendments shall not take effect until agreed to and signed by the individual or, as appropriate, by the eligible individual's representative, and the vocational rehabilitation counselor).

"(2) The individual plan for employment shall be developed and implemented in a manner that affords eligible individuals the opportunity to exercise informed choice in selecting the employment goal, the specific vocational rehabilitation services to be provided, the entity or entities that will provide the vocational rehabilitation services, and the methods used to procure the services, consistent with the informed choice provisions in subsection (e).

"(3) The individualized plan for employment shall identify—

"(A) the specific employment goal that is chosen by the individual, consistent with the unique strengths, resources, priorities, concerns, abilities, capabilities, and informed choice of the individual, and is, to the maximum extent appropriate, in an integrated setting;

"(B) the specific vocational rehabilitation services that are—

"(i) needed to achieve the employment goal, including, as appropriate, assistive technology devices and services, and personal assistance services, including training in the management of such services; and

"(ii) provided in the most integrated setting that is appropriate to the service being provided and is consistent with the informed choice of the individual;

"(C) the entity or entities chosen by the individual or, as appropriate, the eligible individual's representative, that will provide the vocational rehabilitation services and the methods used to procure such services;

"(D) timelines for the achievement of the employment goal and for the initiation of services;

"(E) the terms and conditions of the individualized plan for employment, including—

"(i) the responsibilities of the designated State unit and the individual under such plan, including participation in the costs of the plan;

"(ii) criteria to evaluate progress toward achievement of the employment goals; and

"(iii) the use of comparable services and benefits under such plan, in accordance with section 101(a)(8);

"(F) prior to the determination that the individual has achieved an employment outcome, the expected need for post-employment services; and

"(G) the rights and remedies available to the individual as provided in subsection (d), including notification of the availability of assistance from the client assistance program under section 112 of this Act.

"(4) For an individual with the most severe disabilities for whom an employment goal in a supported employment setting has been determined to be appropriate, the individualized plan for employment shall, in addition to the requirements identified in subsection (b)(3), identify—

"(A) the extended services needed by the individual;

"(B) the source of extended services or, to the extent that the sources to provide the extended services cannot be identified at the time of the development of the individualized plan for employment, a description of the basis for concluding that there is a reasonable expectation that such sources will become available; and

"(C) in cases in which multiple extended service providers are available to the individual, the providers of such services chosen by the individual or, as appropriate, the eligible individual's representative.".

(c) INFORMED CHOICE.—Section 102 of such Act (29 U.S.C. 722) is amended by adding at the end the following:

"(e) Each State agency, in consultation with its State Rehabilitation Advisory Council, if it has one, shall, consistent with section 100(a)(3)(C), develop and implement written policies and procedures that enable each individual to exercise informed choice throughout the vocational rehabilitation process, including policies and procedures that require the State agency—

"(1) to inform each applicant and eligible individual (including students with disabilities who are making the transition from programs under the responsibility of an educational agency to programs under the responsibility of the designated State unit), through appropriate modes of communication, about the availability of, and opportunities to exercise, informed choice, including the availability of support services for individuals with cognitive or other disabilities who require assistance in exercising informed choice;

"(2) to assist applicants and eligible individuals to exercise informed choice in decisions related to the provision of assessment services;

"(3) to develop and implement flexible procurement policies and methods that facilitate the provision of services and that afford eligible individuals meaningful choices among the methods used to procure services;

"(4) to provide or assist eligible individuals in acquiring information that enables those individuals to exercise informed choice in the selection of—

"(A) the employment goal;

"(B) the specific services needed to achieve the individual's employment goal;

"(C) the providers of the selected services;

"(D) the employment setting and the settings in which services are provided; and

"(E) the methods available for procuring the selected services; and

"(5) to ensure that the availability and scope of informed choice under this section is consistent with the State agency's obligations under section 12(e).".

(d) CONFORMING AMENDMENT.—Section 102 of such Act (29 U.S.C. 722) is amended by striking "individualized written rehabilitation program" each place is appears and inserting "individualized plan for employment".

Page 282, line 15, strike "2203" and insert "2204".

Page 282, line 22, strike "2204" and insert "2205".

Page 283, line 1, strike "2205" and insert "2206".

Page 283, line 14, strike "2206" and insert "2207".

Page 285, strike line 16 and all that follows through line 20 and insert the following:

(1) in paragraph (1)—

(A) by striking ", except that" and all that follows through "continue to serve as Director"; and

(B) by striking the third and fourth sentences;

(2) by striking paragraph (2);

(3) in paragraph (3)—

(A) by striking "ncessary" and inserting "necessary"; and

(B) by redesignating such paragraph as paragraph (2); and

(4) by redesignating paragraph (4) as paragraph (3).

Page 286, after line 6, insert the following (and conform the table of contents of the bill accordingly):

SEC. 2231. DECLARATION OF PURPOSE.

Section 301(1)(A) of the Rehabilitation Act of 1973 (29 U.S.C. 770(1)(A)) is amended by inserting after "independent living services programs" the following: ", through community economic or business development programs".

Page 286, line 7, strike "2231" and insert "2232".

Page 286, after line 9, insert the following:

(1) in subsection (a)(1)—

(A) by striking "and (E)" and inserting "(E)";

(B) by striking the period at the end and inserting the following: ", and (F) personnel specifically trained to deliver services to individuals whose vocational goal is self-employment or business ownership.";

Page 286, strike lines 10 and 11 and insert the following:

(2) in subsection (b)(1)(B)—

(A) in clause (ii)—

(i) by redesignating subclauses (IV) and (V) as subclauses (V) and (VI), respectively; and

(ii) by inserting after subclauses (III) the following:

"(IV) assistance and support to individuals pursuing self-employment or business ownership as their rehabilitation goal;"; and

(B) in clause (iv), by moving the margin two ems to the left;

Page 286, line 12, strike "(2)" and insert "(3)".

Page 286, line 13, strike "(3)" and insert "(4)".

Page 286, line 19, strike "(4)" and insert "(5)".

Page 286, line 22, strike "(5)" and insert "(6)".

Page 287, line 1, strike "2232" and insert "2233".

Page 287, line 8, strike "2233" and insert "2234".

Page 288, lines 6 and 7 and insert the following:

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "Subject to the provisions of section 306, the" and inserting "The";

(B) in paragraph (3), by striking "and" at the end;

(C) in paragraph (4), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(5) establishing programs for supporting the effects of vocational rehabilitation programs to promote self-employment or business ownership goals of people with disabilities.".

Page 291, after line 13, insert the following:

SEC. 2264. REQUIREMENT THAT FEDERAL AGENCIES PROVIDE CERTIFICATION OF COMPLIANCE WITH ELECTRONIC AND INFORMATION TECHNOLOGY ACCESSIBILITY GUIDELINES.

Section 508(b) of the Rehabilitation Act of 1973 (29 U.S.C. 794d(b)) is amended to read as follows:

"(b) COMPLIANCE.—

"(1) IN GENERAL.—Each Federal agency shall comply with the guidelines established under this section.

"(2) CERTIFICATION.—

"(A) ESTABLISHMENT OF CERTIFICATION PROCEDURES.—The Director of the Office of Management and Budget shall establish uniform procedures under which the head of each Federal agency shall submit to the Director a written certification, containing such information as the Director may reasonably require, that such agency is in compliance with the guidelines established under this section.

"(B) SUBMISSION OF CERTIFICATION.—Not later than September 30 of each year, the head of each Federal agency shall submit to the Director of the Office of Management and Budget a written certification in accordance with the procedures established under subparagraph (A).

"(C) REVIEW OF CERTIFICATION.—The Director of the Office of Management and Budget—

"(i) shall review each certification submitted by each Federal agency under subparagraph (B); and

"(ii) shall provide notice to each such Federal agency that such agency is either in compliance or not in compliance with the guidelines established under this section, as the case may be.

"(D) ASSISTANCE FOR AND MONITORING OF AGENCIES NOT IN COMPLIANCE.—In the case of a Federal agency that is not in compliance with the guidelines established under this section, the Director of the Office of Management and Budget—

"(i) shall assist such agency in its efforts to comply with such guidelines; and

"(ii) shall monitor the progress of such agency to comply with such guidelines.".

Mr. McKEON. Mr. Chairman, these amendments are those changes that have been worked out by Republicans, Democrats, and the administration since the full committee markup, as requested by the chairman and ranking member at that markup.

The amendment will streamline the current individualized written rehabilitation plan as the individualized plan for employment, add a collection of consumer choice provisions to the act to increase the ability of individuals with disabilities to control the content, scope, and services of the program, add provisions to emphasize that

self-employment or starting your own business is a viable vocational outcome, transfer of certain existing obligations of States under the Disabilities Technology-related Assistance Act to the Rehabilitation Act, and technical refinements to amendments that were included in the marked-up bill.

Mr. Chairman, I urge support of this amendment.

Mr. KILDEE. Mr. Chairman, I rise in support of the amendment.

I concur with the statements made by my subcommittee chairman, the gentleman from California [Mr. McKEON], and urge the adoption of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. McKEON].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to division B?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. COLLINS] having assumed the chair, Mr. NEY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1385), to consolidate, coordinate, and improve employment, training, literacy, and vocational rehabilitation programs in the United States, and for other purposes, pursuant to House Resolution 150, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CLAY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 343, nays 60, not voting 30, as follows:

[Roll No. 138]

YEAS—343

Abercrombie
Allen
Archer
Armey
Bachus
Baesler
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Bryant
Bunning
Burr
Buyer
Calvert
Camp
Canady
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Christensen
Clay
Clayton
Clement
Clyburn
Coburn
Combest
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Houghton
Hoyer
Hunter
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
Kleczka
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Livingston
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Reyes
Riggs
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer, Bob
Schumer
Scott
Serrano
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snowbarger
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Sununu
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson
Thornberry
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)

NAYS—60

Aderholt
Barr
Burton
Callahan
Campbell
Cannon
Chenoweth
Coble
Collins
Cook
Cox
Crane
Crapo
Davis (IL)
Dickey
Doolittle
Duncan
Emerson
Everett
Goode
Goss
Hall (TX)
Hayworth
Hefley
Hostettler
Hulshof
Hutchinson
Hyde
Jones
King (NY)
Kingston
LaHood
Lewis (KY)
Manzullo
Metcalf
Neumann
Pappas
Paul
Petri
Pombo
Radanovich
Riley
Rogan
Royce
Salmon
Sanford
Scarborough
Schaefer, Dan
Sensenbrenner
Sessions
Shadegg
Smith, Linda
Solomon
Stearns
Stump
Talent
Taylor (MS)
Thune
Wamp
Weldon (FL)

NOT VOTING—30

Ackerman
Andrews
Baker
Ballenger
Barton
Boehlert
Brown (OH)
DeGette
Flake
Gephardt
Gillmor
Gutierrez
Hefner
Istook
Jefferson
Klink
LoBiondo
Manton
Miller (CA)
Molinari
Murtha
Packard
Quinn
Schiff
Skelton
Towns
Watkins
Watts (OK)
Wicker
Young (FL)

□ 1258

Mr. WELDON of Florida and Mr. DUNCAN changed their vote from "yea" to "nay."

Messrs. HINCHEY, TIAHRT, and BARTLETT of Maryland changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1385, EMPLOYMENT, TRAINING, AND LITERACY ENHANCEMENT ACT OF 1997

Mr. McKEON. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 1385, the Clerk be authorized to make technical corrections and conforming changes to the bill.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from California?

There was no objection.

GENERAL LEAVE

Mr. MCKEON. 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 H.R. 1385, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 1469, 1997 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM NATURAL DISASTERS, AND FOR OVERSEAS PEACEKEEPING EFFORTS, INCLUDING THOSE IN BOSNIA

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1469) making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

□ 1300

MOTION TO INSTRUCT OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Speaker, I offer a motion to instruct.

The Clerk read as follows:

Ms. KAPTUR moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 1469, be instructed to insist on the House position with respect to funding for the Special Supplemental Nutrition Program for Women, Infants and Children (WIC), providing a funding level of $76,000,000, to ensure no reduction in the number of participants being served by this program.

The SPEAKER pro tempore [Mr. HASTINGS of Washington]. The gentlewoman from Ohio [Ms. KAPTUR] will be recognized for 30 minutes, and the gentleman from Louisiana [Mr. LIVINGSTON] will be recognized for 30 minutes.

The Chair recognizes the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Speaker, I yield myself such time as I may consume.

In view of the time, I think it is our intention to be respectful to the Members and their needs to catch their flights. Our motion instructs conferees to simply insist that the funding level of $76 million provided in the House-passed bill for the WIC Program, which was agreed to overwhelmingly by this body yesterday, prevailed in conference with the Senate.

The Senate version of the bill includes only $58 million for the WIC Program, and in its statement of administration policy on the Senate version of the bill, the administration estimated that the number of women, infants, and children served would be reduced by 75,000 to 100,000 participants if the $58 million number prevailed.

So we ask, Mr. Speaker, that we have this motion to instruct the conferees, and I reserve the balance of my time.

Mr. LIVINGSTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it was my own position that this money was not needed, that there was ample money in the pipeline for all of the deserving recipients of WIC funds. However, my personal position was different from the vote of the House yesterday which supported the position stated by the gentlewoman from Ohio [Ms. KAPTUR]. That vote was 338 to 89. So in view of that vote, I believe that we should indeed be instructed and would intend to support the House position of $76 million versus the Senate position of $58 million.

Mr. Speaker, I would accept the amendment. However, before doing so, I yield such time as he may consume to the gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. Mr. Speaker, perhaps the ranking member and I could have a slight dialog on this.

Last night we had discussed the possibility of an amendment or warning to the bill to make sure that the money only goes to the families and the children rather than to the bureaucracy to the extent that it can, and my colleague had raised some concerns about the administrative costs being high.

There is about, as my colleague knows, $15 million in the $76 million that will go straight to administration. I think it is the desire of many people to say that if we are increasing the money, let us not feed the bureaucrat, the bureaucracy; let us feed the children.

And so my question to my colleague, not amending the bill, but would the minority side work in the spirit of the intention of the amendment to say that as much money as possible goes to children and women and not to the bureaucracy?

Ms. KAPTUR. Mr. Speaker, will the gentleman yield?

Mr. KINGSTON. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Speaker, we absolutely want to keep with the purposes of the program.

Mr. LIVINGSTON. Mr. Speaker, I reserve the balance of my time.

Ms. KAPTUR. Mr. Speaker, I yield as much time as he may consume to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, let me simply say that I think we need to understand, if I can get the attention of the gentleman from Georgia [Mr. KINGSTON], using the term "administrative uses" is a very tricky way to go about this. We do not want in any way under the guise of preventing this money from going to bureaucratic convenience, we do not want in any way, and I am sure that Members on both sides of the House will not want in any way, to have a proposition which expresses concern that we do not want money to go to administrative costs to mean that that will get in the way of implementing cost containment to recover $1 billion from infant formula rebates.

We do not regard the administrative expenses as items such as blood tests to determine whether a woman is anemic, or we do not believe that it is administrative funding to provide counseling for pregnant women on the dangers of alcohol and drugs to their unborn children. We do not think that it is administrative expenses to promote breast-feeding on the part of new mothers. We certainly do not want to interfere with the printing of vouchers.

And the problem is that the way "administrative expenses" are defined could very well preclude all of those activities, which would absolutely gut the purposes expressed yesterday. And so we will be very willing to look at the legitimate efforts to see that this goes only to provide needed services or evaluation or needed outreach for and to the populations who were meant to be served. But we do not want a definition of "administrative services" that, under the guise of limiting administrative services, actually cuts out needed services to people.

Ms. KAPTUR. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Speaker, I want to associate myself with the remarks of the gentleman from Wisconsin [Mr. OBEY], and I talked with my colleague and friend from Georgia [Mr. KINGSTON] on this question of the administrative costs, and I do think that he agrees with us.

There are questions of bureaucracy here, but the wording "administrative" should in no way be used to dilute these essential services which, by anybody's definition, are really delivery of services to these women and children that are in great need.

But I support this motion to instruct, and I am sure that in the conference the language can be looked at, and how one defines that bureaucracy is one thing, but if it is left open ended and it actually is a dilution of services, then of course we would all have to oppose that.

Ms. KAPTUR. Reclaiming my time, Mr. Speaker, I would just like to say that when we are offering this motion to instruct, it is simply on the language that was adopted here yesterday. We appreciate the gentleman's concerns, and in view of the time, I think the membership would like a vote on this.

Mr. Speaker, I reserve the balance of my time.

Mr. LIVINGSTON. Mr. Speaker, I yield 1 minute to the gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. Mr. Speaker, let me, in response to the ranking members's comments on the complete agreement, that which is legitimately needed to make the program work; I agree that it is not administrative costs. The intention with the amendment was to have it broad enough so that the USDA could define those essential services. We are in agreement on that. I just want to make sure that as much money as possible goes to the end user and as little as necessary goes to bureaucrats.

Mr. Speaker, I think we have had enough discussion on this.

Mr. LIVINGSTON. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Speaker, I thank the distinguished chairman of the House Committee on Appropriations.

Mr. Speaker, let me just say that I think this is an issue that should have been addressed in conference. It is fundamentally the purpose of a conference committee between the House and the Senate, but now the gentlewoman and the distinguished ranking member of the committee have offered this motion to instruct, I intend to support it.

As I said yesterday, I am accepting the administration's assertion on good faith that we need a minimum of $76 million to ensure full enrollment, full participation, in the program this year.

However, to address the concerns, the very legitimate concerns, of the appropriators regarding the status and the future of this program, we are going to be looking at this fall in the context of reauthorization all the issues that have been identified in the letter to the GAO, to the Comptroller General of the United States, requesting a management audit of this particular program. Those issues include determining the reasons why some States are not spending all of their Federal program funding; ascertaining the number of women, infants, and children who are eligible to participate in the program and the extent to which they actually participate in the program; assessing the extent to which ineligible persons are receiving program benefits as a result of inadequate income documentation and verification; identifying those State practices that significantly enhance or diminish the effective and efficient operation of the program; assessing the extent to which program benefits are accessible to eligible working women and their children; assessing the effect of competitive bidding contracts for infant formula on non-WIC consumers of infant formula and the percentage market share of commodities to determine other possible products where cost savings could be realized through competitive bidding without cost shifting effect on non-WIC customers; and, last, assessing the effect of this requirement that WIC products be purchased in individual serving quantities on cost savings and program integrity.

The time to address these issues is when the GAO has had a chance to report back to Congress, will be looking at their findings and recommendations in the context of the reauthorization debate this fall.

Mr. Speaker, I support again full funding for the current year and, therefore, intend to support the motion to instruct.

Mr. LIVINGSTON. Mr. Speaker, I reserve the balance of my time.

Ms. KAPTUR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just wanted to thank the gentleman from California [Mr. RIGGS] from the authorizing committee and say we will welcome the work of his committee later this fall.

In addition to that, I think WIC is one of the most audited and studied programs in the entire Government of the United States. There are currently four studies ongoing on the program which I know will enlighten the gentleman's work, including one that the Committee on the Budget is doing in conjunction with the GAO.

Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I would just like to take 30 seconds to reiterate, this motion to instruct is a motion to instruct on the amendment as it passed the House last night, period, with no games played on the question of administrative costs which in any way could undercut the delivery of services to one deserving or eligible human being under the WIC Program.

Ms. KAPTUR. Mr. Chairman, I reserve the balance of my time.

Mr. LIVINGSTON. Mr. Speaker, does the gentlewoman have any additional speakers?

Ms. KAPTUR. I have no additional speakers.

Mr. LIVINGSTON. Then, Mr. Speaker, the gentleman from Louisiana yields himself such time as he may consume to simply point out that all of the speakers have made their points. It would be the position of this gentleman to press the case advanced by the gentleman from Georgia, but in view of all of the statements here and the vote last night of, again, 338 to 89, we have no objection, the majority has no objection, to the motion to instruct advanced by the gentlewoman.

Mr. Speaker, I yield back the balance of my time.

Ms. KAPTUR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to thank the gentleman for his consideration. We very much want the House to instruct the conferees to be very vigilant in maintaining the language as passed here yesterday, and I would ask the membership to support the full funding level for all participants in WIC.

Ms. VELAZQUEZ. Mr. Speaker, even though many Republicans finally realized the error of their ways and joined the Democrats to restore $76 million for basic nutrition for America's poorest babies—we can't claim victory yet. The Senate has only set aside $58 million for WIC. Right now, the fate of 85,000 women and children will be decided by a Republican-dominated conference.

When negotiation on the lives of infants and mothers begins next week, I would urge the conferees to maintain the full $76 million for WIC. America will be watching. If you try to use smoke and mirrors to deny these children food, we will know.

My colleagues, the supplemental already hurts American families by freezing funding for education. After weeks of fighting, we have to stick to our guns. We must give all 180,000 women, children and infants the proper nutrition they need.

Ms. KAPTUR. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from Ohio [Ms. KAPTUR].

The motion was agreed to.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

Messrs. LIVINGSTON, MCDADE, YOUNG of Florida, REGULA, LEWIS of California, PORTER, ROGERS, SKEEN, WOLF, KOLBE, PACKARD, CALLAHAN, WALSH, TAYLOR of North Carolina, OBEY, YATES, STOKES, MURTHA, SABO, FAZIO of California, HOYER, MOLLOHAN, Ms. KAPTUR, and Ms. PELOSI.

There was no objection.

□ 1315

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The Chair will entertain 1-minute requests.

MIND OF A DEMOCRAT MILLIONAIRE

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, I say to my friends, have they ever wondered what it is like to be a Democrat millionaire? Well, if we look in Congressional Daily on page 4 today, we can get some insight into the mind of a Democrat millionaire.

We have a Senator, Senator KERRY on the other side, who was in danger of receiving a parking ticket for having the family car parked in front of a fire hydrant. I do not know if he got a parking ticket or not, but what did he do? He moved his family's millions to move the fire hydrant.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman will suspend. The gentleman will try to avoid making references to Members of the other body.

Mr. KINGSTON. Mr. Speaker, if one has millions and millions of dollars and if one parks in front of a fire hydrant, do not worry about a ticket, just pay to have the hydrant moved.

So in the exclusive Beacon Hill area of Boston, the civic association says, this has never, ever happened before. A guy named Peter Thompson said, this is a first even for Beacon Hill. Remember that. If you have lots of money and want to park in front of a hydrant, just pay to have the hydrant moved.

VOTING FOR LIBERTARIANISM IS VOTING FOR LIBERTY

(Mr. PAUL asked and was given permission to address the House for 1 minute.)

Mr. PAUL. Mr. Speaker, we have just finished the debate on the jobs programs bill, and in the discussion I was referred to as a libertarian, but a very consistent one that voted the same way on each type of legislation.

I would like to remind my colleagues that voting for libertarianism is voting for liberty. Also it is a very consistent vote with the doctrine of enumerated powers. It is said in the Constitution that we can only do here in the Congress which is enumerated by the clauses within the document. So therefore, if it is said that I am very consistent and want to be labeled as libertarian, that is one thing, I do not deny that. But in the other sense, I am a strict constitutionalist that obeys and listens very carefully to my pledge to the Constitution as well as paying close attention to the ninth and tenth amendment.

ENVIRONMENTAL EXTREMISTS FAVOR BEETLES OVER PEOPLE

(Mr. SCARBOROUGH asked and was given permission to address the House for 1 minute.)

Mr. SCARBOROUGH. Mr. Chairman, I have had a fairly good environmental rating over the past couple of years, but what happened last week shows us how far environmentalists will go; actually, not even environmentalists, but environmental extremists, how far they will go to pursue their agenda.

We had an opportunity last week to allow people in California to make repairs on a levee that had already broken several times and it actually killed Americans after the levee broke. Yet, when we had an opportunity to allow people to go in and make repairs on that levee, the environmentalists went absolutely crazy and said that they would not allow anybody to fix the levee that had already killed people without waivers.

They said that there was a beetle inside of shrubbery that was so precious that they could not allow these lifesaving measures to be taken. So the shrubbery caucus decided that the life of beetles and the life of shrubbery was obviously more important than the life of human beings.

Mr. Chairman, as the gentleman from Ohio [Mr. TRAFICANT] says, beam me up. That just does not make sense.

AMERICORPS' WASTEFUL SPENDING OF TAXPAYER DOLLARS

(Mr. TIAHRT asked and was given permission to address the House for 1 minute.)

Mr. TIAHRT. Mr. Chairman, I would like to talk a little bit about AmeriCorps. We found out recently that in Colorado, AmeriCorps has built some hornos, H-O-R-N-O, and hornos are mud stoves that were used by the Indians some 4,000 years ago. And we have spent our American tax dollars at a park in Colorado to build these hornos, so that if we happen to be traveling through Colorado and we have the urge to stop and cook some tortillas or cook some food on these hornos, well, our tax dollars have provided that opportunity to us.

Now, AmeriCorps had a good intent of trying to bring nonprofit organizations together, but these paid volunteers now have taken our tax dollars and they are starting to expend it in funny ways. We have now an opportunity in the very near future to eliminate this tremendous waste, so I just wanted to bring to the country's attention how their tax dollars have been wasted through this organization called AmeriCorps, which is a code word for paid volunteers.

HORNOS FOR COLORADANS

(Mr. BOB SCHAFFER of Colorado asked and was given permission to address the House for 1 minute.)

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, the previous speaker, the gentleman from Kansas, mentioned a project that takes place in my district in Colorado, these horno ovens that we will find built in the Fort Collins area. It is a pile of mud. It is about that high, and some people believe they are attractive, but the AmeriCorps Program built this pile of mud in Fort Collins as a gift to the people of my community, as a gift.

I just want to point out that when Members think of the AmeriCorps Program and the volunteers out working hard to deliver important projects to the community, I do invite my colleagues, as the gentleman said, to come through Fort Collins and look at the mud pile that the AmeriCorps Program has left in my community in Fort Collins and think about how vigorously we should support continuation of the program.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO REGINALD MAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. SNOWBARGER] is recognized for 5 minutes.

Mr. SNOWBARGER. Mr. Speaker, I rise today to recognize an outstanding teacher.

Reginald May directs the instrumental music program at F.L. Schlagle High School in Kansas City, KS, home of the Mighty Marching Stallions.

Mr. May has been a music instructor in the Kansas City area for yearly 20 years. He is credited with forming the first middle school marching band in the Kansas City, MO, school district and since 1993 has been in charge of the music and auxiliary marching programs at Schlagle.

Mr. May leads his students in performing all over the community, at churches, day care centers, charitable fund-raising activities, and corporate events. I first met Mr. May 3 weeks ago when I was speaking at a memorial service on the anniversary of the Oklahoma City bombing. He conducted the Schlagle band at the service and we were all very appreciative for their contribution that day.

The marching band has been nationally recognized, including a second place finish in the national parade division at the Circle City Classic parade in Indianapolis. Likewise, many of his individual students have received academic honors and recognition for personal achievements.

One of Mr. May's special challenges has been to keep his students in school. He bonds with his students, not only as their teacher, but as their mentor and their friend. He believes in their potential and helps them believe in themselves. He is a great influence on the determination of many of his students

to not only stay in high school, but to go on to college.

But make no mistake. Mr. May is not an easy touch. His music classes are as tough and challenging as they are fun and rewarding. To quote Mr. May, "High standards and no-nonsense policies are set by the Schlagle High School Band program. If you believe in young people and give 110 percent, they will give you the same in return." The marching band program's stated goals are to strive to be the best and to demonstrate pride, perfection in musicianship and precision in marching.

But the mark of a great teacher can often be his or her ability to help guide students toward a fulfilling career. Thanks to Mr. May's skill, devotion and enthusiasm, many of his students have chosen a music career. One way he encourages this is by bringing in first rate professional musicians like blues guitarist Michael "Hawkeye" Herman to play with his students. According to a news account, that session with Schlagle students in 1995, which lasted for hours, included an impromptu performance of the classic "Kansas City" by "Hawkeye" Herman.

Obviously, Mr. May knows how to make music fun for his students. As the acting principal of Schlagle High School, Mary Stewart wrote to me that Mr. May's students are proud to say they go to Schlagle, the school with the great band.

Mr. Speaker, I am proud that this great teacher, Reginald May, is leading a great band at a great school in my district. I thank the House for allowing me to recognize today the contribution he makes to our community.

□ 1330

COMMAND SOCIETY VERSUS FREE SOCIETY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. PAUL] is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, it is safe to say that we now live in what we call a command society, we do not live in a free society where social and economic problems are solved through voluntary and free market solution. Whether it is food for the poor, homes for the homeless, medical care for the sick, we endlessly call on the Government to use force to redistribute wealth and distribute our production of welfare, with total disregard for the conditions required to produce the wealth.

In this misdirected humanitarianism, great harm is done to the very people who are supposed to be helped, both the recipients, as they are forced into a degrading dependency, and the working poor, who bear the greatest tax and inflation burden. In a command society, the Government continuously says, do this, do that, and we obediently do it. But smoldering anger and resentment results, confusion arises, because all the Government does is supposed to be good and helpful.

We are endlessly forced to get licenses for all that we do. Rules and regulations are all around us, from morning till night, cradle to grave. We tax life, we tax death, we tax success, and we tax savings. We suffer from double and triple taxation. Taxes are everywhere, as we work half the time for our Government.

We meet Government regulations and rules and paperwork everywhere we go. We cannot walk, talk, pray, or own a gun without a Government permit. We cannot drive a car without bells and buzzers and horns and belts and bags, without being reminded that Big Brother is watching, just waiting for one misstep, while the rapists and murderers go unpunished. We are intimidated by political correctness to the point that an innocent joke is a crime and the laws are a joke.

Our businesses are subject to invasion at will by Government bureaucracy without warning, pretending to save us from ourselves, while destroying our freedoms. As the bureaucracy thrives, the command society expands.

I see no evidence, sadly, of a reversal of this trend. We continue to tinker with the bureaucracy through disbursement and talk of great benefits of block grants and local controls and never talk of the philosophic or moral principles that permit the command society; that is, the concession that the arbitrary use of force to mold personal behavior in the market in our entire society is permissible.

Without change in our philosophic approach to government, we will find all the adjustments and revamping of the command society will not and cannot succeed. It cannot change the course upon which this Nation is set.

Placing confidence in pseudo-reform does great harm by postponing the day we seriously consider the moral principles upon which a free society is built. I am anxiously waiting for that day.

Mr. Speaker, at this time I enter into the RECORD this recent commentary by one of America's leading television newsmen, Hugh Downs. During his May 10, 1997, radio program "Perspective," this commentary was broadcast, making many of the same points I have made today.

BATF'S IN THE BELFRY

(By Hugh Downs)

Not too long ago, the California State Legislature passed a law permitting women to breast feed their children in public. Legislators felt obliged to pass a law about this despite the fact that courts have already upheld the practice. Also breast feeding has long been recommended to women by their physicians as the feeding method of choice. And quite aside from the legal precedent and the medical advantage, breast feeding is the natural way to feed infants; obviously women are equipped to serve sustenance to their offspring this way and it is the safest way to nourish an infant. So why would we need a law to state the obvious?

A law permitting public breast feeding is part of a tradition of inane legal redundancies generated by America's criminal justice empire. I say empire because legislators, by nature, think they possess, like Roman Caesars, the imperium, as if the laws they pass somehow wield supreme power over the universe. For example, in the past, legislators in Arkansas prohibited the river in Little Rock to swell any higher than the bridge. That's right, the river, by law, was "commanded" not to flood. Wasn't that wonderful? This inane and redundant bit of arrogance reminds me of Canute, the ancient Danish King of England. Canute put his throne on the beach and commanded the sea to retreat. You will not be surprised to hear that the sea dragged Canute, throne and all, to a watery embarrassment. Legislators, from Canute to Congress, can imagine themselves as imperium, because the power to create law seems as if it should include the laws of nature, or the laws of the universe, or let's be honest about it, the laws of the Almighty.

I've also heard that, in the past, legislators once passed a law that forbade chickens to lay eggs before 8 o'clock in the morning and no later than 4 o'clock in the afternoon. I'm told this law is, or at least was, on the books in Norfolk, Virginia. Legislators commanded chickens, under penalty of law, only to lay eggs between the daylight hours of 8 and 4. (If you're looking for "bird brains" here, you could have trouble figuring out which species had more of them.) I wonder what the penalty was for laying eggs after 4 o'clock? Maybe criminal chickens were threatened with being "cooped up."

To be fair, a lot of stupid laws are just old laws that may have seemed liked a good idea at the time but now seem quaint. When automobiles first appeared around the turn of the century, legislators rushed laws to regulate them. Since early automobiles made enough noise to spook a horse, several states passed laws that required runners to precede automobiles so that horse riders and buggy drivers could be forewarned of the approaching menace. I can only imagine what modern Interstate highways would look like if such laws were enforced today. I heard that in Pennsylvania somewhere, there is still a law requiring motorists to pull over at the sight of a team of horses and cover the vehicle with a cloth that has been painted to match the local foliage. I looked in my trunk the other day and noticed that I don't carry a camouflage cover. I hope I never need one in Pennsylvania.

Many old laws seem dumb and dumber today, and are innocently amusing. Who cares if it's against the law in Grand Haven, Michigan to toss an abandoned hoop skirt in the street? It may have happened in the 1860's but it'll never happen today because women don't wear hoop skirts anymore. In addition to antiquated laws, some laws can be ludicrous prohibitions that deal with situations that are patently obvious. Is it really true that someone passed a law in Alabama prohibiting motorists from operating a motor vehicle while blind folded? What was in their beverages? And what about that Florida law prohibiting sex with a porcupine? I'm not kidding. This is supposed to be a real law. What were these lawmakers thinking? At least sex with a porcupine must be one crime with a very low rate of recidivism.

Obviously, hubris can propel legislators well beyond the asinine to the really dangerous. America's burgeoning criminal justice empire doesn't just churn out useless laws, it also creates unnecessary law enforcement agencies—whole police forces that we don't need. We don't need them because we already have local police departments. The DEA, or Drug Enforcement Agency is anything but local. The DEA performs a job that used to be done by the War Department during World War II. The DEA sends American GI's into foreign countries and wages war. Prosecution of a drug war sounds like a policy hatched by Dumb and Dumber. Without a war there would be no need for the DEA, or its staggering budget.

Of course, the DEA does not police alcohol and tobacco. We have a completely separate police force (the Dumber half of this duo) just to deal with cigarettes and liquor. The BATF, or Bureau of Alcohol, Tobacco and Firearms, is what you might call an "offbeat" police force. The name itself is off the wall?

You might wonder why we need a completely separate organization to police things that are all legal, especially when local police already do that. Local police have been doing it for centuries in America. But lawmakers, anxious to serve in the drug war, decided that extra federal agencies were needed too. We may have too many laws and too many agencies. After the catastrophes at Waco and Ruby Ridge, the BATF came under Congressional scrutiny as an unnecessary organization that sometimes over-steps its bounds.

When they're not being investigated by Congress, the BATF is tracking down dangerous criminals and keeping America safe. For example, America was recently threatened by a naked angel—that's right a naked angel—and the BATF fought valiantly to repel her. They lost. Kermit Lynch, a wine merchant in northern California, reports that he tried to import some Chianti wine that had a naked angel on the label. The BATF pounced. Agents told Lynch that pictures of naked ladies on containers of alcohol are forbidden. So Kermit Lynch looked up the law. He discovered that pictures of women in the all together are permissible on containers of alcohol if the pictures are art. The BATF had to backtrack when Mr. Lynch demonstrated that the picture wasn't really a naked woman, it was really an artistic nude from a 13th century tapestry.

A stunned Kermit Lynch says "The BATF is in the business of judging art. Can you believe it?" In an interview, Mr. Lynch told reporter Paul Kilduff that the Kenwood winery in Sonoma County, California hired artist David Goines to do a label. When Mr. Goines came up with a naked woman standing in a vineyard, the BATF pounced again. So, a now angry Mr. Goines submitted a new label with the skeleton of a woman standing in a vineyard. You guessed it. The BATF approved that one.

How many useless laws and useless police agencies do we really need? Surely, we should throw out what we don't need and keep what we do. Like the law that I'm told exists in Tennessee, that prohibits shooting game animals from moving vehicles. The law has one exception: whales. It's legal to shoot whales in Tennessee from a moving vehicle. Now there's a law that we need.

TERMINATE DIPLOMATIC RELATIONS AND FINANCIAL TRANSACTIONS WITH TERRORIST NATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. SCARBOROUGH] is recognized for 5 minutes.

Mr. SCARBOROUGH. Mr. Speaker, I have grown up believing, being taught by my parents, in the idea of an America built on unwavering values, rock-solid principles that have been built into this culture based on thousands of years of other people's experience, where freedom is valued more than finance, and where human rights mean more than market share.

It was Thomas Jefferson talking about freedom who said that he would stand before the altar of almighty God pledging to battle those who would try to place tyrannical restrictions over the mind of man. And of course, we have heard de Toqueville say America is great because America is good. And when America ceases to be good, it will then cease to be great.

So I believe our goal is to carry on the proud tradition of Washington and Jefferson, the proud tradition of Benjamin Franklin and Abraham Lincoln, who understood the importance of freedom, the idea of American freedom, and who understood that America needed to be, as Ronald Reagan said, quoting Saint Matthew, that America had to be like a bright light shining on the hill for all the world to see.

That is why this next week, as we start talking about foreign ops, that I hope we will start asking some very tough questions about what is happening in Sudan. I think anybody that studies human rights across the globe, whether they are conservative or liberal, or whether they are Democrats or Republicans, really need to be shocked at what has been going on in Sudan since 1989.

According to United Nations human rights reports, we hear of 7-year-old children being crucified, being killed, we hear of villages being destroyed simply based on people's religious views. And what is America's response to what many call the most tyrannical country in the world? It is actually to allow American businesses to go over and do business with this horrible terrorist state, this state that continues to sponsor terrorism across the globe.

When Occidental wanted to go and do business with this terrorist state, they were not permitted to do so because of the antiterrorist legislation that passed this House and was signed by the previous administration. And yet, all Occidental had to do was go to the administration and ask for a waiver and they received it immediately and began doing business with Sudan, again, this country that exports terrorism across the globe that has been responsible for the deaths of Americans and again is responsible for the most heinous crimes against their own people.

That is why I am going to be introducing an amendment next week dealing with Sudan, and the first thing it will do is terminate diplomatic relations with Sudan and require the closure of all diplomatic and consular offices of Sudan and the United States unless the President determines and certifies to the Congress that Sudan is no longer sponsoring or supporting terrorism. That is something that this administration simply cannot do. Americans have already had to flee Sudan in fear. I think it is time that we get Sudan off of our shores until they stop sponsoring state terrorism.

In fact, we had Jimmy Carter, former President, go over and try to negotiate a peace with Sudan. He has been doing it for years. He was given permission to fly to south Sudan to talk to a village; and before he got there, the Sudanese Government bombed that village and Mr. Carter had to flee Sudan.

I think we also need to stop financial transactions with terrorists. And unfortunately, this is not just limited to Sudan. It seems like our foreign policy has been for sale for too long now and we have been dealing with violators of human rights for far too long.

Again, America is about freedom, it is not about simply financial gain. That is why I believe we have to stop financial transactions with terrorists, and we would once again make sure that no exception under the section with respect to Sudan that would allow American businesses to do business with Sudan, that no exception would be granted by this administration or by this Congress unless the President again certifies to Congress that Sudan is no longer sponsoring or supporting terrorism at home or across the globe.

Again, when you have a country that so persecutes its own people by crucifying 7-year-old children, by having committed a terror campaign against its own people, and then exporting terrorism across the globe and to the United States of America, it is time to stand up and say enough is enough, we value freedom over financial gain, and we will do whatever it takes to support human rights across the global.

TRIBUTE TO HAZEL SECHLER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina [Mrs. MYRICK] is recognized for 5 minutes.

Mrs. MYRICK. Mr. Speaker, another part of the genteel soul of America died last Saturday night in the small North Carolina town of Weldon, just off I–95, a town where everyone knows everyone else, where just a short time ago evening strolls ended with neighbors chatting on spacious front porches,

where everyone was responsible for everyone else. That is the way it was.

Hazel Sechler was virtually blind, 88 years old, and she lived alone and had for over half a century since her only husband met an untimely death. She threw herself into her church work and into her townspeople's needs, including those of my husband Ed, totally into his life for all of his life. She was truly one of the family.

Hazel Sechler was a genteel woman, no cross words for anyone, and she possessed an awesome positive attitude. Hats and gloves did not separate her from the town wino or other misfortunate. She was truly a lady.

Saturday night, someone cut her telephone line while she was talking on the phone to a neighbor. He forced himself inside her house, raped her, and slashed her throat. A genteel part of America died Saturday night; and in a national sense, virtually no one noticed. Yet, Hazel Sechler, the infirm, blind old lady of Weldon, NC, left perhaps enough in those she touched to rekindle the love of God in other places.

RAISING TAXES IS THE BUSINESS OF THE LEGISLATURE, NOT JUDICIARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. MANZULLO] is recognized for 5 minutes.

Mr. MANZULLO. Mr. Speaker, this week I had the opportunity to testify before a subcommittee of the House Committee on the Judiciary on the issue of judicial taxation. Rockford, IL, is a city of about 150,000 people. It is at the top of the State in more ways than one. It is my home. It is where I grew up. I lived there for a number of years before I moved to the country some time ago.

The city is under a Federal court order to desegregate the school system of School District 205. And what is happening in Rockford is happening across the Nation today as judges take on the roles of legislators, as judges attempt to be school administrators, school boards, teachers, PTA, and as judges arbitrarily and without taking into consideration the impact have raised taxes on the people of School District 205 in an attempt to resolve the proven segregation that took place years ago in that city.

The legislation that I introduce says as follows: That a Federal judge should follow the Constitution and leave to the legislature the business of raising taxes. Unfortunately, it is impossible to do away with the power of a Federal court to raise taxes, and that goes back to years ago when railroads were issued bonds by municipalities and municipalities defaulted on those bonds and courts had to pose something called a structural injunction in order to pay back those bonds.

What has happened in Rockford is that a court has raised taxes, almost doubled taxation in the past 4 years, and the people of Rockford just got their tax bill 3 or 4 days ago. Taxation went up another 10 to 15 percent. And instead of a remedy bringing together a community, instead of a remedy that looks at the past civil rights abuses and says what can we do to bring this community together in order to redress the past civil rights grievance, the remedy ends up dividing a community; the remedy has increased real estate taxes, lowered property values, made it very difficult for people to sell their homes, made it uninviting for people to want to move into School District 205, and put such a hard press especially on seniors, those who are on fixed incomes, seniors whose taxes are much more than they can afford to pay.

As the seniors call my office and as the families who call my office, many with tears in their voice, and say, Congressman, I do not understand why a Federal judge can raise my real estate taxes and I can be subjected to taxation without representation, when in fact a Revolutionary War was fought in that nation over the fact that we as colonies were taxed without having one person representing us in the parliament in Great Britain.

□ 1345

We thought that was done away with 200 years ago, but it still continues today. The purpose of my legislation is to send a message to the Federal court that you are not a taxing, that the power to tax is with the legislature. If you dare try to raise the taxes of the people, you have to meet very certain guidelines, the first among which is the fact that a remedy cannot be fashioned without the increase of taxes. Then thereafter, the other guidelines that we set up serve as a curb on the powers of the Federal courts to raise taxes and to destroy the quality of life in cities such as Rockford, IL.

My bill, the Judicial Mandate and Remedy Clarification Act, is constitutional because it sets up the guidelines which under those very rare circumstances under which a court can undertake to raise the taxes of the local people.

I would encourage my colleagues to become signatories to this type of legislation because when we talk about judicial activism, ultimately it is the U.S. Congress under article III, sections 1 and 2 that has the power to give the jurisdiction to these district courts and the power to set the remedies.

THE GOVERNMENT

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 5 minutes.

Mr. WISE. Mr. Speaker, I was struck by an earlier speaker this afternoon who talked about his many concerns about government. I understand that government is not perfect. Government often needs correction. But I think it is time that we also speak about what government does and why government exists and why we believe government is important.

Yesterday this House passed an emergency supplemental bill to assist flood victims not only in my State of West Virginia but across the Midwest and in several other areas. I can testify personally, because I was there when the flood waters were still going down, about the hundreds of sets of eyes that I looked into, that the one thing they were hanging on was the fact that the Federal Emergency Management Agency was there telling them they were going to help them dig out. Right before FEMA got there, the West Virginia National Guard was there. That was government.

I also know that last night, as I drove home, I was reassured to see a police car driving around our block just keeping the calm in our area. Of course right in front of this Capitol, President Clinton addressed a memorial service for fallen law enforcement officers. Those officers fell in the name of government and protecting citizens.

I know that my children and I will sleep secure tonight knowing that we will not be invaded and that even though we live in the richest, in many ways most sought after nation in the world, somebody is on guard protecting us. That is called the military. Yes, we do pay a higher proportion of our budget for military defense than almost any other nation in the world, but I think most of us think that that is a good investment.

I know that my children and I hope they will have the opportunity to go on to higher education just like millions of others before them. And we know that the Government is there providing those opportunities whether through Pell grants for lower income students or through guaranteed student loans, and indeed, this Congress will debate other means of assisting people to go to college. That is government. I also know that the GI bill, which I consider the single greatest economic development device that the free world has known, which came about following World War II and by which millions of Americans returning home from World War II were able to greatly improve their lives by going to college, they did that through something called government.

I know that my family and I are trying to go see Aunt Connie in a distant State. We will, hopefully, fly to see her over a long weekend. We will depend and fly secure knowing that the air traffic controllers are guiding our planes through the air. Yes, they are government.

I know that when I drive home this evening that I will drive on roads and, quite frankly, no business would build some of the roads between some of the towns in our country. It is just not economically justifiable on today's bottom line, but those roads are built because they are designed to create economic opportunities in the future. Who built those roads? The taxpayer built the roads but the roads were built, the taxpayer built them through something called government.

I understand that nobody likes taxes and I do not either. But when tax day came did anyone point out that the United States of America has the lowest tax burden in the world in the individual tax burden compared to any major industrial democracy. Yes, the tax burden is too high still on low- and middle-income persons but that can be adjusted. But I think it is important to note the value of the services that we receive. I hear concerns about Medicare and Social Security, Social Security is government. It is the single greatest antipoverty program in the world. It dropped the level of senior citizens in poverty by one-half.

Medicare, which is health care for the senior citizen, I might point out, is also insurance for the middle income, middle-age person as well or the younger person because Medicare means that the low-income or middle-income person trying to make a living with a family does not always have to be worrying about supporting their family. Medicare and Social Security are taking care of those aged loved ones for that. That is government.

So it is fair for us to argue about the role of government, but I think we ought to be talking in respect about what government can and does do. It does not always work perfectly. It sometimes fails. But it also has many, many purposes and that it provides. Government, finally, is an expression of the people about what they want to be done as a group that they are not able to do individually.

Finally, the final testament to government is the fact that the gentleman who spoke several speakers before me, who has such diametrically opposite views from mine, we were able to stand in this well exchanging these views. Neither one may be right and neither one may be completely wrong, but we have the freedom to do so and have those views expressed. That is government as well.

GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 7 legislative days to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

JONNA LYNNE CULLEN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Michigan [Mr. UPTON] is recognized for 60 minutes as the designee of the majority leader.

Mr. UPTON. Mr. Speaker, I rise today to offer a tribute to a special friend who sadly is fiercely battling this awful disease called cancer.

Jonna Lynne Cullen, J.L. as we call her, served in this House as a staff member from 1967 until 1981. I got to know her very well when she was my boss at the Office of Management and Budget. She headed the Office of Legislative Affairs and to everyone's recollection she probably is the first woman that ever headed that office working for President Reagan from 1981 until 1984.

Mr. Speaker, she was a special friend. She was back here on the back rail. Many Members of Congress from those years, as they came into office, really learned the ropes in terms of what was going on, her ability to understand legislation, to work with all Members on both sides of the aisle. And it was sort of interesting, when she came in 1967, she worked for then the chairman, the Democratic chairman of the Committee on Rules, Bill Colmer. TRENT LOTT was his administrative assistant.

And TRENT LOTT came into office, of course, later on and is now the majority leader in the Senate. I know as I have spoken with both TRENT LOTT and other Members of the House that have moved to the other body, whether it be OLYMPIA SNOWE, JIM JEFFORDS, a whole host of Members that served here, they would very much like to speak this afternoon but of course as Members of the other body they are unable to do so.

As I look around the floor today and we have adjourned with legislative business, I have a number of my colleagues that are anxious to catch their planes and go back, but I wanted to recognize them in this hour that I have.

First, Mr. Speaker, I yield to the very distinguished chairman of the Committee on Appropriations, the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Speaker, I thank my friend from Michigan for yielding to me. I thank him for taking out this special order. I want to take this opportunity to wish our friend, Jonna Lynne Cullen our very best because I join with the gentleman from Michigan [Mr. UPTON] in recognizing J.L. as a truly remarkable lady.

Our thoughts and prayers are with her as she lies in bed fighting an ongoing bout with cancer. But we do extend our love and best wishes to her for a speedy victory over that dreaded disease. Jonna Lynne's accomplishments here on the Hill and in the Reagan Office of Management and Budget in the early 1980's are well known. She came to the Committee on Rules as a teenager some time ago.

Mr. Speaker, I met her when she was on the staff of TRENT LOTT from Mississippi. His district was neighboring mine and we had that natural southern affinity. And in fact I guess I am wearing the right suit for this effort because she was a true southerner, represented the grace and charm and dignity of the Deep South and yet the calm efficiency as well of a lady that knew her way around Capitol Hill and with open and friendly manner literally could get anything done in Congress and throughout Washington, DC.

She served for many years as a staffer here in Congress. Her expertise and her talents and her dynamic personality won her the respect and admiration of many Members on both sides of the aisle. Those talents and abilities were tapped by OMB Director Dave Stockman during President Reagan's first term where she served as head of legislative affairs for OMB. And in fact J.L.'s knowledge of the Hill and her terrific relationships with so many Members of the staff were invaluable assets to the Reagan budget team. She played a pivotal role in garnering congressional support for the Reagan tax cuts and the budget plans that led to the greatest sustained peacetime economic expansion in this century.

Jonna Lynne Cullen was not your average liaison official. Her influence with the House and her abundant talent won her the trust of the most senior Members of the Reagan and Bush administrations. The real reason we rise to pay tribute to her transcends her accomplishments on the Hill and down at the other end of Pennsylvania Avenue. We here honor a woman who never for one moment took her life for granted. She was a painter. She was a traveler. She was a gourmet chef. She most importantly has been a fighter and a fierce patriot whose love of America drove her to share our Nation's dreams and ideals with people across the globe.

She is a lady who, when faced with breast cancer, refused to just give up but poured her energy into helping others. The American Cancer Society was one of the chief beneficiaries of her time and her passion and her efforts, notwithstanding all of the other many demands on her time.

When she thought she had cancer beat, she not only continued her efforts on behalf of the American Cancer Society but she traveled worldwide, teaching and encouraging women in Latin America, Russia, and other emerging nations to reach out for success. She was an ambassador of entrepreneurship and excellence and a beacon to women

around the world who never imagined that they had the ability to achieve success.

Today we think of Jonna Lynne Cullen who by sheer force of will has refused to give in to cancer. I last saw her a few weeks ago when she came to a reception on behalf of Blanquita Cullem who is a radio personality here in Washington. And there was Jonna Lynne with her Raggedy Ann red wig because she was going through chemotherapy and just brightly showing off that she was fighting every inch of the way.

She continues that fight and, as she lies in bed, she is still struggling against that dreaded disease. Her courage is an inspiration to all of us. We wish her well. We wish her success. We wish her victory in that fight. Keep on fighting, Jonna Lynne. We love you.

Mr. UPTON. Mr. Speaker, I would yield to the gentleman from California [Mr. THOMAS].

Mr. THOMAS. Mr. Speaker, I want to thank the gentleman from Michigan for taking this special order. There will be a number of Members who will speak about their recollections of J.L. I do not want to catalog her many achievements. I would much rather provide a personal profile.

I had not planned to come to the House of Representatives. I enjoyed what I was doing out in California. I was at that time in the State legislature and was on a faculty of the local college.

The incumbent Congressman died, had a heart attack after the primary. There was a special convention that was convened which placed me on the ballot to come back here if I were successful in November. I had not gone through a primary. I had not gone to the Kennedy schools. I literally knew no one. And when I was elected in November 1978, I was amazed at how many of the 77 classmates that came back in the 96th Congress had some connection or relationship. They were either on a Member's staff, their family had been involved in politics, their relatives were involved or they indeed had worked in the private sector that was directly involved. And I had had no involvement whatsoever. So I walked onto the floor about as green a freshman as we can ever imagine.

Sitting in the back row was a woman who already knew about me. She asked me to sit down. And J.L. began to explain to me who was who and how the place worked and what I should and should not do. And if anyone knows me, someone who attempts to tell me what I should or should not do, it is taken somewhat with a grain of salt because I am going to do what I think I should do.

□ 1400

However, I have to say that in the years that J.L. helped me understand this institution, her graciousness as a woman, her upbringing in the South, which comes through in a manner, for those of us who are very crass and uncultured from the West and from the North have never, ever been able to fathom but appreciate when we see it in operation, allowed her to show me that there were ways to accomplish one's desired ends that I had never imagined.

She could, all at the same time, praise, scold, and direct someone. It happened to me a number of times. Those who had that experience always walked away charmed.

J.L. was as good at what she did as anyone I have ever known. She represents to me the institution to a very great extent as it used to be. Frankly, this institution is less for the fact that we not only do not have J.L. Cullen personally, but I believe we have fewer of the type that J.L. represented. She understood when it was necessary to be partisan. More importantly, she understood when it was required to be institutional. But she could always do it in a warm and friendly way.

I think it is especially appropriate today to tell J.L., "Thank you for all of the help you gave me when I needed it most, and that as all of us are here talking about you, we would much rather be talking with you. Just from me personally, J.L., thanks for everything."

Mr. UPTON. Mr. Speaker, at this point I yield time to the distinguished gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman from Michigan, my friend, Mr. UPTON, and I rise with pride to acknowledge the service and leadership of my friend J.L. Cullen.

J.L., as others have said, was a southern lady. And as a northern daughter of a southern family, I say those words with deep respect. Graceful, gracious, kind, gentle, firm, able, intelligent, tough. The range of all those adjectives, those capabilities, were J.L. Sensitive of mind and spirit. She painted. She was a gourmet chef. She saw, sensed, talked about, and enjoyed the fine things of life: the subtleties of beauty, of visual beauty, of smell, of taste, the richness of life. But sensitive of mind as well.

I loved listening to the stories told by my friend, the gentleman from California [Mr. THOMAS], because she was sensitive of mind; a very sharp ability to analyze issues; able to pierce right to the heart of that issue and how it was going to affect people's lives, which is what Congress should be and is about.

A sharp mind, a sensitive heart, and below it all, incredible courage; incredible organizational capability. If she said something needed to be done and you were working with her, boy, it got done. If you carried your part, she carried hers and everybody else's, and whatever needed to happen actually did happen, and happened well and right.

Furthermore, you could count on not only it happening right in terms of substance and content, but everything was always done with integrity. This was a woman who believed that honesty mattered, who believed that treating people with mutual respect was what God required of you and her fellow human beings required of her.

Her experience was broad and deep, and she brought to action not only character and integrity and knowledge but a breadth of experience that reflected a deep understanding of what makes our lives individually rewarding and communally strong.

J.L. was an entrepreneur, and she thought beyond the dots long before it was commonly the thing to do. She was outside the box long before we invented words like "a new paradigm" and all those fancy phrases to talk about thinking creatively and thinking aggressively beyond the bounds we put on ourselves through the routine of our daily existence.

J.L. thought outside the box, and because she did, she did something for the Republican women of Congress that no one else would have been able to do, would have thought to do, would have had the knowledge and experience to do or the get-up-and-go to do, and that was to get us all together, the women Members of Congress, to think about a number of issues that we tended not to think about, because we tended not to bring the kind of experience to the table that one needs to get through them.

So she led us through some very important discussions. She helped us organize dinners at which we would get together and talk with leading people in the media about issues, about our own work as individuals, about their jobs to get the public to understand who we were, what the Congress was about, and the nature of politics in America today. Always the mentor, always the teacher, always the ally, but very deeply, always the friend.

J.L., you fought many battles. You have always won because of your spirit, your personal strength, your personal courage, and your integrity. This is one more terrible trial, but this, too, is a winnable battle, because you bring to it the strength and the courage that it demands, and we are with you, we are behind you, we are beside you, and we will be there. Our love and thanks to you for all you have done for us over the years, and our toast to your courage and success.

Mr. UPTON. Mr. Speaker, the gentlewoman raises a good point about J.L. being a vote counter. She has the votes here on both sides of the aisle to get through this thing.

Mr. Speaker, at this point I want to yield some time to my good friend, the

gentleman from Texas [Mr. THORNBERRY].

Mr. THORNBERRY. Mr. Speaker, I thank my friend from Michigan for taking out this time and for all of those who are contributing to it.

Today I am glad to join others of my colleagues in honoring J.L. Cullen for her outstanding service to our country and her commitment, really, to the best ideals of this country.

J.L. came to Washington from her home State of Mississippi and of course wound up in positions of significant responsibility here in the Committee on Rules and in the White House under President Reagan at the Office of Management and Budget, and it was during that time that my wife and I both had the opportunity to first meet J.L.

My wife Sally and I both came to Washington in the early 1980's and had the opportunity to work as staffers first up on the Hill and then later in the administration, and we were both new to Washington and were both very impressed by J.L.'s energy and her legislative knowledge and her commitment to good, sound public policy.

But for me, the thing that impressed me the most was that no matter how busy she was, and in those early Reagan years everybody was very busy, particularly J.L., in trying to implement the economic program of the Reagan administration, but no matter how busy she was, she always took time to say hello and offer some advice or encouragement to a young staffer who was wet behind the ears and really did not know very much about what was going on up here.

Our colleague, the gentleman from Oklahoma, J.C. WATTS, often likes to say that character is what you do when nobody else is looking, and I think it says something about J.L.'s character the way she treated everyone no matter how busy she was and no matter how experienced some of us were.

And as my colleagues know, this is a city where people are often in a big hurry, but J.L.'s southern warmth and hospitality have always stayed with her and have always been a key part of her success. And I say that with all due respect to my colleague from Michigan, the gentlewoman from Connecticut, and others. But that, as our colleague from California was talking about, that was a key part of why I think she has been so successful here.

J.L. is a terrific example of someone who has worked very hard in her jobs, throwing everything she had into it, but also doing so with a sense of humor and good grace. And if there is anything we need more of around here, it is that sense of humor and good grace that enable us all to work together.

As a matter of fact, I think it is her sense of humor, her ability to laugh during intense negotiation or a close vote, that helps explain as much as anything why those of us who have worked with her in the past and know her think so highly of her and have such a special appreciation of her.

It turns out last year J.L. happened to be traveling outside the country and some constituents of mine, who were close personal friends from my hometown, just happened to run into her. And even in that brief encounter, outside the borders of this country, they were struck by her charm, her intelligence, and her zest for life. It transcends, of course, all barriers.

J.L. has faced more than her share of life's challenges, and as she battles cancer with all the determination that she brought to a number of legislative battles around this place, I want to take time to offer her our prayers of strength.

I am honored to be able to express my thanks for the battles that J.L. has fought, often behind the scenes, often late at night, but all to make our country a better place. She is someone that we can all learn from, particularly her sense of humor and good grace, and I appreciate again the chance to say a few words about her in the time that our friend has taken to honor her.

Mr. UPTON. Mr. Speaker, I thank the gentleman from Texas, and now I want to yield time to my good friend, the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Speaker, I appreciate the gentleman's taking this time out.

I was sitting in my office and heard about it and just wanted to come over to pay tribute to J.L., for her career, and thank her for all the good things she has done, and for her friendship over the many years.

I attended the University of Mississippi for a year, and I know J.L. moved up here from Mississippi. In fact, as I remember, when I was at the Department of Interior, working for then-Secretary Morton, I would go around and visit the office of Mr. Colmer, who was then the chairman of the powerful Committee on Rules, and Senator TRENT LOTT was the administrative assistant.

He was a Democrat in those days, a very conservative Democrat, but naturally, I guess, as most of America has, he moved into the Republican Party because of the changes.

But J.L. came here in 1967. I came up here on Capitol Hill in 1968 for a Republican Member and, off and on, had a relationship and would see her at different events. And I just wanted to join the gentleman from Michigan and the other Members in paying special tribute to her and let her know that she will be in my thoughts and my prayers.

And that is not just a throwaway line that we say. I will pray for her healing and that the Lord will give her strength to face this time.

Again, I thank the gentleman for taking this time. And, J.L., it is nice being with you.

Mr. UPTON. Mr. Speaker, I know we just heard that the Speaker of the House was unable to come this afternoon, but he intends to do a 1-minute on her behalf next week, because he was also very close to J.L.

I want to say a few things before we end our time here this afternoon. Particularly as I look at the gallery and think about the people listening this afternoon, there is an element of Washington that a lot of folks do not understand.

There are very powerful parts of this institution. One is the Committee on Rules, which meets behind those doors to my left. The Committee on Rules really runs this place in lots of ways. Every bill that comes to this House floor has a procedural vote first, and the Committee on Rules dissects those bills. They are the ones that decide what amendments, who will offer them, how long we will debate things, what is the procedure of each piece of major legislation as it hits the House floor.

□ 1415

J.L., through her role working for then Chairman Colmer, got to know those rules of the House, which are this thick. She knew every I and every T in those rules, and she was one that tried to figure out where the votes were going to come. Because of her expertise, a young man who probably learned a lot of the ropes from her, one of my predecessors, David Stockman, hailed as probably one of the greatest directors of the Office of Management and Budget and who helped run the think tank, the executive branch, for President Reagan, selected her to run that Office of Legislative Affairs.

Again, for people outside of the beltway in many respects, at least until 1981, not a lot of people knew what OMB did, either, sort of like the Committee on Rules, though it is a very intricate part of the way things work; because the Office of Management and Budget decides the battles between all of the different agencies within the executive branch on where the administration stands. They are the ones that give the final recommendation to the President as to whether he should sign a bill or veto a bill. They are the ones that decide whether they support an amendment or oppose an amendment. They are the ones at the table, whether it is the budget agreement which was adopted this week and determining where the President's policy was.

Because of J.L.'s experience of running this House and knowing where all the things were, she was a perfect selection to run that Office of Management and Budget legislative office. And really through her skills, Ronald Reagan, who is certainly going to be hailed as one of the greatest Presidents this country has ever seen, who marshaled an agenda through this House, particularly in the early years of his

Presidency when he did not control the House. Republicans were 80, 90 votes down, yet he saw victory after victory after victory. She was the one that helped work the strategy, engineer those votes so that President Reagan could get the credit and see his program come through.

We look at the people that she worked with, Ken Duberstein, later chief of staff, she taught Ken a lot of things in terms of what went on. Look at some of the Members that are here. I think there are about 50 some Members at least on the Republican side today that were here in 1981 when she left, but as the gentleman from California [Mr. THOMAS] said, if you wanted to know what was going on, you sidled back with J.L., back at the back rail, and she knew everything that was going on.

We look at some of the former staff people that have served in this House and some that serve today: Ron Lasch, Bill Pitts, Martha Morrison, Keith Kennedy in the Senate, Sheila Burke, Jim Whittinghill. Those are the names that Members of Congress often go to to find out what is going on and how they can work an amendment or a bill, and they are the ones we go to when we want some straight advice, to be a straight shooter.

J.L., I think it was the gentleman from Louisiana [Mr. LIVINGSTON] talked about her red wig. Some of us have seen that red wig before. She has tried to battle this chemotherapy and has worn this cheerful red wig. I can remember that same wig a decade or so ago when she came out to Michigan and dressed up as a Raggedy Andy, waving a little sign, "Vote for Fred," standing on street corners and getting people's attention.

She is a great painter. Magnolias. She has a terrific sense of humor. Lots of jokes. And it kept everyone going when we worked sometimes 15, 18, 20 hours a day when I worked with her, when I also worked at the Office of Management and Budget. She got things done and she still is, and that is why so many of us here wish her the best.

REPORT ON ECONOMY FROM CHAIRMAN OF JOINT ECONOMIC COMMITTEE

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey [Mr. SAXTON] is recognized for 60 minutes.

Mr. SAXTON. Mr. Speaker, I take this time to talk a little bit about this Nation's economy. I have had the privilege during this 2 years of serving in the House as the chairman of the Joint Economic Committee. The Joint Economic Committee, as all the Members know, is made up of both Members of this House as well as Members of the other house, and it is essentially our job to try and determine what it is that is happening right with the economy, and how the activities that take place from time to time in this House and in the other house and in the administration and in the Federal Reserve, what kind of influence, both positive and negative, those agencies have on our economy, on job growth, on wage levels and all of the other aspects of economic life in the United States.

I might say that some of these issues are from time to time very difficult to deal with because they have to do with taxes, they have to do with spending, they have to do with interest rates, they have to do with regulations that the Federal Government through our bureaucratic departments promulgates from time to time, and we have learned through studies in the Joint Economic Committee and other places that these issues that we deal with in the U.S. Government have a very direct and sometimes dramatic effect, sometimes positively and sometimes negatively, on our economy and jobs and wage scales and other issues that have to do with job stability and price stability and all of those kinds of things.

What I wanted to talk about today is one little aspect of what we do, not taxes today so much or not spending today so much or not regulation today so much, but something called monetary policy, which really has a very direct effect on every American family because it has to do with how much we pay for money, how high interest rates are and how those interest rates affect our ability to get along, to make a living, to keep a job, to provide for our families, and the Federal Reserve has a very direct role to play with regard to these issues.

The point here that I want to get to today is that the Federal Reserve over the past couple of months has entered upon some new policies which may or may not have a direct, dramatic effect on our economy. But I wanted to share these thoughts with the Members today because, as I said, they may or may not, and I think it is important for us to recognize that in all likelihood they may and probably will.

First let me say that I am not here to criticize the Fed for their past policies. The economy of our country has done very well. As a matter of fact, over the past number of years, as a matter of fact, since the second quarter of 1991, our economy has been getting better. Our economy has been growing through each quarter. We had a recession in 1990, in the first quarter of 1991, and then it started to grow.

Some of us found that a little bit strange because, as those of my colleagues who know me know, I do not think that tax increases help the economy very much. As a matter of fact, I believe quite the opposite, that tax increases like the one that we had in 1990 and like the one that we had in 1993, work to dampen job growth and work to dampen wage increases. Those tax increases take money out of the private sector and give it to us here in Washington, and we spend it much less efficiently than it gets spent and used and invested and saved in the private sector.

So I was a little bit surprised when I began to see economic growth take place in the early 1990's, because in 1990 we had a big tax increase and the biggest one ever in 1993, and I thought that would serve to dampen the economy and to slow growth. But very much to my surprise, something else happened, and that was that a good friend of ours by the name of Alan Greenspan, who is Chairman of the Federal Reserve, entered upon a program which provided for stable prices.

We call that price stability. Inflation is another word that we sometimes use to describe price stability. Over the past several years, in the decade of the 1990's, price stability has come to mean a great deal to us. It is my job today partly to compliment and thank the Federal Reserve for the policies that they have carried out during the decade of the 1990's, which have in large part offset the negative aspects of the tax increases that we had early in the decade.

So since the second quarter of 1991 the economy has been growing, there have been more jobs, the unemployment rate has been coming down, wages have been stable, one of our weaker points, wages have not gone up like we had hoped, but unemployment has gone down, the gross domestic product has gone up, and the economy has been good, until and including the first quarter of this year when the economy grew by over 4 percent, and that is really good. But aside from the fact that we had economic growth during this period of time, we have also had inflation which has been going down, and this was also something that I think was very desirable.

This chart that I have which is labeled "Inflation" measures inflation, and we have charted it out through the use of a measure called the Consumer Price Index. This is actually the Consumer Price Index, it is called the core CPI, which means it is all of the prices of goods and services that we buy in this country except food and energy, and we took out food and energy because they provide for big shots up and big shots down, and so we took those items out.

But this chart serves very well to show the fine job that Fed policy has done during this decade. We can see very clearly that beginning in 1990 when inflation was relatively high, almost 6 percent a year during some quarters, that it has come down dramatically. It is our belief on the majority side at least of the Joint Economic

Committee, that this has been a direct result of Federal Reserve policy in terms of their ability to squeeze inflation out of our economy.

This is very important, because this sets the background for perhaps a change in policy away from this very successful policy that we have had. Because, as my colleagues all know, during the last couple of months there has been more and more talk about the Fed increasing interest rates. We have had a growing economy because of low interest rates. We have had good price stability because the Fed has squeezed inflation out of the economy through their policies, and many of us would like to see this policy continue. But on March 25, for the first time in a long time, Chairman Greenspan and the other Governors of the Fed chose to enter upon the policy of increasing interest rates, and on March 25 we had a 25 basis point increase in interest rates.

I have another chart here which also demonstrates inflation. It is a very parallel track. This is called the Gross Domestic Product deflator. It shows, again, that inflation is well under control and that we do not have to worry about inflation at least in the short term, and many of us think in the long term as well.

So what the Fed has set out to do, they have been very successful in doing, and that is keeping a good level of lowering and lowering and lowering inflation until we have gotten to a very low level.

And so we began to wonder what the reasons were that the Fed decided to increase interest rates, because the economy is good, inflation is low. Why would anyone want to change that mix? Obviously the Fed's primary objective is and should be to control inflation, as we all know, and so it became a big question that we began to search for the answer to.

□ 1430

We also looked at inflation of commodities. These commodities are those materials that we use in production basically. That may be a slight oversimplification, but once again we can see that during the decade of the 1990's, while commodity prices rose in the middle of the decade, they have sharply dropped here at the end of the decade. And so once again we see no signs of inflation, nothing for us to be all that concerned about.

Here again is another picture of commodity prices since 1990, early 1995, 1995, 1996, and 1997. Once again we can see that prices are dropping, and so while the economy is good, prices continue to go down.

Mr. Speaker, it is interesting to point out here that obviously, if we are going to have increases in interest rates, it is going to be more difficult for the economy to continue to do well, and so we searched and searched to try to find out why the Fed might be contemplating on next Tuesday yet another interest rate.

Here are some measures that we look at over the long term to try and determine where inflation is going to go. When people buy bonds, for example, this is the long-term bond interest rate on 30-year Treasury bonds, people who decide to buy bonds and hold them for a long time are obviously very concerned about what interest rates will be in the future, and the long-term bond interest rate, therefore, tends to go up and down depending on the demand for long-term bonds. These interest rates have been consistently low, and we see no sign here of increase in interest rates over the long term, and so we still have found no evidence of inflation anywhere in the economy.

This is a chart that looks quite different, but it is also an indicator that there is no threat of increases in inflation over the long term. This shows the relative value of the United States dollar, the American dollar, against the German mark, and it is high, meaning that we can buy lots of goods from Germany with fewer dollars than we could otherwise. And so this again is an indicator that we do not see inflation any time in the near future.

And finally, a very similar chart which compares the value of our dollar. I am sorry, I guess I have lost a chart, but in any event we have a chart that looks very similar with regard to the value of the United States dollar against the Japanese yen.

So in all of these instances we saw no evidence that inflation is coming, and so through conversations with people who are familiar with the Federal Reserve we began to ask why is it that we would have increases in the interest rates? Why is it that the Fed is again contemplating on next Tuesday the possibility of yet another interest rate rise?

And one of the answers that we got has to do with our industrial production, and means that as we have the capacity to produce goods in our country our industrial complex could some day get to 100-percent capacity. We do not usually operate; in fact, we never really get to 100-percent capacity, but sometimes we could operate at 60-percent capacity or 70-percent capacity, and obviously when the economy is good, as it is right now, we would operate at a higher capacity.

And what the Fed suggested is that we are operating at a very high capacity relative to our ability to produce goods and services and that this could be inflationary because, as we reach toward full capacity, things get so good that inflation could take place. In other words, we cannot produce enough goods to meet the demand that we have and because of the law of supply and demand inflation takes place because there is too much demand for the few goods that we can produce.

And so we put these lines on charts to see if there is a correlation between this capacity, which is called capacity utilization; that is a big word that economists use that frankly I had to learn a while back. But this blue line represents capacity, and we can see here that back in the late 1980's our capacity was at a very high level, somewhere around 85 or 86, a full percent of full capacity, and we are about back at that level again currently.

Now what happened when we were at full capacity back in the late 1980's was that we saw that we had moderate inflation. But today, being at about 85- or 86-percent capacity, the red line, which represents inflation, has gone down, and so the demand for goods and the ability to produce goods has not had a direct influence on inflation, and so when we looked at this and found that the Fed was worried about us producing at a very high capacity and that that might be causing inflation, we said we do not think this is the answer either.

And so it leaves one to conclude that the members of the Fed who are concerned about inflation are concerned that because the economy is doing good, that that somehow translates into a coming period of inflation, and frankly we just do not see the evidence to support that notion. We believe that all of the indicators that I showed my colleagues; we believe that the ability to look at long-term bond rates, for example, and see that they are headed even lower, the ability to look at commodity prices and see that they continue to, as of today, go lower.

The ability to look at the rate of inflation itself, which today continues at a very, very low level, does not indicate that we should have any worries about this economy overheating and, therefore, no thoughts or no thoughts which turn into action about raising interest rates which in turn will have the effect of slowing down the economy.

Mr. Speaker, it is almost like saying we cannot have an economy that grows at 4 percent because, if we do, we will have inflation, and therefore we have to increase interest rates to slow down the economy so we will not have inflation, so we will increase interest rates, increase the level of unemployment, et cetera.

We believe that what we should do is to enter upon a continuation of the policies that we have had since the early 1990's which have provided for a price stability, which has translated into lower interest rates, which lower interest rates have provided an incentive for the economy to grow and continue along the path toward prosperity after the turn of the century.

I guess the other thing that is interesting to note here is that throughout

the economic history of our country we have very seldom stayed on a growth line for a prolonged period of time. During the 1980's we had a very long period of growth that lasted from about 1983 to about 1990. When we got into a recession there was a 6- or 7-year period of growth, but then we had a major correction in our economy. We have now been in a period of sustained economic growth since the second quarter of 1991, and our fear is that if the Fed raises interest rates yet again on next Tuesday, that a new trend will have set in. After all, they raised interest rates on March 25, it is now May 20 on Tuesday, and if they raise interest rates again, a trend will have been set toward higher interest rates which cannot be good for a continued economic growth and the continuation of our economic expansion.

Obviously, we think economic expansion is good for American families. Obviously, we think that is because wages have just recently begun to increase after this entire decade of stagnant wages. We think that ought to continue. We also think that families should have the opportunity to avail themselves to low interest rates so that they can buy homes and cars, and you know in a sense if the Fed increases interest rates, it is almost like us increasing taxes because it means families have less disposable income. And of course all of that acts to dampen the American economy.

So, as you listen over this weekend to economic reports in anticipation of next Tuesday when the FOMC meets again, as you listen to different opinions, keep in mind that the charts and the data that I have shown you here this afternoon indicates that inflation is well in check, that the economy continues to grow at something above 4 percent, GDP continues to go up by something above 4 percent, that interest rates are relatively low at the moment and, we believe, ought to continue there, but most importantly the Federal Reserve's primary goal in my opinion and in the opinion, I believe, of most economists in this country should be to control inflation, and it is abundantly clear, at least to me, that we are in a period of controlled inflation, of price stability quite unlike most long periods of economic growth that we have seen in the past, and it is my hope and I think the hope of most Americans that we can continue to enjoy this period of economic prosperity and relatively low interest rates.

ADJOURNMENT TO MONDAY, MAY 19, 1997

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

HOUR OF MEETING ON TUESDAY, MAY 20, 1997

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, May 19, 1997, it adjourn to meet at 10:30 a.m. on Tuesday, May 20, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

HOUR OF MEETING ON WEDNESDAY, MAY 21, 1997

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday, May 20, 1997, it adjourn to meet at 9 a.m. on Wednesday, May 21, for the purpose of receiving in this Chamber former Members of Congress.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

AUTHORIZING THE SPEAKER TO DECLARE RECESS ON WEDNESDAY, MAY 21, 1997

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker to declare a recess, subject to the call of the Chair, on Wednesday, May 21, 1997, for the purpose of receiving in this Chamber former Members of Congress.

The SPEAKER pro tempore. Is there objection to the request?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PERMISSION FOR COMMITTEE ON THE BUDGET TO HAVE UNTIL MIDNIGHT SUNDAY, ON MAY 18, 1997, TO FILE REPORT ON CONCURRENT RESOLUTION ON THE BUDGET

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that the Committee on the Budget may have until midnight Sunday, May 18, 1997, to file a privileged report to accompany a concurrent resolution on the budget.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. DEGETTE (at the request of Mr. GEPHARDT), for today, on account of official business.

Mr. MANTON (at the request of Mr. GEPHARDT), for today, on account of official business.

Mr. GILLMOR (at the request of Mr. ARMEY), for today on account of personal business.

Mr. WATTS of Oklahoma (at the request of Mr. ARMEY), for today after 10:45 a.m., on account of son's graduation.

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. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

(The following Members (at the request of Mr. BOB SCHAFFER of Colorado) to revise and extend their remarks and include extraneous material:)

Mr. JONES, for 5 minutes each day on May 20 and 21.

Mr. MCCOLLUM, for 5 minutes, on May 20.

Mrs. MYRICK, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, on May 20.

Mr. SCARBOROUGH, for 5 minutes, today.

Mr. MANZULLO, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. WISE, 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. MCNULTY) and to include extraneous matter:)

Mr. TORRES.

Mrs. KENNELLY of Connecticut.

Mr. RANGEL.

Mr. HAMILTON.

Mr. LANTOS.

Mr. UNDERWOOD.

Mrs. LOWEY.

Mr. KLECZKA.

Mr. PAYNE.

Mr. FARR of California.
Mr. FAZIO of California.
(The following Members (at the request of Mr. BOB SCHAFFER of Colorado) and to include extraneous matter:)
Mr. GEKAS.
Mr. EHRLICH.
The following Members (at the request of Mr. SAXTON) to revise and extend their remarks and include extraneous material:)
Mr. EVERETT in two instances.
Ms. DELAURO.
Mr. LAHOOD.
Mrs. LINDA SMITH of Washington.
Mrs. JOHNSON of Connecticut.
Mr. BEREUTER.
Mr. ACKERMAN.
Mr. CASTLE.
Mr. DUNCAN.
Mr. FARR of California.
Mr. FAZIO of California.
Mrs. TAUSCHER.
Mr. WATTS of Oklahoma.

SENATE BILLS 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. 476. An act to provide for the establishment of not less than 2,500 Boys and Girls Clubs of America facilities by the year 2000; to the Committee on the Judiciary.

ADJOURNMENT

Mr. SAXTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 44 minutes p.m.), under its previous order, the House adjourned until Monday, May 19, 1997, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3337. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Pork Promotion, Research, and Consumer Information Order—Increase in Importer Assessments [Docket No. LS-97-001] received May 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3338. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Tuberculosis in Cattle and Bison; State Designation [APHIS Docket No. 96-093-1] received May 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3339. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Fees for Applications for Contract Market Designation, Leverage Commodity Registration and Registered Futures Association and Exchange Rule Enforcement and Financial Reviews [17 CFR Parts 1, 5, and 31] received May 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3340. A letter from the General Sales Manager, Foreign Agricultural Service, transmitting the Service's final rule—Revised Definition of U.S. Agricultural Commodity for Commercial Export Programs [7 CFR Parts 1493 and 1494] received May 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3341. A letter from the Under Secretary of Defense (Comptroller), Department of Defense, transmitting a report of a violation of the Anti-Deficiency Act—Army violation, case number 93-11, which totaled $2.1 million, ocurred at the Lexington Blue Grass Army Depot in Kentucky, when certain individuals improperly classified four buildings as temporary facilities, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3342. A letter from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Interest Assumption for Determining Variable-Rate Premium; Interest Assumptions for Multiemployer Plan Valuations Following Mass Withdrawal—received May 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

3343. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act ("Appliance Labeling Rule") [16 CFR Part 305] received May 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3344. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Custody of Investment Company Assets Outside the United States [Release Nos. IC-22658; IS-1080; File No. S7-23-95] (RIN: 3235-AE98) received May 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3345. A letter from the Chairman, Securities and Exchange Commission, transmitting the Commission's 1996 Annual Report of its activities, pursuant to 15 U.S.C. 78w(b); to the Committee on Commerce.

3346. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 05-97 regarding a comparative scientific program on target detection and tracking of theater ballistic missiles project arrangement (PA), pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

3347. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to the United Kingdom (Transmittal No. DTC-27-97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3348. A letter from the Acting Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Revisions to the Export Administration Regulations: Addition of Bharat Electronics, Ltd., (aka Baharat Electronics, Ltd.) India, to Entity List (Bureau of Export Administration) [Docket No. 970428099-7099-01] (RIN: 0694-AB60) received May 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

3349. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 1996, through March 31, 1997; 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.

3350. A letter from the Archivist of the United States, National Archives and Records Administration, transmitting a report on a proposed archival depository for the Presidential and other historical materials of the Bush Administration, pursuant to 44 U.S.C. 2112(a)(4); to the Committee on Government Reform and Oversight.

3351. A letter from the Secretary of the Interior, transmitting a report on the Government's helium program providing operating, statistical, and financial information for the fiscal year 1996, pursuant to 50 U.S.C. 167n; to the Committee on Resources.

3352. A letter from the Director, Executive Office for Immigration Review, Immigration and Naturalization Service, transmitting the Service's final rule—Representation and Appearances: Law Students and Law Graduates (Executive Office for Immigration Review) [EOIR No. 115F; A.G. Order No. 2081-97] (RIN: 1125-AA16) received May 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3353. A letter from the Secretary of Labor, transmitting the annual report evaluating the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) for fiscal year 1996, pursuant to 38 U.S.C. 4332; to the Committee on Veterans' Affairs.

3354. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Requirements Respecting the Adoption or Change of Accounting Method; Extensions of Time to Make Elections [TD 8719] (RIN: 1545-AU41 and 1545-AV19) received May 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3355. A letter from the Acting Under Secretary for Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting the Department's final rule—Child Nutrition and WIC Reauthorization Act of 1989 and Other Amendments (Food and Consumer Service) [Workplan Number 95-009] (RIN: 0584-AC07) received April 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Education and the Workforce and Agriculture.

3356. A letter from the Administrator's of Federal Aviation Administration and National Aeronautics and Space Administration, transmitting a joint report to Congress on the progress being made under the Subsonic Noise Reduction Technology Program, Fiscal Year 1996, pursuant to 49 U.S.C. app. 1353 nt.; jointly to the Committees on Transportation and Infrastructure and Science.

3357. A letter from the Chair, Good Neighbor Environmental Board, transmitting the second annual report of the Good Neighbor Environmental Board, pursuant to 7 U.S.C. 5404(d)(1); jointly to the Committees on Transportation and Infrastructure and Commerce.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. SENSENBRENNER: Committee on Science. H.R. 1276. A bill to authorize appropriations for fiscal years 1998 and 1999 for the

research, development, and demonstration activities of the Environmental Protection Agency, and for other purposes, with an amendment; referred to the Committee on Commerce for a period ending not later than June 20, 1997, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(e), rule X. (Rept. 105–99 Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CHRISTENSEN (for himself, Mr. JACKSON, Mr. ACKERMAN, Mr. ABERCROMBIE, Mr. ADERHOLT, Mr. ARCHER, Mr. ARMEY, Mr. BAESLER, Mr. BAKER, Mr. BALLENGER, Mr. BARCIA of Michigan, Mr. BARRETT of Nebraska, Mr. BARRETT of Wisconsin, Mr. BARTLETT of Maryland, Mr. BASS, Mr. BATEMAN, Mr. BECERRA, Mr. BENTSEN, Mr. BEREUTER, Mr. BERMAN, Mr. BILBRAY, Mr. BISHOP, Mr. BLILEY, Mr. BLUNT, Mr. BOEHLERT, Mr. BOEHNER, Mr. BONILLA, Mr. BOSWELL, Mr. BRADY, Ms. BROWN of Florida, Mr. BROWN of California, Mr. BROWN of Ohio, Mr. BRYANT, Mr. BUNNING of Kentucky, Mr. BURR of North Carolina, Mr. BURTON of Indiana, Mr. BUYER, Mr. CALLAHAN, Mr. CALVERT, Mr. CAMP, Mr. CANADY of Florida, Mr. CANNON, Ms. CARSON, Mr. CHABOT, Mr. CHAMBLISS, Mrs. CHENOWETH, Ms. CHRISTIAN-GREEN, Mr. CLAY, Mrs. CLAYTON, Mr. CLEMENT, Mr. CLYBURN, Mr. COBLE, Mr. COBURN, Mr. COLLINS, Mr. CONYERS, Mr. COOK, Mr. COOKSEY, Mr. COX of California, Mr. CRAPO, Mrs. CUBIN, Mr. CUMMINGS, Mr. CUNNINGHAM, Ms. DANNER, Mr. DAVIS of Illinois, Mr. DAVIS of Virginia, Mr. DEAL of Georgia, Mr. DELAHUNT, Ms. DELAURO, Mr. DELAY, Mr. DELLUMS, Mr. DIAZ-BALART, Mr. DICKEY, Mr. DICKS, Mr. DIXON, Mr. DOOLEY of California, Mr. DOOLITTLE, Mr. DOYLE, Mr. DUNCAN, Ms. DUNN of Washington, Mr. EHLERS, Mr. EHRLICH, Mrs. EMERSON, Mr. ENGLISH of Pennsylvania, Mr. ENSIGN, Mr. EVERETT, Mr. FARR of California, Mr. FATTAH, Mr. FILNER, Mr. FLAKE, Mr. FOGLIETTA, Mr. FOLEY, Mr. FORBES, Mr. FORD, Mrs. FOWLER, Mr. FOX of Pennsylvania, Mr. FRANK of Massachusetts, Mr. FRANKS of New Jersey, Mr. FRELINGHUYSEN, Mr. FROST, Ms. FURSE, Mr. GALLEGLY, Mr. GANSKE, Mr. GEKAS, Mr. GEPHARDT, Mr. GIBBONS, Mr. GILCHREST, Mr. GILLMOR, Mr. GILMAN, Mr. GINGRICH, Mr. GOODE, Mr. GOODLATTE, Mr. GOSS, Mr. GRAHAM, Ms. GRANGER, Mr. GREEN, Mr. GREENWOOD, Mr. GUTKNECHT, Mr. HALL of Ohio, Mr. HANSEN, Mr. HASTERT, Mr. HASTINGS of Florida, Mr. HASTINGS of Washington, Mr. HAYWORTH, Mr. HEFLEY, Mr. HERGER, Mr. HILL, Mr. HILLEARY, Mr. HILLIARD, Mr. HINCHEY, Mr. HINOJOSA, Mr. HOBSON, Mr. HOEKSTRA, Mr. HOLDEN, Ms. HOOLEY of Oregon, Mr. HORN, Mr. HOSTETTLER, Mr. HOUGHTON, Mr. HOYER, Mr. HULSHOF, Mr. HUNTER, Mr. HUTCHINSON, Mr. ISTOOK, Ms. JACKSON-LEE, Mr. JEFFERSON, Mr. JENKINS, Mr. JOHN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Wisconsin, Mrs. JOHNSON of Connecticut, Mr. SAM JOHNSON, Mr. JONES, Mr. KANJORSKI, Ms. KAPTUR, Mr. KASICH, Mrs. KELLY, Mr. KENNEDY of Massachusetts, Mr. KENNEDY of Rhode Island, Mrs. KENNELLY of Connecticut, Mr. KILDEE, Ms. KILPATRICK, Mr. KIND of Wisconsin, Mr. KING of New York, Mr. KINGSTON, Mr. KLECZKA, Mr. KLINK, Mr. KNOLLENBERG, Mr. KUCINICH, Mr. LAFALCE, Mr. LAHOOD, Mr. LAMPSON, Mr. LARGENT, Mr. LATHAM, Mr. LATOURETTE, Mr. LAZIO of New York, Mr. LEWIS of California, Mr. LEWIS of Georgia, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. LIPINSKI, Mr. LIVINGSTON, Mr. LOBIONDO, Ms. LOFGREN, Mr. LUCAS of Oklahoma, Mr. MANTON, Mr. MARKEY, Mr. MASCARA, Ms. MCCARTHY of Missouri, Mrs. MCCARTHY of New York, Mr. MCCOLLUM, Mr. MCCRERY, Mr. MCDADE, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCHALE, Mr. MCINNIS, Mr. MCINTOSH, Mr. MCKEON, Ms. MCKINNEY, Mr. MCNULTY, Mrs. MEEK of Florida, Mr. METCALF, Mr. MICA, Ms. MILLENDER-MCDONALD, Mr. MILLER of Florida, Mr. MOAKLEY, Ms. MOLINARI, Mr. MOLLOHAN, Mr. MORAN of Virginia, Mr. MORAN of Kansas, Mrs. MORELLA, Mr. MURTHA, Mrs. MYRICK, Mr. NEAL of Massachusetts, Mr. NETHERCUTT, Mr. NEUMANN, Mr. NEY, Mrs. NORTHUP, Ms. NORTON, Mr. NORWOOD, Mr. OBERSTAR, Mr. OWENS, Mr. OXLEY, Mr. PALLONE, Mr. PAPPAS, Mr. PARKER, Mr. PASCRELL, Mr. PASTOR, Mr. PAXON, Mr. PAYNE, Ms. PELOSI, Mr. PETERSON of Minnesota, Mr. PETERSON of Pennsylvania, Mr. PETRI, Mr. PICKERING, Mr. PITTS, Mr. POMBO, Mr. POMEROY, Mr. PORTER, Mr. PORTMAN, Ms. PRYCE of Ohio, Mr. QUINN, Mr. RADANOVICH, Mr. RAMSTAD, Mr. RANGEL, Mr. REGULA, Mr. REYES, Mr. RIGGS, Mr. RILEY, Ms. RIVERS, Mr. ROGAN, Mr. ROGERS, Mr. ROHRABACHER, Mr. ROTHMAN, Mrs. ROUKEMA, Mr. RUSH, Mr. SABO, Mr. SALMON, Mr. SANDLIN, Mr. SANFORD, Mr. SAWYER, Mr. SAXTON, Mr. SCARBOROUGH, Mr. BOB SCHAFFER, Mr. SCHIFF, Mr. SCOTT, Mr. SENSENBRENNER, Mr. SERRANO, Mr. SESSIONS, Mr. SHADEGG, Mr. SHAW, Mr. SHAYS, Mr. SHIMKUS, Mr. SHUSTER, Mr. SISISKY, Mr. SKEEN, Mr. ADAM SMITH of Washington, Mr. SMITH of Oregon, Mr. SMITH of New Jersey, Mrs. LINDA SMITH of Washington, Mr. SMITH of Michigan, Mr. SNYDER, Mr. SOLOMON, Mr. SOUDER, Mr. SPENCE, Ms. STABENOW, Mr. STEARNS, Mr. STENHOLM, Mr. STOKES, Mr. STUMP, Mr. STUPAK, Mr. SUNUNU, Mr. TALENT, Mr. TANNER, Mr. TAUZIN, Mr. TAYLOR of North Carolina, Mr. TAYLOR of Mississippi, Mr. THOMAS, Mr. THOMPSON, Mr. THUNE, Mr. TIAHRT, Mr. TIERNEY, Mr. TOWNS, Mr. TRAFICANT, Mr. TURNER, Mr. UNDERWOOD, Mr. UPTON, Mr. VENTO, Mr. WAMP, Ms. WATERS, Mr. WATKINS, Mr. WATT of North Carolina, Mr. WATTS of Oklahoma, Mr. WELDON of Pennsylvania, Mr. WELDON of Florida, Mr. WELLER, Mr. WHITE, Mr. WHITFIELD, Mr. WICKER, Mr. WISE, Mr. WOLF, Ms. WOOLSEY, Mr. WYNN, Mr. YOUNG of Florida, and Mr. YOUNG of Alaska):

H.R. 1650. A bill to authorize the President to award a gold medal on behalf of the Congress to Mother Teresa of Calcutta in recognition of her outstanding and enduring contributions through humanitarian and charitable activities, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. WELLER:

H.R. 1651. A bill to amend the Internal Revenue Code of 1986 to require gain recognition in the case of certain transactions that are equivalent to sales of financial instruments; to the Committee on Ways and Means.

H.R. 1652. A bill to amend the Internal Revenue Code of 1986 to clarify the exemption from the self-employment tax for termination payments received by former life insurance salesmen; to the Committee on Ways and Means.

By Mr. CAMPBELL (for himself, Mr. KLUG, and Mr. DOOLEY of California):

H.R. 1653. A bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to create uniform standards with respect to federally-regulated securities, and for other purposes; to the Committee on Commerce.

By Mr. CAMPBELL (for himself, Mr. ROHRABACHER, Mr. LIPINSKI, Mr. LANTOS, Mr. MCDADE, Mr. TRAFICANT, Mr. WALSH, Mr. TOWNS, Mr. UPTON, Mr. DUNCAN, Mr. HUNTER, Mr. WELDON of Pennsylvania, Mr. HALL of Texas, Mr. BURTON of Indiana, Mr. KILDEE, Ms. KAPTUR, Mr. MARTINEZ, and Mr. PORTER):

H.R. 1654. A bill to amend the Trade Act of 1974 in order to require reciprocal responses to foreign acts, policies, and practices that deny national treatment to U.S. investment; to the Committee on Ways and Means.

By Mr. CASTLE (for himself, Mr. LAFALCE, Mr. FOX of Pennsylvania, Mrs. MALONEY of New York, Mr. KING of New York, and Mr. FRANK of Massachusetts):

H.R. 1655. A bill to amend the Bank Holding Company Act of 1956 to provide additional relief for limited purpose banks from certain outdated restrictions imposed by the Competitive Equality Banking Act of 1987 which by the express terms of such act were intended to be temporary and have now been in place for 10 years, and for other purposes; to the Committee on Banking and Financial Services.

By Mrs. JOHNSON of Connecticut (for herself, Mr. POMEROY, and Mr. FAWELL):

H.R. 1656. A bill to amend the Internal Revenue Code of 1986 to provide small business employees with a simple, secure, and fully portable defined benefit plan; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, 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. LAHOOD (for himself, Mr. LIPINSKI, Mr. RUSH, Mr. GUTIERREZ, Mr. DAVIS of Illinois, Mr. BLAGOJEVICH, Mr. POSHARD, Mr. MANZULLO, Mr. COSTELLO, Mr. JACKSON, Mr. EVANS, and Mr. YATES):

H.R. 1657. A bill to amend title 23, United States Code, relating to the Interstate 4–R discretionary program; to the Committee on Transportation and Infrastructure.

By Mr. SAXTON:

H.R. 1658. A bill to reauthorize and amend the Atlantic Striped Bass Conservation Act

and related laws; to the Committee on Resources.

By Mrs. LINDA SMITH of Washington (for herself, Mr. DICKS, Ms. DUNN of Washington, Mr. HASTINGS of Washington, and Mr. METCALF):

H.R. 1659. A bill to provide for the expeditious completion of the acquisition of private mineral interests within the Mount St. Helens National Volcanic Monument mandated by the 1982 Act that established the monument, and for other purposes; to the Committee on Resources.

By Mr. LIPINSKI (for himself, Ms. BROWN of Florida, Mr. JACKSON, Mr. GUTIERREZ, Mr. BLAGOJEVICH, Mr. DAVIS of Illinois, Mr. DIAZ-BALART, Mr. RUSH, Mr. POSHARD, Mr. COSTELLO, Mr. EVANS, and Mr. BROWN of California):

H. Con. Res. 83. Concurrent resolution expressing the sense of Congress that the National Basketball Association and the Players Association should extend pension benefits to certain surviving post-World War II, pre-1965 professional basketball players; to the Committee on Education and the Workforce.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

87. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 25 memorializing the Congress of the United States to make changes in the Ready Reserve Mobilization Income Insurance Program; to the Committee on National Security.

88. Also, a memorial of the Senate of the State of Georgia, relative to Senate Resolution 278 urging the United States Environmental Protection Agency to reaffirm the existing air quality standards for ozone and particulate matter; to the Committee on Commerce.

89. Also, a memorial of the Legislature of the State of Michigan, relative to House Concurrent Resolution No. 17 memorializing the President and the Congress of the United States to work for the expansion of the North Atlantic Treaty Organization to include the Republic of Poland; to the Committee on International Relations.

90. Also, a memorial of the Legislature of the State of Oregon, relative to Senate Concurrent Resolution 3 urging the Congress of the United States to amend section 143(l)(4)(a) and (b) of the Internal Revenue Code to allow veterans who entered the Armed Forces of the United States after December 31, 1976, to become eligible for Oregon home loans for veterans; to the Committee on Ways and Means.

91. Also, a memorial of the Legislature of the State of Michigan, relative to House Concurrent Resolution No. 14 memorializing the United States Congress to return to the states the revenue collected under the gasoline tax increase of 1993; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 43: Mr. FILNER.

H.R. 65: Mr. BONO and Mr. FILNER.

H.R. 66: Mr. ALLEN, Mr. FARR of California, Mr. RILEY, and Mr. FOX of Pennsylvania.

H.R. 78: Mr. KLINK, Mr. NEY, and Mr. LUCAS of Oklahoma.

H.R. 80: Ms. SLAUGHTER and Mr. CASTLE.

H.R. 107: Mr. LUTHER and Mr. THOMPSON.

H.R. 108: Mr. VENTO and Mr. PETERSON of Minnesota.

H.R. 176: Mr. RAHALL, Mr. EVANS, and Ms. FURSE.

H.R. 208: Mr. EVANS.

H.R. 216: Mr. FORBES.

H.R. 303: Mr. DELLUMS and Mr. HANSEN.

H.R. 305: Mr. BONIOR and Mr. MEEHAN.

H.R. 306: Mr. BURTON of Indiana, Mr. STRICKLAND, Mr. CAPPS, and Mr. ROTHMAN.

H.R. 393: Ms. NORTON.

H.R. 500: Ms. VELÁZQUEZ.

H.R. 521: Mr. ENGEL, Mr. ALLEN, Mr. JACKSON, Mr. OBERSTAR, and Mr. BERRY.

H.R. 536: Mr. FRANKS of New Jersey and Mr. ROTHMAN.

H.R. 551: Mr. WELDON of Florida and Mr. DEFAZIO.

H.R. 594: Mr. LEWIS of Georgia, Ms. NORTON, Mr. SMITH of New Jersey, Mr. BARCIA of Michigan, Mr. MANTON, Mr. OWENS, Mr. OLVER, Mr. LATOURETTE, Mr. FARR of California, and Mr. FILNER.

H.R. 604: Mr. GORDON, Mr. MARTINEZ, and Mr. CRAPO.

H.R. 630: Mr. DREIER.

H.R. 659: Mr. STEARNS and Mr. GOODLING.

H.R. 695: Mr. DOOLEY of California and Mr. LATHAM.

H.R. 805: Mr. HERGER.

H.R. 815: Mr. HEFLEY, Mr. FARR of California, Mr. FILNER, Ms. STABENOW, Mr. OBERSTAR, Mr. KLECZKA, and Mrs. KENNELLY of Connecticut.

H.R. 911: Mr. LUTHER and Mr. DUNCAN.

H.R. 920: Ms. PELOSI and Mr. CAPPS.

H.R. 928: Mr. PORTER, Mr. BAKER, and Mr. CANADY of Florida.

H.R. 956: Mr. CONDIT.

H.R. 978: Mr. DUNCAN and Mr. LUCAS of Oklahoma.

H.R. 981: Mr. MCGOVERN.

H.R. 1002: Ms. PELOSI, Mr. CAPPS, Mr. UPTON, Mr. GREEN, Mr. MARTINEZ, and Mr. SESSIONS.

H.R. 1005: Mr. BARTLETT of Maryland.

H.R. 1010: Mr. MANZULLO, Mr. BLUNT, and Mr. HALL of Texas.

H.R. 1023: Mr. ENGEL, Mr. UPTON, Mr. UNDERWOOD, Mr. PRICE of North Carolina, Ms. SLAUGHTER, and Mr. SOLOMON.

H.R. 1029: Mr. HOLDEN, Mr. THOMPSON, Mr. MICA, Mr. TORRES, Mr. DUNCAN, Mr. GREEN, Mr. RUSH, and Mr. BACHUS.

H.R. 1062: Mr. BAKER, Mr. CALLAHAN, Mr. CAMP, Mr. HALL of Texas, Mr. BACHUS, and Mr. COBLE.

H.R. 1077: Mr. MASCARA and Mr. CAMP.

H.R. 1117: Ms. PELOSI and Mr. CAPPS.

H.R. 1120: Mr. BONIOR.

H.R. 1149: Mr. MCINTYRE.

H.R. 1151: Mr. FRANK of Massachusetts, Mr. PALLONE, Mr. STOKES, Ms. SANCHEZ, Mr. KIM, and Mr. BERMAN.

H.R. 1166: Mr. CAPPS, Mr. ADAM SMITH of Washington, Mr. MALONEY of Connecticut, Mr. MARTINEZ, Mr. SCHIFF, Mr. TIERNEY, Mr. MCGOVERN, Mr. FARR of California, Mr. DELLUMS, and Mr. JOHNSON of Wisconsin.

H.R. 1176: Mr. FAZIO of California.

H.R. 1202: Mrs. NORTHUP, Mr. FAZIO of California, and Mr. BONIOR.

H.R. 1231: Mr. WICKER, Mr. CAPPS, and Mr. FATTAH.

H.R. 1296: Mr. FORD.

H.R. 1335: Mr. BISHOP, Mr. MCHALE, Mr. MCNULTY, Mr. STEARNS, and Mr. UNDERWOOD.

H.R. 1348: Mr. HANSEN, Mr. HASTINGS of Washington, Mr. HERGER, Mr. TRAFICANT, Mr. WOLF, Mr. ABERCROMBIE, Mr. MILLER of California, Ms. PELOSI, Mr. TAYLOR of Mississippi, and Mr. STENHOLM.

H.R. 1375: Mr. HOUGHTON.

H.R. 1390: Mr. SCHUMER, Mr. ACKERMAN, Mr. MEEHAN, Mr. MCDERMOTT, Mr. STEARNS, Mrs. MALONEY of New York, Mr. WEXLER, Mr. FROST, and Mr. BROWN of Ohio.

H.R. 1450: Mr. RAHALL, Mr. KENNEDY of Rhode Island, and Mr. DEFAZIO.

H.R. 1475: Mr. ROYCE.

H.R. 1487: Mr. SANDERS.

H.R. 1493: Mr. CANADY of Florida, Mr. BEREUTER, Mr. MCKEON, and Mr. MARTINEZ.

H.R. 1525: Mr. PASCRELL.

H.R. 1549: Ms. SLAUGHTER.

H.R. 1559: Mr. BOEHNER and Mrs. LINDA SMITH of Washington.

H.R. 1571: Ms. CARSON, Mr. CAPPS, and Mr. LEWIS of Georgia.

H.R. 1573: Mr. LEWIS of Georgia, Mr. LAFALCE, Mrs. MEEK of Florida, Mr. EVANS, Mr. SABO, and Ms. SLAUGHTER.

H.R. 1580: Mr. HINCHEY, Mr. MANTON, Mr. KING of New York, Mr. NCNULTY, Mr. BOEHLERT, and Mr. LAFALCE.

H.R. 1593: Mr. HILL.

H.J. Res. 55: Mr. PETERSON of Minnesota.

H. Res. 27: Mr. KLECZKA, Mr. FARR of California, and Mr. FALEOMAVAEGA.

EXTENSIONS OF REMARKS

BACKGROUND OF SCHOOL TO WORK CONCEPT

HON. HENRY HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Mr. HYDE. Mr. Speaker, no one doubts that education is of vital importance to our country. The question that must be answered is what role should the Federal Government play in supporting education? We have seen more and more legislative efforts to increase the Federal, as opposed to the local role, and this trend concerns many Americans, including myself.

As we engage in debate, it is useful to understand the context, the historical background, of some efforts to increase the central government's intrusion into what has been a largely local responsibility. Dr. D.L. Cuddy, a former senior associate with the U.S. Department of Education, has written an interesting historical commentary on the school to work concept which I believe warrants the attention of Members.

BACKGROUND OF 'SCHOOL-TO-WORK' CONCEPT

(By Dr. D. L. Cuddy)

With "School-to-Work" (STW) legislation (H.R. 1617/S. 143) soon going to conference committee in Congress, it's important to look at the background of this concept. Plank 10 of Marx's Communist Manifesto provides for a "combination of education with industrial production," and in 1913 when Stalin was having difficulty getting his Marxist cadres into key positions for the "class struggle," he described a "regionalism" strategy (e.g., NAFTA, later) against nationalism and used the slogan "workers of the world unite."

Self-described American communist Scott Nearing in The Next Step (1922) described how a world economic organization (e.g., GATT and World Trade Organization, later) would be the first step toward world government, but first in The New Education (1915) he applauded "breaking away from the 3 Rs" and Cincinnati's "half time in shop, half time in school" system.

In the Oct. 12, 1917 New York Times, Judge John Hylan wrote about a letter by Dr. Abraham Flexner (Secretary of the Rockefeller General Education Board and formerly of the Carnegie Foundation) describing a "secret conference" of New York City Board of Education members to elect a Board president who would institute a type of STW/OBE (Outcome-Based Education) program. Hylan became Mayor of New York and "pitched out the Rockefeller agents, . . . the kind of education the coolies receive in China . . . for the mill and factory," William McAndrew, who had been in charge of the "new-program schools," admiringly referred to the "polytechnic institute" (which the Soviets would adopt). And in Raymond Fosdick's memorial history of the General Education Board (GEB), he described the Board as part of Rockefeller's effort toward "this goal of social control."

After Hylan's exposé of this STW/OBE plan, it wasn't until the "Eight-Year Study" (1933–41) funded by the Carnegie Corporation and the GEB that another major attempt was evident. Research Director for the study's Evaluation Staff was Ralph Tyler, who would later conduct a project for the Carnegie Corporation that would in 1969 become the National Assessment of Educational Progress (NAEP). One of Tyler's associates in the "Eight-Year Study" was "values clarification" originator Louis Raths, and another associate was Estonian "change agent" Hilda Taba.

In the early 1950s, Ford Foundation president H. Rowan Gaither told Congressional committee Research Director Norman Dodd that they were operating under directives from the White House "to make every effort to so alter life in the U.S. as to make possible a comfortable merger with the Soviet Union." And in 1960, HEW published *Soviet Education Programs*, stating "wherever we went, we felt the pulse of the Soviet government's drive to educate and train a new generation of technically skilled citizens. ... USSR plans to bring all secondary school children into labor education and training experiences through the regular school program."

By 1970, Americans were coming to be thought of as "human capital" (note Lester Thurow's 1970 book, *Investment in Human Capital*), and in 1971 UNESCO'S Secretariat asked George Parkyn to "outline a possible model" for an education system that resulted in *Towards a Conceptual Model of Life-Long Education* describing how students would choose a vocational field and work part time, and receive "certificates" of educational attainment.

Two years later, Michael Lerner (who would become an important advisor to Hillary Clinton) wrote *The New Socialist Revolution*, proclaiming: "Education will be radically transformed in our socialist community ... the main emphasis will be on learning how to ... live and work collectively ... The next level is learning some series of skills, for one's first set of jobs." And in Vladimir Turchenko's *The Scientific and Technological Revolution and the Revolution in Education* (1976) imported into the U.S. is described "linking instruction with productive labor."

In the early 1980s, neither the Soviet nor German socialist education systems had been adopted nationwide in the U.S., as Prof. Eugene Boyce in *The Coming Revolution in Education* (1983) wrote that "in the communist ideology ... education is tied directly to jobs ... No such direct, controlled, relationship between education and jobs exists in democratic countries." However, in 1985 two things happened. At the beginning of the year, the Carnegie Corporation gave $600,000 to establish the Carnegie Forum on Education and the Economy; and later that year the Carnegie Corporation negotiated the Soviet-American Exchange Agreement for the U.S. government, whereby Soviet educators became involved in planning curricula for some U.S. schools. In the Winter 1987/1988 edition of *Action in Teacher Education*, Professors Martin Haberman and James Collins wrote in "The Future of the Teaching Profession" that "schooling is now seen primarily as job training and, for this reason, quite comparable to schooling in non-democratic societies. Once education is redefined as a personal good and as emphasizing preparation for the world of work as its first purpose, our schools can appropriately be compared with those of the USSR."

The next year, the National Center on Education and the Economy (formerly the Carnegie Forum) with Marc Tucker as president was asked to help in developing the National Education Goals upon which "America 2000" and "Goals 2000" would be based. Then in June 1990, NCEE (with Board members Hillary Clinton and David Rockefeller, Jr.) produced America's Choice: High Skills or Low Wages? (proposing a "Certificate of Initial Mastery"), which greatly influenced the establishment of the Secretary's Commission on Achieving Necessary Skills (SCANS) by the Department of Labor. In September, Polytechnical Education: A Step (funded by the U.S. Department of Education) by Robert Beck was published, stating: "The Soviet Union. . . (has) developed a curriculum known as polytechnical education. . . . rooted in Marxist-Lennist ideology. . . . The German Democratic Republic has accomplished a good deal with its polytechnical education . . . The ideology of Soviet education has blessed the melding of restructured academic studies . . . and the preparation of students for skilled labor. . . . That this should be carefully monitored for possible adaptation in American public education is not a farfetched idea." (Polytechnical Education: A Step was published by the National Center for Research in Vocational Education at the University of California at Berkeley just 3 months after America's Choice: High Skills or Law Wages?, a report by the NCEE's Commission on the Skills of the American Workforce which included Laura D'Andrea Tyson, the Director of Research for the Berkely Roundtable on the International Economy at the University of California at Berkeley, who has been a member of the Council on Foreign Relations and would become Chairman of President Clinton's Council of Economic Advisers.)

In June of the next year (1991), the SCANS report recommended establishing a national system for certifying competency, similar to Germany's "certificate of mastery." Also in 1991, Carnegie Foundation chairman David Hornbeck's so-called Human Capital and America's Future was published describing an approach he admitted might be subject to the charge of "big brotherism."

On Aug. 2, 1992, Assistant Labor Secretary Roberts Jones announced that the federal government was preparing to deny aid and student loans to schools that fail to prepare their graduates with the skills needed to compete for jobs in the modern workplace, saying "this is a touchy subject." Shortly thereafter, Marc Tucker wrote a letter to Hillary Clinton saying he had just come from David Rockefeller's office where they were "celebrating" Bill Clinton's election as president, as that will allow putting into place their agenda to integrate education

into a national system of "human resources development . . . from cradle to grave . . . (for) everyone. . . . We propose that Bill (Clinton) take a leaf out of the German book" (regarding required) "apprenticeship slots." Relevant to this, however, was a paper commissioned by the School-to-Work Transition Team in the Office of Educational Research and Improvement (OERI) within the U.S. Department of Education (one of a set of commissioned papers published by OERI in June 1994). In this paper, "Determinants and Consequences of Fit Between Vocational Education and Employment in Germany," Professors James Witte and Ame Kalleberg stated that "the German apprenticeship's system is so expensive. . . Germany's contemporary vocational education system is closely linked to its secondary educational system. At age 10, students are tracked in a rigid educational system. . . . After initial assignment, movement between tracks is rare"

NCEE Board member Hillary Clinton had been promoting the Certificate of Initial Mastery concept, and in April 1994 NCEE's Tucker had published The Certificate of Initial Mastery: A Primer. The same year, Senator Ted Kennedy's School-to-Work Opportunities Act was passed, and a national campaign is underway to promote the concept. Recently, Miss America 1996, Shawntel Smith in Michigan spoke about "our investment in human capital. That's what School-to-Work is all about."

Currently, students have the most to say about what career paths they take. But as "human capital," their paths increasingly will be directed by society via STW/OBE educational programs so that they "demonstrate certain skills." A leading OBE consultant today, Harvard University Professor Howard Gardner, (who was involved in the infamous MACOS project), wrote Frames of Mind: The Theory of Multiple Intelligences, in which he proposed that "ultimately, the educational plans that are pursued need to be orchestrated across various interest groups of the society so that they can, taken together, help the society to achieve its larger goals. Individual profiles must be considered in the light of goals pursued by the wider society; and sometimes, in fact, individuals with gifts in certain directions must nonetheless be guided along other less favored paths, simply because the needs of the culture are particularly urgent in that realm at that time." Student "profiles" are an important part of certain STW initiatives, with employers having continual access to these as part of a permanent file on all individuals who are now considered to be "lifelong learners." In Communist China, the file is called a "Dangan" and describes the value of the individual ("human capital") to the State. Gardner has also written To Open Minds: Chinese Clues to the Dilemma of Contemporary Educations. If Americans aren't careful, STW/OBE educational programs will pave the way toward an ominous techno-feudal world of the future.

FINANCIAL DISCLOSURE

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Mr. SENSENBRENNER. Mr. Speaker, through the following statement, I am making my financial net worth as of March 31, 1997, a matter of public record. I have filed similar statements for each of the 17 preceding years I have served in the Congress.

Real property	*Assets*
Single family residence at 609 Ft. Williams Parkway, City of Alexandria, Virginia, at assessed valuation. (Assessed at $619,100). Ratio of assessed to market value: 100% (Encumbered)	$619,100.00
Condominium at N76 W14726 North Point Drive, Village of Menomonee Falls, Waukesha County, Wisconsin, at assessor's estimated market value. (Unencumbered)	91,800.00
Undivided 25/44ths interest in single family residence at N52 W32654 Maple Lane, Village of Chenequa, Waukesha County, Wisconsin, at 25/44ths of assessor's estimated market value of $564,700.	320,852.27
Total real property	1,031,752.27

1997 DISCLOSURE

Common and Preferred Stock	No. of shares	Per share	Value
Firstar Corp	1,352	$27.50	$37,180.00
American Telephone & Telegraph	549.36	34.88	19,158.93
Ameritech	386.573	61.25	23,677.60
Bell Atlantic Corp	259.088	60.75	15,739.60
Bell South Corp	577.9488	42.13	24,346.09
NYNEX, Inc	280.26	45.50	12,751.83
Pacific Telesis, Inc	148	37.75	5,587.00
SBC Communications	382.861	52.50	20,100.20
U.S. West, Inc	282.454	33.88	9,568.13
Tenneco Corp	814.67	39.00	31,772.13
Newell Corp	1,676	33.50	56,146.00
General Mills, Inc	1,440	62.13	89,460.00
Kellogg Corp	1,600	67.25	107,600.00
Dunn & Bradstreet, Inc	2,500	25.38	63,437.50
Halliburton Company	1,000	67.75	67,750.00
Kimberly-Clark Corp	21,084	99.50	2,097,858.00
Minnesota Mining & Manufacturing	1,000	84.38	84,375.00
Exxon Corp	2,432	107.75	262,048.00
Amoco Corp	1,362	86.38	117,642.75
Eastman Kodak	1,080	76.00	82,080.00
General Electric Co	2,600	99.25	258,050.00
General Motors Corp	304	55.38	16,834.00
Merck & Co., Inc	15,639	84.25	1,317,585.75
Warner Lambert Co	2,268	86.50	196,182.00
Sears Roebuck & Co	200	50.13	10,025.00
Ogden Corp	910	21.13	19,223.75
Sandusky Voting Trust	26	85.00	2,210.00
Monsanto Corporation	8,360	38.25	319,770.00
E.I. DuPont de Nemours Corp	600	106.00	63,600.00
Wisconsin Energy Corp	1,022	24.50	25,039.00
Abbott Laboratories, Inc	6,100	56.13	342,362.50
Bank One Corp	3,127	39.75	124,298.25
Unisys, Inc. Preferred	100	35.63	3,562.50
Benton County Mining Company	333	0.00	0.00
Houston Industries	300	20.88	6,262.50
Pacific Gas & Electric	175	23.50	4,112.50
Eastman Chemical Co	270	53.75	14,512.50
Dean Whitter Discover	156	34.88	5,440.50
Airtouch Communications	148	23.00	3,404.00
Allstate Corporation	185	59.38	10,984.38
Darden Restaurants, Inc	1,440	7.88	11,340.00
Highlands Insurance Group, Inc	100	20.38	2,037.50
Chenequa Country Club Realty Co	1	0.00	0.00
Cognizant Corp	2,500	29.25	73,125.00
NCR Corp	34	56.13	1,908.25
A.C. Nielsen Co	833	15.00	12,495.00
El Paso Natural Gas	75	56.63	4,246.88
Lucent Technologies	174	52.50	9,135.00
Newport News Shipbuilding	122.133	14.50	1,770.93
Imation Corp	99	25.00	2,475.00
Total common and preferred stocks and bonds			6,090,271.44

1997 DISCLOSURE

Life Insurance Policies	Face	Surrender
Northwestern Mutual #4378000	$12,000	$34,356.97

1997 DISCLOSURE—Continued

Life Insurance Policies	Face	Surrender
Northwestern Mutual #4574061	30,000	82,254.44
Massachusetts Mutual #4116575	10,000	6,685.33
Massachusetts Mutual #4228344	100,000	145,150.70
Old Line Life Ins. #5-1607059L	175,000	25,706.54
Total life insurance policies		294,153.98

1997 DISCLOSURE

Bank and savings and loan accounts	*Balance*
Bank One, Milwaukee, N.A., checking account	$10,685.36
Bank One, Milwaukee, N.A., preferred savings	149,386.21
Bank One, Milwaukee, N.A., regular savings	775.20
M&I Lake Country Bank, Hartland, WI, checking account	3,551.56
M&I Lake Country Bank, Hartland, WI savings	327.85
Burke & Herbert Bank, Alexandria, VA, checking account	3,464.25
Firstar, FSB, Butler, WI, IRA accounts	57,168.93
Total bank and savings and loan accounts	225,359.36

1997 DISCLOSURE

Miscellaneous	*Value*
1985 Pontiac 6000 automobile—blue book retail value	$1,875.00
1991 Buick Century automobile—blue book retail value	6,025.00
Office furniture & equipment (estimated)	1,000.00
Furniture, clothing & personal property (estimated)	135,000.00
Stamp collection (estimated)	46,000.00
Interest in Wisconsin retirement fund	76,299.73
Deposits in Congressional Retirement Fund	104,083.09
Deposits in Federal Thrift Savings Plan	83,502.73
Traveler's checks	8,262.00
20 ft. Manitou pontoon boat & 35 hp Force outboard motor (estimated)	5,000.00
17 ft. Boston Whaler boat & 70 hp Johnson outboard motor (estimated)	7,000.00
1994 Melges X Boat with sails	5,000.00
Total miscellaneous	479,047.55
Total assets	8,120,834.60

1997 DISCLOSURE

Liabilities	*Amount*
Nations Bank Mortgage Company, Louisville, KY on Alexandria, VA residence Loan #39758–77	$124,418.49
Miscellaneous charge accounts (estimated)	0.00
Total liabilities	124,418.49
Net worth	7,996,416.01

1997 DISCLOSURE

Statement of 1996 taxes paid	*Amount*
Federal income tax	$151,622.00
Wisconsin income tax	27,707.00
Menomonee Falls, WI property tax	2,135.00
Chenequa, WI property tax	13,197.00
Alexandria, VA property tax	6,916.00

I further declare that I am trustee of a trust established under the will of my late father, Frank James Sensenbrenner, Sr., for the benefit of my sister, Margaret A. Sensenbrenner, and of my two sons, F. James Sensenbrenner, III, and Robert Alan Sensenbrenner. I am further the direct beneficiary of two trusts, but have no control over the assets of either trust. My wife, Cheryl Warren Sensenbrenner, and I are trustees of separate trusts established for the benefit of each son under the Uniform Gifts to Minors Act. Also, I am neither an officer nor a director of any corporation organized under the laws of the State of Wisconsin or of any other state or foreign country.

CONGRATULATIONS ON YOUR RETIREMENT, SONNY

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Mr. BARCIA. Mr. Speaker, I rise today to pay tribute to an outstanding individual who has tremendous leadership skills, not only in his chosen field but also in his community, state and nation. On Saturday, May 17, 1997, at 6:00 p.m., Mr. Claire "Sonny" Nye will be honored at a retirement party in Mt. Pleasant, MI. Sonny, his friends and family will celebrate his long, successful career working not only as a sheet metal worker but also as an elected official in the Sheet Metal Workers' Local 7 Zone 3.

Born on March 20, 1940, Sonny attended Albion College for 2 years, where he was a member of the football team. In 1964, Sonny became an apprentice for the sheet metal workers. Upon completion he became a journeyman and on January 5, 1968, he joined the Detroit Local 80 Union. In 1978, after a continuing prosperous career as a sheet metal worker, Sonny was initiated into the Local 543 in Traverse City. Sonny's consistent trust of his coworkers as well as his outstanding leadership skills demonstrated his ability to serve as a leader. On July 14, 1988, Sonny was elected as a business agent for Sheet Metal Workers' Local 7 Zone 3.

Since being elected, Sonny has received COMET training through the George Meany Institute. This program targets youth, training them to become apprentices. The program goes beyond teaching the skills they need by focusing on promoting unions and teaching young people that unions promote the workers best interests in the job.

We should all be grateful that individuals, such as Sonny, make room in their life for young people. He has coached little league baseball, 5th and 6th grade basketball, 7th and 8th grade football, as well as coaching a Mickey Mantle 16 and under baseball team to the State finals. In addition, he has also been involved in high school sports. Sonny has unselfishly given his time, energy and commitment to coaching. Playing sports can teach youth the importance of teamwork and hard work. Sonny is an excellent role model and provides a positive example for young people to follow.

Mr. Speaker, I invite you and all of our colleagues to join me in congratulating Sonny Nye as he celebrates his retirement from a long, distinguished career with the sheet metal union and his leadership on behalf of working families and the American labor movement. We wish him the best for the new challenges ahead.

HONORING RON EDELSON

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Mr. ACKERMAN. Mr. Speaker, I rise today to bring to the attention of this Congress and our Nation the selection of Ron Edelson as the recipient of the Nassau Council Chambers of Commerce Small Business Person of the Year Award from the Great Neck Chamber of Commerce. This award reflects the dedication and leadership that Ron Edelson has demonstrated on behalf of the Great Neck Business Improvement District and the Great Neck Chamber of Commerce.

The innovative concepts and creative marketing programs that Ron Edelson has developed truly are a tribute to his commitment to the Great Neck community. These programs have resulted in historic growth for the Great Neck business community and the enhancement of the wonderful quality of life for Great Neck and the North Shore of Long Island.

By recognizing Ron Edelson with this award, the Nassau Council Chambers of Commerce are paying tribute to individuals who are role models for the next century because they recognize that community service combined with business leadership are essential qualities as our communities grow and move forward.

Mr. Speaker, I ask all my colleagues in the House of Representatives to rise and join with me today in honoring Mr. Edelson for his achievements and to congratulate him on this award.

HAPPY 50TH ANNIVERSARY TO ROSE AND ALFRED DICKSON

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Mr. COSTELLO. Mr. Speaker, I rise today in recognition of Alfred (Jerry) and Rose Dickson's 50th wedding anniversary on June 7.

Jerry and Rose met at the St. Aloysius Church carnival in Chicago in 1943. Jerry served in the U.S. Navy and was stationed on the *S.S. Gablian* during World War II. His service in the Navy ended in 1946, and Jerry and Rose were married on June 7, 1947.

Jerry is retired after 40 years of service in the food industry in Chicago and Rose is a homemaker. The couple raised 7 children and have 13 grandchildren. I join with their family today in wishing them a wonderful celebration and many more happy and productive years together.

IN HONOR OF CAROL ELIZABETH STORY AND THE PARKVIEW ELEMENTARY SCHOOL SCIENCE OLYMPIAD TEAM

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Mr. KUCINICH. Mr. Speaker, I rise to congratulate Carol Elizabeth Story and Parkview Elementary School's Science Olympiad Team on a first place finish in the Northeast Ohio Elementary Science Olympiad.

Mrs. Carol Elizabeth Story, an 18-year resident of Fairview Park, OH, successfully served as coordinator and coach for Parkview Elementary School's Science Olympiad Team, leading them to a first place finish in the Northeast Ohio Elementary Science Olympiad which was held at Cleveland State University on Saturday, March 22, 1997. Mrs. Story began coordinating this Parkview team by herself until she could coordinate a contingent of parent volunteers to assist in competitive training for events which include: No Bones About It (Anatomy), Estimania, Structures, Circuit Wizardry, Write It, Do It, Don't Bug Me, (Entomology), Leaf Powders, Orienteering, Aerodynamics, Pentathlon, Weather or Not (Meteorology), Reflection Relay, Rock Hound, Simple Machines, Starry, Starry Night, Super Pulley, and Phi Kappa Delta Science Bowl.

Mrs. Story has helped Parkview's team to a 5th, 4th, 2d, and most currently, a 1st place finish over 26 schools in northeastern Ohio. This is her 7th year as coordinator for the team. The 1997 winning Olympiad team included; Kris Aber, Jon Brady, R.J. Dieringer, Dough Ellett, Joy Hoeffler, Christine Jackson, Laura Jackson, Emily Jones, Katie Lane, Katie Ludwig, Chris McGaw, Alison Maringo, Amanda Melenick, Elizabeth Sauer, Shannon Snow, Desiree N. Stark, Bryan Story, and Erick Williams.

Mr. Speaker, Mrs. Story deserves recognition for her knowledge, initiative, and instinct in preparing this formidable team of young people to compete with their peers in such a precocious scientific challenge. With her guidance, the dedicated team from Parkview Elementary was an outstanding success at the Science Olympiad.

IN TRIBUTE TO RICHARD W. CARLSON

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Ms. PELOSI. Mr. Speaker, I would like to take this opportunity to pay tribute to Richard W. Carlson, president and CEO of the Corporation for Public Broadcasting. Mr. Carlson

resigned last week from his position at CPB after 5 years of exemplary work for the public broadcasting industry.

During Mr. Carlson's tenure, public broadcasting faced a great challenge of consistently reduced federal funding. He responded to this challenge by calmly and effectively leading CPB through changes to make public broadcasting more effective.

Among his many accomplishments, Mr. Carlson has reduced CPB overhead expenses, protected program content from government editing, instituted a moratorium on adding new stations to TV and radio grant programs, devised a new TV station overlap policy and created a new grant program, the Future Fund.

However, these significant accomplishments take a backseat to his commitment to continuing and strengthening public broadcasting's mission of education. Education is at the heart of public broadcasting. Mr. Carlson has played an important role in making certain learning resources are available through public broadcasting and reach almost every home, school, and business in this nation.

In addition to the contributions he has made to public broadcasting, Mr. Carlson has accomplished many personal achievements. He has received several major awards for journalism, including the prestigious George Foster Peabody Award and the 1997 American Broadcast Pioneer Award, which is presented to those who have contributed in a legendary fashion to the broadcast industry.

Mr. Speaker, public broadcasting has benefitted substantially from Richard Carlson's stalwart and thoughtful leadership. His presence will be greatly missed. I know my colleagues will join with me in wishing him well in his future endeavors.

THE CHILDREN'S ENVIRONMENTAL PROTECTION AND RIGHT TO KNOW ACT OF 1997

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Mr. WAXMAN. Mr. Speaker, I am pleased to introduce today H.R. 1636, the Children's Environmental Protection and Right to Know Act of 1997. This bipartisan legislation—which has over ninety original cosponsors—builds on longstanding state and federal public disclosure programs. If enacted, this legislation will guarantee the public's right to know about the toxic chemicals in their homes and communities, and give parents the information they need to protect their children from toxic chemical hazards. H.R. 1636 means parents will have the tools to be smart consumers, whether they are buying household products or moving to new neighborhoods.

Because children have greater sensitivities to contaminants in our food and air, they are especially vulnerable to environmental hazards. And when they crawl on the floor or play in the dirt, they are exposed to environmental contaminants in ways that adults seldom are.

The Children's Environmental Protection and Right to Know Act is supported by the Children's Health Environmental Coalition, the Alliance To End Childhood Lead Poisoning, Physicians for Social Responsibility, the International Association of Firefighters, the American Federation of Labor-Congress of Industrial Organizations, the Oil, Chemical and Atomic Workers, the National Council of Churches, the U.S. Public Interest Research Group, the Environmental Information Center, the Sierra Club, the Sierra Club Legal Defense, the Natural Resources Defense Council, the Environmental Defense Fund, Citizen Action, the Environmental Working Group, OMB Watch, Friends of the Earth, and Public Citizen.

I want to summarize a few of the legislation's most important provisions.

The Federal Hazardous Substances Act [FHSA], administered by the Consumer Product Safety Commission [CPSC], addresses toxic threats and safety hazards by banning hazardous children's products and requiring warning labels on hazardous adult products. However, while CPSC can usually tell whether a toy, a crib, or other consumer product presents a safety hazard, CPSC often has little way of knowing whether toxic ingredients exist in a given household product.

The Children's Environmental Protection and Right to Know Act of 1997 will improve the Federal Hazardous Substances Act by drawing from the successes of California's "Prop 65" law. Over the past ten years, Prop 65's public disclosure requirements have resulted in manufacturers removing lead from dishes and faucets, carcinogens from diaper pail deodorizers and shoe polish, and reproductive toxins from nail polish. And for every such example we know about, dozens of other businesses are quietly finding ways to make their products safer.

Under the proposal we are introducing today, manufacturers and importers of consumer products with toxic ingredients will publicly disclose the presence of the toxic ingredients to the CPSC without any new labeling requirements. In addition, our proposal will allow citizen enforcement of our consumer product safety laws. The experience with Prop 65 in California is that few such suits are ever brought. While I expect few lawsuits will similarly result from this legislation, citizen suits create a real incentive for businesses to voluntarily eliminate the toxic ingredients in the products they sell.

The act will also build on a second successful Federal program, the Toxics Release Inventory. The Toxics Release Inventory was created in 1986 in the wake of the toxic chemical disasters in Bhopal, India, and Institute, WV and was aimed at giving people more information about the toxic chemicals routinely released into their communities. The law's done that, and it's also resulted in a 40 percent reduction in the release of toxic chemicals.

The Children's Environmental Protection and Right to Know Act of 1997 will expand the Toxics Release Inventory to disclose the amount of toxic chemicals shipped in and out of a facility, stored on-site, and otherwise used.

This will create incentives to prevent the accidents that accompany such use. According to reports by the National Environmental Law Center and the state Public Interest Research Groups, from 1993 to 1995, 23,000 accident reports involving toxic chemicals were reported nationwide—an average of 21 each day. Worse still, 1 out of 20 of those accidents resulted in immediate injury, evacuation or death. The chemical plant fire last week in Arkansas, in which three firefighters died, was but one recent tragic example. These statistics are only the tip of the iceberg, since they neither account for under-reporting of accidents nor the chronic health effects due to the accidental releases. Under the proposal, businesses will also disclose their employees' exposure to toxic chemicals, creating an incentive to reduce those exposures.

We have statutes regulating chemical transportation and management, and occupational exposure to toxic chemicals to set minimum safety standards. But public disclosure will create the incentive to go beyond the minimum.

In New Jersey, where public disclosure of toxic chemical use has been in place for 10 years, production-related wastes have been declining steadily since 1990, while staying steady for the nation as a whole. In Massachusetts, a survey of businesses required by State law to report their toxic chemical use shows that 60 percent decreased their use of toxic chemicals per unit of total production since 1990. In addition, 67 percent of businesses that reported implementing toxics use reduction said they actually saw direct cost savings and 66 percent reported improvements in worker health and safety.

The economic benefits of focusing on toxic chemical use were apparently anticipated by industry during the passage of the New Jersey and Massachusetts laws. The New Jersey Pollution Prevention Act was supported by industry and actually signed into law at two New Jersey chemical plants. The Massachusetts law passed both houses unanimously because industry, as well as environmentalists, supported the law.

In drafting this legislation, I have worked Mr. SAXTON, Mr. PALLONE, Mr. MARKEY, and Mr. ANDREWS to ensure that legitimate industry concerns were addressed. Under this act, for instance, business could withhold from public disclosure legitimate trade secrets regarding their toxic chemical use. Second, this proposal includes provisions to ensure that public disclosure is not unduly burdensome. The Children's Environmental Protection and Right to Know Act of 1997 will require EPA to consolidate all Federal environmental reporting—including air, waste, and water reporting and the reporting required by this proposal—eliminating hours of business effort to find and interpret the applicable reporting requirements.

In closing, Mr. Speaker, the Children's Environmental Protection and Right to Know Act of 1997 will give parents information they need to protect their children from toxic hazards, provide businesses an incentive to voluntarily reduce their use and waste of toxic chemicals, protect legitimate trade secrets, and reduce the administrative burdens associated with environmental reporting. It will be good for our health and good for our economy. I ask for the support of all Members in passing this important piece of legislation.

TRIBUTE TO CATHOLIC SERVICES OF MACOMB

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Mr. LEVIN. Mr. Speaker, I rise to offer my congratulations and best wishes to the Catholic Services of Macomb on the occasion of their 40th anniversary, and to His Eminence Adam Cardinal Maida, the keynote speaker at their anniversary dinner which took place on January 9, 1997.

Catholic Services of Macomb, a non-profit health and human service agency has touched so many individuals since its inception in December, 1957, when the Rev. Robert Monticello was commissioned by the Archdiocese of Detroit to open a Catholic social service agency in Macomb County.

The agency's mission and work provide family and individual counseling services, senior programs, and child welfare initiatives. Indeed, through the dedication of this humanitarian agency, Macomb County is a better place to live and work.

On this joyous occasion, I extend my very best wishes for continued success to the Catholic Services of Macomb as they go forward in their compassionate effort to service those in need.

IN RECOGNITION OF THE 25TH ANNIVERSARY OF THE QUEENS MUSEUM OF ART

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Mr. ACKERMAN. Mr. Speaker, I rise today to join with my constituents and the countless citizens who have enjoyed and benefitted from the unique, insightful, educational, and entertaining programs of the Queens Museum of Art as this great cultural institution celebrates its 25th year of service.

Originally conceived as the Queens County Art and Culture Center in 1972, the museum is located in the only building to serve as a pavilion at both the 1939 and 1964 World's Fairs. Since this early date, the Queens Museum of Art has grown into an institution that has become a mainstay of New York City's culture. Under the inspired leadership and support of dedicated community leaders and supporters of the arts, the museum has grown into an effective showcase for fulfilling its mission statement to show and collect the best of art, architecture and design from Queens in the 20th century.

I look forward to sharing with the members and supporters of the museum their great joy as they gather together on May 20, 1997 to celebrate this unique achievement. It also to the great credit of the museum that they have sought out key individuals who are not only community leaders, but strong supporters of the arts as they honorees. Joan Barnes, owner of London Lennie's Restaurant and Joseph Ficalora, president of the Queens County Savings Bank are this years honorees. In addition, the well known artist, Alex Katz, will be the recipient of the museum's 1997 Arts Achievement Award.

John Adams, our second President, indicated that he studied war and politics so that his children may study art and music. It is with such commitment that the Queens Museum of Art has succeeded in bring to our area a love, understanding and devotion of art.

Mr. Speaker, I ask my colleagues in the House of Representatives to join with me in honoring the Queens Museum of Art, and in wishing the museum and its supporters continued success in all their future endeavors.

CONGRATULATIONS MARTIN LUTHER MEMORIAL HOME

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Mr. BARCIA. Mr. Speaker, there is no doubt that one of the most important elements in a person's life is a safe and secure place to live. This becomes even a more significant need when people reach a time in their lives when they need assistance and care on a daily basis. I am very pleased to let my colleagues know that the people of Saginaw, MI, have the good fortune to have a renovated and expanded Martin Luther Memorial Home that will provide essential care to many seniors in the years to come.

Martin Luther Memorial Home was granted its charter on June 16, 1958, and operates four skilled nursing facilities with nearly 400 beds and one independent living community with 30 apartments. The Saginaw Home has 86 skilled nursing beds. Its renovations change three-bed wards into two-bed rooms, and convert two wings of two-bed rooms into private rooms. These converted beds are replaced by new beds contained in the expansion of the facility.

A very important component of the Martin Luther Memorial Home is its support from the Lutheran churches in the area, which help with volunteer services, gifts to the Furnishings Fund and Foundation and the strength of the many prayers and opportunities for prayer on behalf of the residents of the facility.

The primary beneficiaries of the expansion will be members of the more than 100 congregations of the Wisconsin Evangelical Lutheran Churches of Northern Michigan. The Saginaw Home, with its emphasis on the importance of "positive attitudes", its provision of daily activities and full service care, has been and will increasingly be a very important part of the Saginaw community.

Mr. Speaker, I urge you and all of our colleagues to join me in wishing congratulations and the best to the staff, the administrators, and the residents of the Martin Luther Memorial Home of Saginaw as it celebrates its dedication on Sunday, May 18.

PERSONAL EXPLANATION

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Mr. ENGEL. Mr. Speaker, I was necessarily absent during roll call vote 128. If present, I would have voted "aye" on roll call 128.

IN HONOR OF OFFICER KEITH BRADDOCK AND OFFICER CHARLES PULVER

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Mr. POMEROY. Mr. Speaker, today is National Peace Officers' Memorial Day. I would like to take a moment to honor two North Dakota peace officers who were killed in the line of duty.

Keith Braddock was a Watford City police officer who was shot to death in March of last year while he was responding to a disturbance at the American Legion Club.

Charles Pulver was a game warden in Mountain, ND. He died from a massive heart attack that he suffered while he was investigating game violations in a wooded area.

Both of these men died while they were serving the people of North Dakota. As the families of these two men are in Washington, DC, to take part in the National Police Week activities and to see the officers' names added to the National Law Enforcement Officers Memorial, I want to share with them the gratitude of our entire state.

North Dakota is a small rural State. Our citizens pride themselves on knowing their neighbors. In communities like ours, any act of violence is a shock. The events that surround both of these officers' deaths are truly tragic. The unselfish service these men gave to protect our citizens has not gone unnoticed.

Officer Braddock and Officer Pulver made our communities safer because of their service. The ultimate sacrifices they made will be remembered by today's ceremonies and by the Officers memorial for years to come.

MELANOMA FOUNDATION KICKS OFF LIFESAVING "MOLE PATROL" IN NORTHERN CALIFORNIA

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Mr. STARK. Mr. Speaker, I rise today to recognize the invaluable health service performed by the William S. Graham, or "Billy," Foundation for Melanoma Research in Castro Valley, CA.

The Billy Foundation is an incorporated, nonprofit foundation—and perhaps the only public foundation dedicated to supporting melanoma research. Established in 1996, the

foundation is named in memory of Billy Graham, a 22-year-old man who succumbed to this deadly disease after a long, courageous battle.

The president and founder is Billy's mother, Karen L. Graham, who, with the help of a medical advisory committee and several cancer experts, has vowed to educate the public on early detection and prevention of melanoma, the most dangerous form of skin cancer.

Unfortunately, the incidence of melanoma is rising at an alarming rate. This year, nearly 40,000 people will be diagnosed. If treated in its very early stages, melanoma is a highly curable cancer. Without early detection, however, this potentially curable disease can be fatal. The Billy Foundation is spreading the word that far too many diagnoses are made in later stages—when the curability rate is only about 20 percent.

To help with early identification of melanoma and pre-cancerous conditions, and inspired by this being National Melanoma Month, the Billy Foundation has begun a unique lifesaving program called the MOLE PATROL. With a recently donated van, the MOLE PATROL's staff of volunteer dermatologists provide free melanoma spot-screenings throughout bay area. The MOLE PATROL will screen in high population geographic areas including coastal areas, beach resorts, amusement parks, schools and sports events. The van will also visit schools and community organizations to disseminate educational materials and information on the disease and the foundation. Finally, the foundation's findings will be used in the national statistics calculated by the American Academy of Dermatology.

With melanoma's high incidence and low cure rate, it is shocking that this deadly disease gets so little attention—and so little funding for research. We thank the Billy Foundation for alerting us to the seriousness of sun exposure and for heightening public awareness of the early stages of this potentially tragic disease.